

Kentucky Department for Environmental Protection



Strategic Operational Plan for State Fiscal Year 2013

Kentucky Energy and Environment Cabinet

July 2012

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Department for Environmental Protection

Mission

Protect and enhance Kentucky's environment to improve the quality of life for all Kentuckians.

Vision

The Department for Environmental Protection envisions a healthy and productive commonwealth with balanced stewardship of the land, air and water where future generations enjoy an environment as good as or better than the present.

Principles

- **The department will make sound decisions that earn the public's trust.** The decisions made by the department will be prudent, defensible and consistent with the department's mission and in the best interest of the citizens of the commonwealth.
- **The department will focus on environmental results rather than programs or procedures.** The success of environmental programs will be measured in terms of achieving desirable environmental benefits, not in the number of staff or the size of budgets. We will evaluate programs and procedures in relation to their contribution to the mission.
- **The department will use good scientific information to aid in its decision making.** The foundation on which environmental protection programs are constructed is an understanding of the causes and effects resulting from actions that impact the environment. Scientific information is critical to the assessment and evaluation of existing environmental conditions and the determination of the effectiveness of our programs. We will employ generally accepted and applicable scientific methods and processes to accomplish our mission.
- **The department will consider the range of environmental benefits and consequences of proposed actions before making final decisions.** Good public policy encourages government agencies to promote actions that maximize benefits to society while minimizing adverse effects. While individual statutes, regulations, programs and organizational units may have a narrow focus, we will always consider the benefits and consequences of our actions to the environment as a whole.
- **The department will evaluate its performance using meaningful criteria.** We will require accountability from our managers, supervisors and staff in the continuing evaluation of program performance. We will gauge effectiveness based on actual program results.

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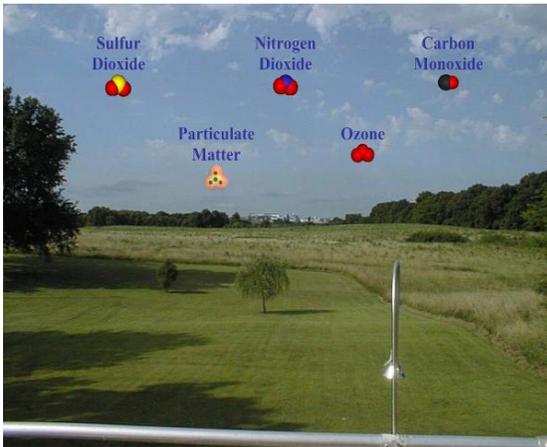
Goal 1



Clean Air

Protect human health and the environment by achieving and maintaining acceptable air quality.

Implementing and maintaining programs to achieve federal and state air quality standards in the Commonwealth of Kentucky is important to the health and wellness of all citizens across the state. The amount of air pollution released into the air by industry and transportation sources is monitored using a comprehensive program involving air quality monitoring, planning, construction and operation permitting and inspections.



Kentucky currently operates an air quality monitoring network composed of 143 monitors located in 27 counties. Air monitoring stations are selected using U.S. EPA guidance and are generally established near populous areas or pollutant sources. Station locations are reviewed annually to ensure adequate air quality monitoring coverage. Data from the network is used to demonstrate compliance with ambient air quality standards and identify pollution trends. This information is also used to provide pollutant levels for daily air quality index reporting and detect elevated pollutant levels for activation of emergency control procedures.

Creating effective partnerships with air pollution sources and the public enables the department to carry out its goal of protecting human health and the environment by achieving and maintaining acceptable air quality for all Kentuckians.

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Objective 1 – Issue technically sound and timely permit actions.

Tactic 1.1: Continue issuing appropriate, lawful permits in a timely manner to reduce and eliminate excess air pollution.

Measures: The total number of permit applications received.
The total number of permits issued.
The total number of permits pending.
The total number of permits pending that exceed regulatory timeframes.
The percentage of permit reviews completed within regulatory timeframes.
The percentage of permit reviews completed that exceed regulatory timeframes.
The total number of other permit actions (i.e. registrations, off-permit changes, etc.) processed.

Baseline: The permit backlog averaged over the three previous state fiscal years.

Action 1.1.1: Issue permit actions that contain terms and conditions consistent with all applicable requirements for emission units.

Action 1.1.2: Obtain a zero backlog on all remaining applications beyond regulatory time frames by June 30, 2013.

Action 1.1.3: Continue utilization of TEMPO reporting to accurately track and report on measures.

Action 1.1.4: Continue to evaluate and implement streamlining opportunities to address procedural and institutional inefficiencies.

Action 1.1.5: Ensure that all permit actions are issued within regulatory time frames.

Action 1.1.6: Continue recruitment, program orientation and training to enhance retention of qualified staff.

Status: During this interim, the Division received 183 permit applications and issued 198 permits. As of December 31, 2012, the total number of pending permits is 205. Of those, approximately 25% exceed the regulatory time frame. In addition, and for the same interim, the Division has received 113 registrations and “off-permit change” requests and issued 145 registrations and “off-permit change” requests.

Various reports are utilized each month for tracking purposes. General permits are issued where applicable. Automated permitting documents have been developed. Measures are discussed, developed and implemented both as staff encounters problems and proactively.

Various tools including TEMPO reports and regularly scheduled workload reviews are used by section supervisors to facilitate staff in permit issuance.

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Orientation is provided for new staff. Trainings are held for existing and new personnel as necessary.

Objective 2 – Attain and maintain National Ambient Air Quality Standards (NAAQS).

Tactic 2.1: Continue to implement measures contained in the June 2008 annual PM_{2.5} (15 µg/m³ averaged over a calendar 3-year period) attainment demonstration State Implementation Plan (SIP).

Measure: The number of counties attaining the 2006 PM_{2.5} NAAQS.

Baseline: The number of counties originally designated nonattainment for the 2006 PM_{2.5} NAAQS, based upon the ambient monitoring data for the 3-year averaged period of 2004-2006.

Action 2.1.1: Continue implementation of federal and state emission reduction strategies or programs to attain the fine particulate standard.

Action 2.1.2: Continue to administer SIP-approved programs implemented as part of historic control strategies designed to reduce emissions in areas with previous air quality problems.

Action 2.1.3: Complete development of redesignation requests for the two remaining areas of nonattainment: Louisville/Clarksville submitted in March, 2012, and Ashland/Huntington submitted in February, 2012.

Action 2.1.4: Work with U.S. EPA and surrounding states to finalize the proposed redesignation requests.

Status: Kentucky submitted a redesignation request for the Kentucky portion of the Huntington-Ashland PM_{2.5} nonattainment area on February 9, 2012. U.S.EPA published a proposed approval of this redesignation request on November 19, 2012. Kentucky is awaiting final approval. Kentucky submitted a redesignation request for the Kentucky portion of the Louisville KY-IN PM_{2.5} nonattainment area on March 5, 2012. U.S. EPA has not acted on this submittal.

Tactic 2.2: Develop recommendations and implement federal and state control strategies for areas of Kentucky that do not meet the 2008 8-hour ozone standard (0.075ppm).

Measure: The number of counties attaining the 2008 8-hour ozone standard.

Baseline: The number of counties recommended as nonattainment for the 2008 ozone standard, based upon the ambient monitoring data for the 3-year averaged period of 2008-2010.

Action 2.2.1: Continue implementation of federal programs and requirements contained in the 1997 8-hour ozone attainment demonstration SIP, submitted to the U.S. EPA in December 2007.

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Action 2.2.2: Continue to participate in regional modeling initiatives conducted and designed to provide information on 8-hour ozone control strategies.

Action 2.2.3: Work with U.S. EPA to implement programs that are designed to address the standard as contained in the 2008 8-hour ozone implementation rule.

Action 2.2.4: Conduct outreach and education in those communities expected to be impacted by a nonattainment designation.

Action 2.2.5: Begin development of required control strategy SIP as specified by the Clean Air Act according to the classification of each nonattainment area.

Action 2.2.6: Begin the development of the framework for an attainment demonstration for the 2008 8-hour ozone standard.

Status: On April 30, 2012 U.S. EPA proposed the three Northern Kentucky counties of Boone, Campbell, and Kenton be designated nonattainment for the 2008 8-hour ozone standard. On June 11, 2012, U.S. EPA published a final rule with corrections that designated the northern portions of Boone, Campbell, and Kenton counties as nonattainment for this standard. Only Campbell County monitored a violation of this standard but due to violating monitors in Ohio, the entire Metropolitan Statistical Area is designated nonattainment. Kentucky anticipates the Campbell County monitor will show compliance with the standard in the coming year.

Tactic 2.3: Implement federal and state control strategies for areas of Kentucky that do not meet the 1-hour 2010 SO₂ standard (75ppb).

Measure: The number of counties attaining the 2010 SO₂ standard.

Baseline: The number of counties recommended as nonattainment for the 2010 SO₂ standard, based upon the ambient monitoring data for the 3-year averaged period of 2008-2010.

Action 2.3.1: Begin development of required control strategy SIP as specified by the Clean Air Act and EPA guidance.

Action 2.3.2: Begin the development of the framework for an attainment demonstration for the 2010 SO₂ standard.

Action 2.3.3: Begin development of and submit by June 2013 an infrastructure SIP for the 2010 SO₂ standard.

Status: On July 27, 2012, the U.S. EPA issued a notice that the deadline for area designations for the 2010 SO₂ standard was being extended for up to one year. With this extension, EPA intends to make area designations by June 3, 2013. Since the recommendations were provided to EPA, one of the two violating monitors in Jefferson County now shows attainment. Also since the recommendations were provided to EPA, a monitor in Campbell County now shows

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nonattainment. Research with Division staff as well as consultation with the Ohio EPA pinpoints the source of the problem as an uncontrolled power plant in Southern Ohio. DAQ staff will be working with Ohio staff to try to arrive at a solution. This information will be provided to EPA in an update to our recommendations.

Tactic 2.4: Implement federal and state control strategies for 1-hour 2010 NO₂ standard (100ppb).

Measure: The number of counties attaining the 2010 NO₂ standard.

Baseline: The number of counties recommended as nonattainment for the 2010 NO₂ standard, based upon the ambient monitoring data for the 3-year averaged period of 2008-2010.

Action 2.4.1: Begin development of required control strategy SIP as specified by the Clean Air Act and EPA guidance.

Action 2.4.2: Begin the development of the framework for an attainment demonstration for the 2010 NO₂ standard.

Action 2.4.3: Begin development of and submit an infrastructure SIP by January, 2013 for the NO₂ standard.

Status: An infrastructure SIP has been drafted and is in internal review for approval to go out for public comment.

Tactic 2.5: Continue implementation of federal programs and requirements contained in the December 2007 Regional Haze SIP.

Measure: Improved visibility at Class I areas, including Mammoth Cave National Park, by EPA specified levels at interim deadlines and work toward long-range 2064 background visibility goals.

Baseline: 2000-2004 visibility levels.

Action 2.5.1: Continue to actively participate in regional modeling initiatives conducted by VISTAS to determine control strategies necessary to meet the federal visibility improvement requirements. Through continued participation with VISTAS, submit to EPA by December 2012 the initial five-year progress report on reasonable progress goals towards achieving natural visibility conditions for applicable Class I areas.

Action 2.5.2: Continue to participate in the Southeast Diesel Collaborative, specifically by dispersing grant money awarded to Kentucky for FFY11-12 through the Diesel Emissions Reduction Act.

Status: EPA was required to take final action on Kentucky's Regional Haze SIP on or before March 15, 2012. Therefore, on December 16, 2011, EPA proposed and on March 30, 2012 issued a final limited

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approval/disapproval of SIP. The limited disapproval was based on the fact that Kentucky appropriately based its SIP on CAIR, which was later remanded back to EPA for replacement. On December 30, 2011 EPA proposed and on June 7, 2012 finalized that the CSAPR is better than BART for SO₂ and NO_x. The June 7, 2012, final rule substituted, by a FIP, the CSAPR program for CAIR in applicable state Regional Haze SIPs. As a result of EPA's proposed substitution action states would not have to make any changes to their pending regional haze SIP submittals. However, also on December 30, 2011, the U.S. Court of Appeals issued its ruling to stay CSAPR and to leave CAIR in place. Additionally, on August 21, 2012, the Court of Appeals for the D.C. Circuit vacated CSAPR and related CSAPR FIPS and remanded the matter to EPA. Further the court directed that EPA must continue administering CAIR until a valid replacement is promulgated. On October 5, 2012, EPA filed a petition seeking rehearing of the Court of Appeals decision regarding EPA's CSAPR. At this time, EPA is awaiting a ruling from the court on its petition for rehearing.

The division continued to participate in the Southeast Diesel Collaborative (SEDC) as a charter member, in addition to continuing to serve on the SEDC's FY12-14 Strategic Planning Committee. During the first half of FY13, the division closed out all projects utilizing FY08-FY11 Diesel Emissions Reduction Act (DERA) funding and received an additional \$134,809 in FY12 DERA funding. The division issued a Request for Proposals (RFP) on October 3, 2012, to solicit project proposals for the use of this FY12 funding. Proposals have since been evaluated and selected for funding, and contracts are currently being drafted with the selected applicants.

Objective 3 – Monitor ambient air quality.

Tactic 3.1: Operate an extensive, statewide ambient air monitoring network in order to ascertain the status of Kentucky's ambient air quality.

Measures:

- Number of air monitors in network based on population estimates.
- Number of locations selected to represent population exposure.
- Number of locations selected to represent background concentration levels.
- Number of locations selected to represent regional transport of ambient air pollution.
- Number of monitors and locations to represent source impacts.
- Hours of continuous ambient air monitoring data collected.
- Number of particulate matter, lead, and air toxics samples collected.
- Concentrations of pollutants for which national ambient air quality standards have been established.

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Concentrations of pollutants for which health-based risk standards have been determined.

Baseline: 2008-2012 Kentucky Electronic Data Acquisition Systems data and 2006-2010 Kentucky Air Quality System (AQS) data.

- Action 3.1.1:** Develop the ambient air monitoring network plan by July 1, 2013.
- Action 3.1.2:** Establish new monitor(s)/site(s) as required by the revised SO₂ and NO₂ NAAQS. These sites should be operational by January 1, 2013.
- Action 3.1.3:** Obtain hourly ambient air pollutant concentrations for ozone, sulfur dioxide, and oxides of nitrogen on a continuous basis using automated analyzers.
- Action 3.1.4:** Obtain hourly ambient air pollutant concentrations for particulate matter 2.5 microns in diameter or smaller (PM_{2.5}) on a continuous basis using automated samplers.
- Action 3.1.5:** Collect 24-hour samples for particulate matter (including PM_{2.5}, PM₁₀, and speciated PM_{2.5}), lead, and air toxics per the national USEPA Monitoring Schedule.
- Action 3.1.6:** Minimize data loss by ensuring that failed equipment is repaired or replaced within 5 business days after notification of instrument malfunction.
- Action 3.1.7:** Compile annual mean-concentration reports for each pollutant measured by May 1, 2013.

Status: By December 14, 2012, the Technical Services Branch (TSB) had completed its annual siting evaluation of each air monitoring sampler and station in the Division's air monitoring network. The TSB is currently reviewing the deficiencies found during these siting evaluations and will take corrective action as part of the 2013 network plan.

The Division's SO₂ network meets the monitoring requirements of the revised SO₂ NAAQS.

EPA has implemented a "build and hold" (phased-in) approach for establishment of new roadway NO₂ monitors, which extends the deadline for the deployment of monitors. The Division will not be required to establish any roadway monitors, however. The roadway NO₂ monitors for the Kentucky CBSAs with 1,000,000+ populations will be located in Louisville (operated by Louisville Metro Air Pollution Control District) and in Cincinnati (operated by the Southwest Ohio Air Quality Agency).

All ozone monitors in the network were shutdown in early November, upon completion of the KY ozone season (March 1 – October 31).

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To date, air monitoring data for all continuously monitored pollutants through September (3Q12) has been entered into AQS. The TSB is currently reviewing 4th quarter data. Annual mean-concentration reports will be compiled when all of the 2012 data has been quality assured and entered into AQS.

The TSB has continued to maintain and audit the instruments in the Division's ambient air monitoring network; Field Operation Branch personnel operate the instruments on a daily basis and collect field samples. Failed equipment has been repaired or replaced by the TSB within 5 business days.

Tactic 3.2: Conduct quality measurement checks and data quality assessments on the ambient air monitoring network in order to ensure data accuracy & integrity.

Measures: Number of complete and current Quality Assurance Project Plans (QAPPs).
Number of complete and current standard operating procedures (SOPs).
Percentage of valid, quality-assured continuous ambient air monitoring data collected.
Percentage of valid, quality-assured particulate matter, lead, and air toxics samples collected.
Number of quality control checks performed on ambient air monitors.
Number of ambient air monitoring performance evaluations conducted.

Baseline: EPA's 2009-2012 Kentucky Technical Systems Audit Results.

- Action 3.2.1:** Review 100% of Division's air monitoring QAPPs on an annual basis.
- Action 3.2.2:** Review 100% of Division's air monitoring SOPs on an annual basis.
- Action 3.2.3:** Develop SOPs for new methods within 6 months of start-up.
- Action 3.2.4:** Maintain 75% data recovery for each calendar quarter for all instruments within the ambient air monitoring network.
- Action 3.2.5:** Conduct quality control precision checks on each automated analyzer that collects ozone at least once every two weeks, with results within $\pm 7\%$ difference.
- Action 3.2.6:** Conduct quality control precision checks on each automated analyzer that collects SO₂ and NO_x data at least once every two weeks, with results within $\pm 10\%$ difference.
- Action 3.2.7:** Conduct quality control precision checks on each instrument that collects particulate matter samples at least once per month, with results within $\pm 4\%$ difference.

Status: The Division's Criteria Pollutant QAPP is current and approved by EPA. The Division's NATTS QAPP is under revision.

The TSB has been reviewing and revising the Division's monitoring SOPs. Three SOPs have been revised & submitted to EPA for approval

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since FY13 began. Six additional SOPs are currently under revision; they should be submitted to EPA for approval in early 2013.

Excellent data recovery (greater than 90%) has been achieved by most analyzers and samplers in the network. Quality control checks have been performed every two weeks on the instruments within the Division's network. Whenever the quality control limits have not been achieved, the instruments have been recalibrated to ensure accuracy and data integrity.

Quality assurance audits have been conducted on all air monitoring instruments quarterly, which exceeds EPA requirements. Whenever an instrument has not met the required quality assurance limits, the instrument has been recalibrated.

The TSB will compile all quality assurance statistical analyses and reports for 2012 data after all data have been quality assured and entered into AQS. Afterwards, the annual certification of the pollutant data will occur.

Objective 4 – Inspect sources of air pollution and enforce air quality regulations.

Tactic 4.1: Assure compliance with air quality regulations and standards.

Measures: Number of Asbestos Certification and Accreditations processed in TEMPO.
Number of major (Title V) stationary source inspections conducted.
Number of conditional major (FESOP) inspections conducted.
Number of High Priority Violations.
Number of days taken to initiate appropriate enforcement action on each High Priority Violation.
Number of non-complaint asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) inspections conducted.
Number of Asbestos Hazard Emergency Response Act (AHERA) inspections conducted.
Number of non-asbestos complaints received.
Number of non-asbestos complaint investigations conducted.
Number of asbestos-related complaints received.
Number of asbestos-related complaint investigations conducted.
Number of asbestos NESHAP notifications received.
Number of asbestos NESHAP notification investigations.
Compliance rate of stationary source inspections.
Number of open burning (401 KAR 63:005), number of fugitive emission complaints (401 KAR 63:010), and odor complaints (401 KAR 53:010)

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Compliance rate of NESHAP and AHERA-related inspections and investigations.

Baseline: SFY07-SFY12 trends data.

- Action 4.1.1:** Complete full compliance evaluations at all (100%) Title V major stationary sources on a biennial basis.
- Action 4.1.2:** Complete full compliance evaluations at all (100%) conditional major (FESOP) sources on a biennial basis.
- Action 4.1.3:** Initiate appropriate enforcement action on 100% of high priority violations (HPV as defined by EPA) within 60 days of discovery.
- Action 4.1.4:** Complete review of 100% of annual compliance certifications for Title V major and conditional major (FESOP) sources annually.
- Action 4.1.5:** Complete inspection of 75% of NESHAP-regulated asbestos activities within the current fiscal year for which the division has received a required notification.
- Action 4.1.6:** Complete inspection of 20% of selected AHERA local education agencies (i.e. school districts) for the current fiscal year.
- Action 4.1.7:** Complete complaint assessments and/or investigations for 100% of complaints received in the fiscal year.
- Action 4.1.8:** Develop a QAPP for asbestos sampling.
- Action 4.1.9:** Develop a standard operating procedures (SOP) for asbestos sampling
- Action 4.1.10:** Develop a standard operating procedure (SOP) on the AHERA inspection process.
- Action 4.1.11:** Develop Asbestos Certification and Accreditations in TEMPO
- Action 4.1.13:** Review 100% of FOB SOP on an annual basis.

Status: At this time, there are 244 Title V major sources on file with DAQ. This includes PSD sources and majors for both criteria pollutants and/or HAPs. During this interim period, a total of 590 inspections (all types excluding investigations) have been completed at these TV air contaminant sources, with 130 of the inspections being Full Compliance Evaluations (FCEs). This compares to 103 FCEs completed in the 1st part of FY 2012 and 196 FCEs for all of FY2012. The current number of FCEs at major sources is about 126% of FY 2012 interim period and 53%, of last year's FY total.

A total of three (3) Title V sources are overdue for their biennial FCE inspection for the 2011-2012 period. That constitutes a 99% biennial FCE inspection coverage rate for TV sources.

FOB staff conducted 227 (93%) and 250 (100%) of TV source ACC reviews for CY 2011 and CY2012, respectively.

There are currently 242 conditional major/FESOP sources on file with DAQ. There currently are no overdue FCEs for these sources for the 2011-2012 two-year period which constitutes 100% of biennial comprehensive inspection coverage.

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During this interim period, a total of 312 inspections (all types excluding investigations) have been completed at these conditional major/FESOP air contaminant sources, with 90 of the inspections being FCEs. This compares to 100 FCEs completed in the 1st part of FY 2012 and 179 FCEs for all of FY 2012. The current number of FCEs at FESOP sources is about 90% of FY 2012 interim period and 50% of last year's FY total.

FOB staff conducted 212 (88%) and 230 (95%) of Conditional Major/FESOP source ACC reviews for CY 2011 and CY2012, respectively.

There are currently 2708 minor air contaminant sources on file with DAQ. There are no EPA inspection commitments regarding these facilities and FOB staff inspect as them as time allows. FOB completed a total of 596 inspections (all types excluding investigations) at such sources, of which 202 were FCEs. This compares to 644 inspections completed during the first part of FY 2012 and 1287 for the all of FY2012. Current total minor source inspections are about 93% of the same interim in FY2012 and 46% of last year's FY total.

During this interim period, three (3) facilities with High Priority Violations (HPV) were discovered. EPA guidelines specify that state agencies are to initiate an appropriate enforcement action within 60 days. DAQ staff initiated enforcement action by issuing Notices of Violation (NOV) no later than 29 days following the violation discovery date. During FY 2012, 7 facilities with HPVs were discovered and NOVs were issued an average of 2 days following the violation discovery date.

FOB Asbestos inspectors completed 114 NESHAP (National Emission Standards for Hazardous Air Pollutants) inspections (excludes incident investigations) that usually pertain to the disturbance/removal of asbestos during building demolition or renovation activity. This compares to 107 number of NESHAP inspections completed during the same interim period in FY2012.

DAQ received 211 NESHAP notifications during this interim period and FOB staff completed 110 NESHAP notification-related investigations which constitutes a 52% response rate. DAQ has an EPA commitment to inspect at least 50% of regulated notifications received during a calendar year. This compares to 240 notifications received and 163 investigations (67% response rate) completed during the 1st interim of FY2012.

The NESHAP compliance rate during the interim period was 78%. This compares to about 91% for the first interim period of FY2012.

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AHERA regulations specifically address asbestos control in both private and public schools. Asbestos inspectors completed 127 routine AHERA inspections during this interim period. This compares to 65 inspections in the first interim of FY2012.

The FY2013 interim AHERA compliance rate was about 52% as compared to 62% for the first interim of FY2012.

For all compliance programs (non-asbestos and asbestos), the percentage of DAQ inspections with a rating of “in compliance” was 87% during this interim period as well as during CY2011.

A total of 712 air quality complaints submitted mostly by citizens, were received by, or referred to the DAQ for review and possible action during the FY2013 interim period as compared to 749 received during the same period of FY2012 and 1683 for all of FY2012. For this interim period, a total of 647 (91%) investigations were conducted by DAQ in response to these complaints. The remaining 65 complaints were either combined with previously received complaints, addressed as either incomplete information (directions) given, investigated by another Division (Water or Waste Management), or no action required. DAQ FOB staff attempt to respond to 100% of the actionable citizen complaints it receives.

Investigations regarding open burning, odor, and fugitive emissions are almost always complaint-based. Therefore, violations are discovered at a much higher rate than on routine inspections. Compliance rates for these investigations do not reflect a true measure of program efficiency. The number of complaints is an imprecise trend measurement, and DAQ believes the number of complaints received is not indicative of the actual number of violations that exist at any given time.

Open burning – The number of citizen reports/complaints of open burning received for the six (6) month interim period was 318 as compared to 295 during the same period in 2011. A total of 727 open burning complaints were received in FY2012.

Fugitive Emissions (FE) – Most of these complaints are related to dust or the tracking of material onto roads or highways. Most often FE complaints correspond to dry conditions. One-hundred and two (102) complaints were received during the later part of 2012, as compared to 148 for the same interim period of 2011. Total number of reports/complaints received during all of 2012 was 257 which seems very low considering that extreme drought conditions developed in the later part of the year. In contradiction though, the late winter/early spring of 2012 had a record amount of rainfall. The most dust complaints received since 2006 was 387 in 2007, a year of extensive drought.

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Odor complaints - The number of odor related complaints varies slightly from year to year. During this interim period, DAQ received 136 odor complaints as compared to 168 received during the same time period in 2011 and a total of 331 in CY2011.

Objective 5 – Track air quality related litigation

Tactic 5.1: Evaluate and participate, if necessary, in any legal challenges related to air quality issues.

Measures: Outcome of the litigation.

Baseline: All on-going litigation relating to air quality represented by Environmental Protection Legal Department.

Action 5.1.1: Provide informational and technical resources in preparation of litigation.

Action 5.1.2: Serve as the technical expert witness at Administrative Hearings.

Status: The Division continues to review and provide technical resources to the cabinet legal division assigned to the Division for Air Quality. Additionally, the Division will provide technical expert witnesses for any Administrative Hearing, as necessary.

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Goal 2



Clean and Safe Water

To manage, protect, and enhance the quality and quantity of the Commonwealth's water resources for present and future generations through voluntary, regulatory, and educational programs.



Kentucky has an abundance of water resources that provide important sources for public water systems, recreation and tourism, and economic opportunities. Managing and protecting the state's waters, including lakes, streams and rivers, as well as the water beneath the ground's surface, is imperative to ensure safe water for human health, the subsistence of important ecosystems, and the prospect of economic development. The department is responsible for regulating and monitoring the quality of drinking water, surface water and groundwater resources, and wastewater treatment systems across the state of Kentucky.

Effective regulatory oversight of water quality via federal and state regulations along with appropriate water quality criteria controls the amount of pollutants that can be discharged to water sources. Continuous improvement of water quality in Kentucky is achieved through permitting, compliance and inspection, monitoring, and other water quality improvement programs. Inspections of permitted facilities, in conjunction with collection and analysis of data from rivers, streams, lakes and wetlands throughout the state, enable the department to closely monitor the safety of the public's drinking water and the state's water resources.

The department not only protects the public's safety by regulating water quality, but also assists the federal government in the effort to protect Kentuckians from dam failures and flooding. Permits for construction, reconstruction, and repair of dams are issued by the department and regular inspections of dams are also conducted. The National Flood Insurance Program is administered by the department; the department also issues permits for construction on floodplains to prevent losses from flooding in Kentucky.

Through the support of regulatory, monitoring and water quality improvement programs, Kentucky's water resources are enhanced and protected for present and future generations.

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Objective 1 - Protect, manage and restore water resources.

Tactic 1.1: Develop and Implement Total Maximum Daily loads (TMDLs).

Measures: Number of impaired waters bypassed for TMDL development in FY 2013.
Number of impaired waters scheduled for TMDL development in FY 2013.

Number of permits that contain TMDL measures in FY 2013.

Baselines: Number of impaired waters bypassed for TMDL development in FY 2012.
Number of permits that contain TMDL measures in FY 2012.

Action 1.1.1: Implement protocols for the translation of TMDLs in permits by January 2013.

Action 1.1.2: Develop 53 approved TMDLs by June 2012.

Action 1.1.3: Explore alternatives to TMDL development through categories 4B and 5R by December 2012.

Action 1.1.4: Pilot a watershed through one of the alternative approaches as determined in Action 1.1.3 by April 2013.

Status: Ten percent of protocols have been completed and implemented. Protocols for MS4 permits are currently being developed and are expected to be completed and implemented by June 2013. The remaining protocols are expected to be completed and implemented by March 2013.

Eleven total maximum daily loads (TMDLs) have been approved for this fiscal year. An additional twenty-three TMDLs have gone through the public notice process and are awaiting approval.

Staff from the Water Quality Branch (WQB) and the Watershed Management Branch (WMB) have discussed the 5R option with EPA. Due to current EPA requirements for category 5R, Kentucky does not envision an appropriate watershed for category 5R at this time. The Division of Water (DOW) has identified a category 4B watershed.

Tactic 1.2: Implement a Nutrient Reduction Strategy.

Measure: Percentage of data collected and analyzed for the development of nutrient criteria in FY 2012-13.

Baseline: The FY 2012 inventory of existing nutrient criteria data.

Action 1.2.1: Continue collection and assessment of data for implementation of narrative water quality standards for nutrients while continuing to develop numeric criteria (nitrogen and phosphorus) for wadeable streams and reservoirs/lakes by June 2014.

Action 1.2.2: Finalize KY Nutrient Reduction Strategy by June 2013.

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- Action 1.2.3:** Develop a public outreach approach and conduct public outreach regarding nutrients and water quality issues by June 2013.
- Action 1.2.4:** Participate in the Mississippi River/Gulf of Mexico Hypoxia Task Force and work toward implementing the Gulf Hypoxia Action Plan 2008 by June 2013.
- Action 1.2.5:** Participate and provide updates to the Kentucky Agriculture Water Quality Authority by June 2012.
- Action 1.2.6:** Analyze nitrogen and phosphorus information collected on Discharge Monitoring Reports for trends by May 2013.
- Action 1.2.7:** Work with Groundwater Protection Council to develop a nutrient chapter for the Groundwater Report to the Nation by December 2012.

Status: Data was collected during the 2012 monitoring season with analysis and assessment to be completed by December 2013. Methodology for nutrient target development for translation of narrative criteria into watershed based plans and TMDLs have been completed and are being implemented. The KY Nutrient Numeric Criteria Development Plan has been revised.

Internal meetings have been conducted to develop the framework for a Kentucky Nutrient Reduction Strategy. Goals, objectives, tactics, and actions have been defined. A draft of the strategy has been completed. A revision of the draft is scheduled to begin in January.

Nutrient public outreach continues in Floyds Fork Watershed as the nutrient TMDL is being developed as well as in Basin Teams throughout the state. The public outreach outlined in the nutrient reduction strategy is drafted.

The DOW participated in monthly and other conference calls of the Mississippi River/Gulf of Mexico Hypoxia Task Force Coordinating Committee. The DOW attended a meeting of the Hypoxia Task Force in Des Moines. Kentucky will host the Mississippi River/Gulf of Mexico Hypoxia Task Force in April 2013. The DOW continues to work on development of its nutrient reduction strategy in order to meet implementation obligations associated with Gulf Hypoxia Task.

The DOW participated in two Agriculture Water Quality Authority meetings and two meetings of the Livestock Committee. The DOW participated in the Natural Resources Conservation Service's Standard Practice Code 590 workgroup. We also conceived and provided input on the development of a Kentucky-specific nutrient management planning guidance. In addition, the DOW will be updating the Stream management BMPs for the Agriculture Water Quality Plan by the end of January 2013.

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WMB has been working to compile nitrogen and phosphorus data from DMRs and analysis is in progress and should be completed by May 2013.

The Groundwater Section of the WMB continues work with the Groundwater Protection Council (GWPC), however, the GWPC has moved the deadline until July 2013.

Tactic 1.3 Perform Outreach and Education

Measures: Number of student contacts in 2013.
Number of adult contacts in 2013.
Number of Water Supply signs installed in 2013.
Number of Project WET facilitators trained.

Action 1.3.1: Conduct Project WET training for new and renewing facilitators by March 2013.

Action 1.3.2: Work with Kentucky Transportation Cabinet to install Water Supply Protection Area signs in Wellhead areas by December 2012.

Action 1.3.3: Train Field Office staff in Biologist-in-Training curriculum by December 2012.

Action 1.3.4: Work with Agriculture Water Quality Authority and University of Kentucky to develop educational materials for farmers regarding nutrients and water quality issues by June 2013.

Status: Fourteen new Project WET facilitators were trained on November 15 and 16, 2012. Renewing facilitators will be trained in 2013.

Water Supply Protection Area signs have been printed by the KYTC sign shop and are currently being distributed to District Transportation offices for installation.

Curriculum has been compiled and training will be conducted by June 2013.

A 319(h) contract is being finalized for this material to be developed for farmers. Much of the information has already been developed, but will be compiled for distribution as part of the grant by June 2013.

Objective 2 – Conduct effective water resources planning

Tactic 2.1: Revise and update the Kentucky's Watershed Approach

Measures: Completion of the Watershed Framework.

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Number of partners in Center of Excellence.
Number of Staff trained in Recovery Potential tool.
Baseline: 1997 Watershed Framework.

- Action 2.1.1:** Address public comments and finalize the 2012 Nonpoint Source Management Plan by December 2012.
- Action 2.1.2:** Complete draft of Watershed Framework by June 2013.
- Action 2.1.3:** Work with Kentucky Center of Excellence for Watershed Management to hold a watershed summit for development of Center of Excellence by October 2012.
- Action 2.1.4:** Develop SOPs for assembling GIS watershed profiles for HUC 12 watersheds in Kentucky by October 2012.
- Action 2.1.5:** Pilot Recovery Potential tool for Kentucky with Region 4 and Headquarters EPA by September 2012.
- Action 2.1.6:** Prioritize watershed profiles to be developed by December 2012.

Status: The final version of the 2012 Nonpoint Source Management Plan was sent to EPA Region 4 in July 2012.

Discussions are ongoing with managers in regards to prioritization, monitoring, and basin rotation. We are on schedule to have a draft completed by June 2013.

A watershed summit was held on September 5, 2012.

The SOP is currently being drafted. The WMB is working with the Water Infrastructure Branch (WIB) on a pilot project. Although delayed, this action should be complete by June 2013.

Twenty-five staff were trained in the Kentucky pilot of the Recovery Potential tool on August 15 and 16. WMB continues to work with EPA Headquarters to refine the indicators.

Discussions about prioritization and development of the Recovery Potential tool have delayed the development of profiles. Profiles will be developed for priority watersheds once those priorities have been determined per the Watershed Framework.

Tactic 2.2: Promote the EPA's Sustainable Infrastructure Initiative.

Measures: The number of dam safety inspections completed during the year.
The annual number of boil water advisories.
The number of SI outreach activities completed.

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The number of projects approved that incorporated “green” methods or practices such as regionalization, conservation, water and energy expenditure of State-Owned Dam Repair (SODR) funds.

Baseline: The corresponding numbers from 2012.

Action 2.2.1: Collaborate with key stakeholders from government, industry, and community groups to use their expertise in promoting sustainable water infrastructure.

Action 2.2.2: Conduct training and public outreach workshops around the state to explain the initiative to water and wastewater providers; discuss with utilities the available asset management tools; and provide them guidance on how to implement the sustainable infrastructure concepts by June 2013.

Action 2.2.3: Make additional revisions to the State Revolving Fund (SRF) project priority ranking systems to award more points to projects that implement sustainable concepts by January 2013.

Action 2.2.4: Implement SODR program strategies and projects.

Status: The Wastewater Planning section collaborated with Kentucky Association of Counties, Kentucky Infrastructure Authority, and Pike County Health Department to explore innovative alternatives for providing sewer service to economically disadvantaged communities in Pike County.

The Drinking Water Capacity Development section and the Wastewater Planning section explained the sustainable infrastructure initiative to drinking water and wastewater providers during sanitary survey visits, planning and design meetings, and Kentucky Rural Water Association Annual Conference.

The DOW evaluated the State Revolving Fund project priority ranking system to encourage the use of sustainable infrastructure; it was determined that the existing ranking system offers water and wastewater utilities sufficient bonus points for incorporating sustainable infrastructure; therefore, no changes were made.

Dam Safety and Floodplain Compliance section collaborated with the Finance Cabinet staff on five state owned dams, Bullock Pen, Beech Creek, Willisburg, Spurlington, and Scenic in need of upgrades or mitigation to comply with the state regulatory requirements.

Tactic 2.3: Plan for sustainable infrastructure.

Measures: The number of facility plans reviewed and approved.
The number of dam safety inspections completed during the year.

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The number of environmental information documents reviewed and approved.

The number of projects approved that incorporated “green” methods or practices such as regionalization, wastewater reuse, as well as water and energy conservation.

Baseline: The corresponding numbers from 2012.

- Action 2.3.1:** Participate in the Area Development District Water Management Planning Council meetings to assist with planning future water infrastructure.
- Action 2.3.2:** Develop and implement a strategy to encourage wastewater systems to evaluate the applicability of using onsite and decentralized wastewater treatment systems to meet their current and future wastewater needs by June 2013.
- Action 2.3.3:** Develop and implement a strategy to encourage water and wastewater systems to plan on watershed basis to protect water quality and reduce the cost of building infrastructure by June 2013.
- Action 2.3.4:** Identify and recommend innovative uses of the drinking water SRF and set-asides that support the sustainable infrastructure initiative.
- Action 2.3.5:** Evaluate and provide recommendations regarding the relationships between floodplain permitting and dam safety.
- Action 2.3.6:** Develop a water audit process for public water systems by June 2013.

Status: The Drinking Water Capacity Development section participated in water management planning council meetings at nine different Area Development Districts.

The Strategy has been incorporated into the wastewater planning regulations. The wastewater planning staff met with one regional planning agency and asked them to evaluate the feasibility of using onsite and decentralized wastewater treatment systems for areas that cannot be served with conventional wastewater treatment facilities due to the remoteness of the area and its challenging topography.

The strategy is in place and staff met with two wastewater planning agencies and required them to consider the feasibility of planning their current and future wastewater infrastructure needs based on a watershed planning approach. One of the two agencies decided to use a watershed approach to plan for the extension of sewer service to currently un-served areas within three neighboring counties.

The Capacity Development section implemented Capacity Development Assistance Program (CDAP) to utilize state revolving fund set-asides to help small systems address technical, managerial, and/or financial capacity issues identified by staff during sanitary surveys. CDAP call for projects was open from September through

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December. About eighty projects were received. All of the projects will be reviewed, ranked, and considered for financial assistance.

The DOW will evaluate and provide recommendations regarding the relationships between floodplain permitting and dam safety during the next few months.

The initial step in a water audit process will be for the DOW to review water loss/non-revenue water issues when an application for new or modified water withdrawal permit is received. DOW also attended and participated in an American Water Works Association Water Audit workshop (December 2012) that presented a holistic way to evaluate water loss.

Tactic 2.4: Develop Risk Mapping, Assessment and Planning Program (Risk MAP) for natural hazards in Kentucky.

Measures: Number of communities in the Risk MAP process in Discovery in 2013.
Number of mitigation actions identified in 2013.

Baseline: Number of communities in the Risk MAP process in Discovery in 2012.

Action 2.4.1: Develop schedule for development of Risk MAP to Kentucky watersheds by October 2012.

Action 2.4.2: Hold Discovery meetings for Risk MAP in 3 communities by June 2013.

Action 2.4.3: Present training for DOW staff on Risk MAP and tools that can be used across programs by January 2013.

Action 2.4.4: Develop risk Communication toolbox for local officials by February 2013.

Action 2.4.5: Develop a Flood Information Portal for web distribution of Risk MAP data by December 2012.

Action 2.4.6: Identify mitigation actions for watersheds - ongoing.

Status: The Schedule for the development of Risk MAP was completed and submitted as part of the business plan to the Federal Emergency Management Agency (FEMA) in October 2012.

Discovery meetings have been occurring rapidly and currently. One hundred and ninety-seven communities in Lower Kentucky, Upper Cumberland, Silver/Little, Lower Levisa and Tug Fork watersheds have had Discovery meetings conducted.

Risk MAP GIS tools were presented as an "It's a GIS Lunch" in October 2012.

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Currently eight modules (each with multiple video segments) have been developed and posted to YouTube Channel for Risk MAP. Other modules continue to be developed.

The portal has been developed (ifloodrisk.ky.gov) but has not been released pending QA/QC review that will occur in January and February 2013.

WMB and the Surface Water Permit Branch (SWPB) continue to work together to develop mitigation actions for Hazard Mitigation Plan and Watershed Based Report Risk MAP products. A schedule of this development is in the Business Plan submitted to FEMA in October 2012.

Objective 3 - Meet federal and state program requirements.

Tactic 3.1: Meet Federal grant and work plan requirements.

- Measures:** On-time submittal of all federal grant applications, work plans and reports.
Percentage of 106 work plan inspections conducted.
Submittal of drinking water primacy packages with interim or final primacy granted.
Submittal of required primacy packages.
Number of scheduled sanitary surveys completed within the month assigned.
Implementation of Drinking Water State Revolving Fund (DWSRF) set-asides work plans.
Number of special appropriation projects inspected.
Number of American Recovery and Reinvestment Act (ARRA) projects inspected.
- Baselines:** FFY 2012 and 2013 Federal Commitments.
The number of scheduled sanitary surveys completed within the month assigned during FY 2012.
The number of Special Appropriations (SPAP) inspections completed in 2012.
The number of ARRA projects inspected in 2012.

Action 3.1.1: Submit work plans, grant applications, and all reports to EPA and Federal Emergency Management Agency (FEMA) within regulatory timeframes by July 2013.

Action 3.1.2: Develop Performance Partnership Grant (PPG) with EPA by October 2011 and implement PPG by November 2012.

Action 3.1.3: Develop the 2013 106 work plan commitments by September 2012.

Action 3.1.4: Submit the final 2013 106 work plan inspection commitments by July 15, 2012.

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- Action 3.1.5:** Meet regulatory and primacy requirements and measures within associated federal timeframes.
- Action 3.1.6:** Submit DWSRF set-asides work plans to EPA within the timeframe defined in the MOA and track progress made on implementing the work plans.
- Action 3.1.7:** Conduct field inspections of projects that received special appropriation grants in accordance with the federal grant work plans.
- Action 3.1.8:** Submit all federal grant applications, work plans and reports by date due.
- Action 3.1.9:** Conduct field inspections of projects that received financial assistance from the state revolving fund.
- Action 3.1.10:** Conduct PAI on permitted facilities that possess the greatest potential to impact public health.
- Action 3.1.11:** Develop inspection processes for coal permits along with development and implementation of the mining compliance plan.
- Action 3.1.12:** Evaluate and develop a compliance rate improvement plan for inspection activities.

Status: The Resource Planning and Program Support (RPPS) Branch submitted all work plans and grant applications to EPA and FEMA by the federal due dates.

The RPPS Branch developed and implemented the performance partnership grant by the federal due dates.

The RPPS Branch submitted the 2013 Clean Water 106 work plan commitments and grant application by the federal due date.

The final 2013 106 work plan inspection commitments were submitted by the established deadline, and the work plan was approved by EPA in a letter dated August 3, 2012.

The RPPS Branch has met all of its regulatory and primacy requirements and measures with associated federal timelines, including submittal of grant applications, grant reports, and regulations for EPA approval.

The RPPS Branch coordinated the development of the 2013 Drinking Water State Revolving Loan Fund set-aside work plans and submitted the work plans by the federal due date.

The Engineering section inspected six projects funded by special appropriations.

The RPPS Branch submitted all grant applications, work plans, and reports by the federal due date.

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The Engineering section inspected eleven projects funded by the state revolving funds.

Performance Audit Inspections (PAI) were completed for all identified laboratories responsible for wastewater analyses associated with coal mining activities. These inspections were completed within twenty months, two months in advance of the established deadline. The completion of the coal wastewater PAI commitment constitutes the completion of approximately seventy-five percent of this action. Additional Performance Audit Inspections will be conducted throughout the fiscal year.

An inspection process for coal permits has been developed, and Kentucky's Mining Compliance Plan has been developed and implemented.

The evaluation and development of a compliance rate improvement plan for inspection activities will be completed by June 30, 2013.

Tactic 3.2: Meet state requirements and maintain progress toward achieving and maintaining zero permit backlogs.

Measures:

- The total number of permits pending July 2013.
- The total number of permits pending that exceed regulatory timeframes by July 2013.
- The total number of "major" facilities with permit applications that exceed regulatory timeframes by July 2013.
- The number of general permits that have expired and not been issued or that have not been addressed by July 2013.
- The number of general permit Notices of Intent (NOIs) for which coverage has not been issued or that have not been addressed by July 2013.
- The percentage of permit reviews completed within regulatory timeframes during SFY 2013.
- The percentage of permit reviews that exceed regulatory timeframes during SFY 2013.
- Employee productivity rates for permitting, data entry and scanning during SFY 2013.
- The percentage of construction plan approvals issued within the regulatory timeframe for drinking water facilities.
- The percentage of clean water construction permits issued within the regulatory timeframe.
- The percentage of dam safety construction permits issued within the regulatory timeframe.

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Baselines: Number of coal Individual Permit (IP) and General Permit (GP) coverages issued without objection.
The corresponding percentages from 2012.
The SFY 2012 DOW permit backlog.
SFY 2012 backlog percentages.
SFY 2012 employee productivity rates.
Number of coal IP and GP coverages issued without objection on July 1, 2012.

- Action 3.2.1:** Meet regulatory timeframes on permit issuances and plan reviews.
- Action 3.2.2:** Resolve oil and gas program.
- Action 3.2.3:** Issue remaining expired general permits by December 2013.
- Action 3.2.4:** Provide outreach to the regulated community regarding implementation of general permits by March 2013.
- Action 3.2.5:** Issue permits for all “major” facilities that exceed the RTF by June 2013.
- Action 3.2.6:** Issue permits for all facilities that exceed the RTF by >1.5 years by September 2012.
- Action 3.2.7:** Resolve coal permitting issues with EPA using available options including: litigation regarding procedures, working with congressional and constituency interests and continued dialog with EPA, as appropriate, to resolve the issues.

Status: Review of floodplain permits remains current. Toward the beginning of SFY12, the SWPB had 1235 pending permit actions for operations permits (primarily Kentucky Pollutant Discharge Elimination System permits), 678 of which were beyond the regulatory timeframe (RTF) or 54.9%. As of the time of this update there were 1039 pending actions and 640 beyond RTF. This is a reduction in pending actions of 16%. Major facilities remain a challenge and the permits continue to roll out slowly.

The DOW is evaluating the Oil and Gas tank registration program to determine if significant environmental value is added via the current process and looking at alternatives, including changing the current process or eliminating the requirement.

There is a schedule to complete the remaining expired general permits by the end of CY13. Currently, the Stormwater Permit for “Other” Industrial facilities is being prepared for a second public notice.

Outreach to the regulated community will be completed as the general permits are finalized.

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The focus of the permitting effort thus far in SFY13 has been on the simpler permits rather than the majors. Therefore, progress has been limited on issuing the permits for the “major” facilities.

There has been a two month trend of decreasing pending permit applications. With the allocation of additional resources which happened in 2012, the backlog is expected to steadily decrease. The goal is to have 500 pending actions or less by the end of CY13.

The resolution of coal permitting issues is ongoing and very dynamic. The DOW has worked intensively over the last several months on the development of a new coal template in an attempt to address the concerns previously identified by EPA. The DOW is meeting with EPA to discuss the new template and is hopeful that a resolution for issuance of individual coal permits will be realized in the near future.

Tactic 3.3: Develop a wastewater lab certification program.

Measure: Regulation and program developed.

Baseline: None for FFY 2012.

Action 3.3.1: File interim regulation by August 2012.

Action 3.3.2: Complete wastewater lab certification manual by August 2012.

Status: Due to additional input regarding the draft wastewater lab certification program regulation from the regulated community, the regulation is being redrafted and will be filed by March 2013.

Due to additional input regarding the draft wastewater lab certification program manual from the regulated community, the manual is being redrafted and will be filed with the regulation by March 2013.

Objective 4: Promote better management and communication of data.

Tactic 4.1: Implement an integrated data management system for water quality data.

Measures: Implementation of Kentucky Water Assessment Data for Environmental Monitoring (K-WADE).

Successful data exchange with EPA via K-WADE.

Baseline: Level of completion on October 2012.

Action 4.1.1: Submit data to EPA using exchange network by March 2013.

Action 4.1.2: Implement K-WADE v2.0 with data partner access by December 2012.

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Status: Submission of Water Quality Exchange data is seventy-five percent complete. One hundred percent of the data is expected to be submitted by the March deadline.

K-Wade v2.0 has been developed and is currently in testing, with one more update needed before partners can test their access to the system. Production data entry can then start after DOW program staff have cleaned up the current database tables.

Tactic 4.2: Maintenance of Share Point to educate the public and assist regulated entities with compliance with program requirements.

Measures: Maintain DOW internet site.
Implementation of DOW SharePoint/Knowledge Lake Nonpoint Source Program intranet website.

Baseline: Level of completion on September 1, 2012.

Action 4.2.1: Maintain DOW internet site with modifications made within 24 hours of request.

Action 4.2.2: Develop and implement SharePoint/Knowledge Lake intranet site for Nonpoint Source Program by January 2013.

Status: Ongoing – The DOW internet site has been maintained and modifications have been made within 24 hours of the request.

Due to delays with the Knowledge Lake implementation, DOW has not accomplished this action item. DOW has met with GAPS staff to discuss implementation of Knowledge Lake, with a modified implementation date of July 2013.

Tactic 4.3: Promote better decision making through GIS and Data Analysis.

Measures: Number of staff receiving Quality Assurance (QA) training in 2013.
Number of staff receiving GIS training in 2013.
Number of Division approved SOPs for 2013.
Number of data analysis projects completed in 2013.
Number of GIS requests fulfilled in 2013.

Baselines: Number of Division approved SOPs for 2012.
Number of staff receiving GIS training in 2012.

Action 4.3.1: Conduct training for DOW staff regarding QA and the review process by February 2013.

Action 4.3.2: Complete version 1 of Coal database by June 2013.

Action 4.3.3: Conduct training for DOW staff regarding GIS and ArcGIS 10 – ongoing.

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Action 4.3.4: Continue systematically analyzing data from current DOW databases – ongoing.

Status: WMB and the Commissioner's Office are working together to plan a specific QA training for DOW staff to be presented in February 2013.

Version 1 of the Coal Database has been developed and tested. Version 2 is being developed and should be ready for testing by February 2013.

GIS 101 was updated October 2012 to reflect changes in ArcGIS 10. Its GIS lunch continues to provide training for DEP staff and has had one hundred people attend in the past six months.

Thus far this year, the GIS and Data Analysis Section of the WMB has completed analysis on two data sets outside of the normal DMR/MOR assessments for the Integrated Report and the 106 Report well record data. Analysis continues regarding groundwater BMU5, DMR Nitrogen and Phosphorus and Drinking Water and Cancer Rates.

Tactic 4.4: Manage the Safe Drinking Water Information System (SDWIS).

Measures: Implementation of eMOR.
Implementation of web-based data entry process.

Baseline: Level of completion on September 1, 2012.

Action 4.4.1: Maintain SDWIS until SDWIS Next Gen implementation – ongoing.

Action 4.4.2: Evaluate the various avenues available for the successful development of an eMOR (such as ePortal, WRIS, SDWIS Next Gen, etc.) by June 2013.

Action 4.4.3: Convert Oracle forms data entry screens to a net web-based data entry process by January 2013.

Action 4.4.4: Participate on SDWIS Next Gen workgroups - ongoing.

Status: On-going SDWIS is being maintained, awaiting EPA action before implementing SDWIS Next Gen.

This is an effort that must be coordinated within the DOW and will be lead by both CTAB and IT staff. IT staff have indicated that in order to accept eMOR, DEP will need to submit a proposal to, and seek approval from, EPA describing the process Kentucky will use to employ eMOR. CTAB, IT and Capacity Development plan to begin a workgroup in January 2013 to discuss this issue. Revision of the MOR by CTAB staff will also begin in January 2013.

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Starting in January 2013, a DOW workgroup will be updating the current forms and process before modifying the current data entry process. The expected completion date is July 2013.

CTAB continues to be involved, through out the year, in the SDWIS Next Gen workgroup as EPA engages members of the group. Current participation has been provided through commenting on “requirement” documents distributed by EPA. As participation is ongoing, completion of this action is approximately fifty percent.

Tactic 4.5: Implement ICIS data flows and data entry via netDMR to improve permit compliance, tracking, and data analysis.

Measures: Implementation of permit and compliance data flows into ICIS.
Implementation of netDMR.

Baseline: Status of flowing data to ICIS and entering data into netDMR on July 1, 2012.

Action 4.5.1: Flow permit and compliance data from TEMPO into ICIS by December 2012.

Action 4.5.2: Continue progress toward coal DMR submitted via net DMR.

Status: The conversion of facilities from PCS to ICIS is complete. Flows of permitting and compliance to ICIS via TEMPO is still in progress and will mostly affect the general permits. There are currently 205 permittees currently using net DMR.

SWPB is developing a spreadsheet for coal facilities to use to submit DMR data. SWPB is working on a Cross-Media Electronic Reporting Regulation compliant ePortal to submit the data and is also working with ICIS staff to determine how to code permits in the ICIS system.

Tactic 4.6: Improve the utility of TEMPO to provide more accurate facility information data.

Measure: Improved accuracy demonstrated by TEMPO audit report in FY13

Baseline: TEMPO audit reports generated during FY12.

Action 4.6.1: Update work activity logs, requirements library and profiles to be reflective of regulatory changes and current processes.

Action 4.6.2: Provide TEMPO training to new staff to ensure they are effectively using all features of TEMPO.

Status: Ongoing – staff have been working with the Water Quality Certification section, the Wet Weather section, and the Dam Safety and Floodplain Compliance section to update their requirements. Staff

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have also added and updated TEMPO Letter Builder letters for the Permit Support section and the Resource Extraction section. Staff will be working with the Operational Permits section on work activity logs during the first half of 2013. Help desk tickets are submitted for all work.

TEMPO training is provided to new staff as they are hired.

Objective 5 – Track water-related litigation

Tactic 5.1: Direct and participate in any legal challenges to water quality and water resource issues.

Measures: Outcome of the litigation.

Baseline: All on-going litigation relating to water quality and water resources represented by Environmental Protection Legal Department.

Action 5.1.1: Provide informational and technical resources in preparation of litigation.

Action 5.1.2: Serve as the technical expert witness at Administrative Hearings.

Status: The DOW staff consulted with the Office of General Counsel Water Legal section attorneys regarding technical and factual issues in numerous cases in litigation at the administrative and Circuit Court levels.

A DOW permit writer testified at an OAH hearing regarding technical and factual issues regarding issuance of a Kentucky No Discharge Operating Permit.

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Goal 3



Waste Management & Land Restoration

Preserve and restore Kentucky's land through the development and implementation of fair, equitable and effective waste management programs.

The Department of Environmental Protection administers an array of programs to minimize contamination risks that may threaten the health, safety and environment of various life forms. These programs regulate and educate the public on issues concerning solid and hazardous waste management, site remediation at contaminated properties, underground storage tanks and recycling waste products.



Solid and hazardous wastes are managed through comprehensive permitting, registration, monitoring, reporting and training requirements. Additional methods such as promotion of solid and hazardous waste minimization, landfill inspections, public meetings and evaluation of waste streams ensure proper protection of our state's natural resources. The department also utilizes state and federal funds to support various programs, including the Hazardous Waste Management Fund, which

is funded through Hazardous Waste Assessment fees. This money is used to address environmental emergencies and to perform assessment and cleanup of abandoned contaminated sites that pose a serious threat to human health and the environment.

Assisting owners and operators with compliance of operational and maintenance requirements for underground storage tanks is a service provided by the department to prevent soil, surface water and ground water contamination. Additionally, the department provides for the abatement and control of contaminant risks associated with releases from underground storage tanks.

The department encourages public participation through various programs to protect our environment by recycling and reducing waste in order to minimize land disposal, conserving energy and natural resources. These programs educate citizens and industry in environmentally friendly practices in the proper management of solid waste and stress the significant environmental and economical benefits of reducing, reusing and recycling materials.

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Objective 1 - Reduce and/or maintain elimination of DWM permit and data entry backlogs.

Tactic 1.1: Maintain progress towards reducing and/or maintaining zero permit and data entry backlogs.

Measures: The total number of permits pending.
The total number of permits pending which exceed regulatory timeframes.
The percentage of permit reviews completed within regulatory timeframes.
The percentage of permit reviews completed that exceed regulatory timeframe.

Baseline: The SFY04 DWM permit backlog.

Action 1.1.1: Obtain a zero backlog on all remaining applications beyond regulatory time frames by June 30, 2013.

Action 1.1.2: Maintain and enhance TEMPO reporting to accurately track and report on measures. Implement TEMPO 360 to improve efficiency.

Action 1.1.3: Allocate staff as necessary to assist in permit review and data entry.

Action 1.1.4: Evaluate and implement additional streamlining opportunities to address process and institutional inefficiencies (example: continuously evaluate business processes to identify inefficiencies and implement effective alternatives).

Action 1.1.5: Enhance training and retention of qualified staff (example: more fully utilize employee recognition opportunities).

Action 1.1.6: Ensure that all permits are issued within regulatory timeframes.

Status: Hazardous Waste Update:

There are 14 Hazardous Waste permits pending. The number of permits pending which currently exceed regulatory timeframes is 8 and the percentage of permit reviews that were completed during the first half of FY13 that were within regulatory timeframes is 100%. In addition, the percentage of permit reviews completed within the regulatory time frame, based on the total number of pending permits is 4 of 18 or 22% of the 18 pending applications. They were either already in-house or received July-December. There are 6 permits still pending within regulatory time frame, 8 exceed regulatory time frame and 4 were issued within the regulatory time frame. The percentage of permit reviews completed that exceed regulatory timeframes is 0%.

Solid Waste Update:

1. Number of permits pending is 52.
2. Number of permits pending which exceed regulatory timeframes is 2.
3. Percentage of permit reviews completed within regulatory timeframes is 96%.

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4. Percentage of permit reviews completed that exceed regulatory timeframes is 4%.

Objective 2 - Protect human health and enhance Kentucky's land resources.

Tactic 2.1: Restore or manage contamination at sites with known or suspected releases to soil or groundwater.

Measures: The number of sites with known or suspected releases with potential human exposures where no further action is required or otherwise controlled as a result of implementing a management in place technique:
Number of underground storage tank cleanups conducted and number remaining.
Number of hazardous waste program corrective actions completed and number remaining.
Number of historic landfills characterized, number remediated and number remaining.
Number of illegal dumps remediated under the Kentucky PRIDE Program and number remaining.
Number of State Superfund sites characterized and number remediated.
Number of State-Lead sites remediated utilizing the Hazardous Waste Management Fund.
Number of methamphetamine contaminated properties received and number released.
Number of emergency or incident responses made and number of cases closed.
Number of cleanups conducted under state oversight via the Voluntary Environmental Remediation Program (see also DCA Brownfields measure).

Baseline: SFY04 inventory of existing sites.

- Action 2.1.1:** Maintain and enhance TEMPO reporting to accurately track and report on measures. Implement TEMPO 360 to improve efficiency.
- Action 2.1.2:** Fully inventory the list of sites with known or suspected contamination.
- Action 2.1.3:** Identify resource and program constraints hindering achievement of our measures; pursue program changes and request funding as necessary in expansion budget (examples: reallocation of PRIDE money). At a minimum, work to maintain current level of funding in cleanup programs.
- Action 2.1.4:** Prepare draft legislative agenda to address any issues requiring legislative solutions and pursue enactment. (examples: clarification and reallocation of PRIDE funds in KRS 224.43-505).
- Action 2.1.5:** Develop and/or amend regulations for Division programs to expedite cleanup progress in a protective manner to human health and the

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environment (examples: drafting regulatory amendments to solid waste regulations for external review by late SFY13 to conform with federal and state statutes and to modify program procedures/requirements; and to update HW regulations to incorporate federal rulemaking finalized through July 1, 2011 by mid-SFY13).

Action 2.1.6: Maintain development of an overall program to coordinate actions for the investigation of indoor petroleum vapor issues. Send staff to vapor intrusion classroom trainings.

Action 2.1.7: Finalize TOOLS as the program to use for Operator Certification in accordance with the federal Energy Policy Act. TOOLS will implement a site-specific approach to training and testing to support certification which will significantly aid in increased overall compliance and leak prevention.

Action 2.1.8: Review Standard Operating Procedures and guidance documents annually and update as necessary. Update as part of implementation of TEMPO 360.

Status: The number of sites with known or suspected releases with potential human exposures where no further action is required or otherwise controlled as a result of implementing a management in place technique:

1. Number of underground storage tank cleanups conducted was 234, with 1,374 remaining.
2. Number of hazardous waste program corrective actions completed was 16, with 23 remaining.
3. Number of historic landfills characterized was 174, with 42 remediated, and 586 remaining.
4. Number of illegal dumps remediated under the Kentucky PRIDE Program, remaining. This information will not be available until March 1, 2013.
5. Number of State Superfund sites characterized was 8, with 129 remediated.
6. Number of State-Lead sites remediated utilizing the Hazardous Waste Management Fund was three.
7. Number of methamphetamine contaminated properties received was 149 with 65 released as decontaminated.
8. Number of emergency or incident responses made were 951 and 681 cases were closed.
9. There were zero cleanups conducted under state oversight via the Voluntary Environmental Remediation Program (see also DCA Brownfields measure) as there were no applications.

In addition, the number of Brownfield sites with potential to enter the Brownfields program (KRS 224.01-415) is expected to grow in FY 2014 as a result of KRS 224.01-415, which became law in 2012.

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Regulations to support the statute are currently being drafted which complicates offering a speculative number of sites. However, interest in the program has been strong and suggests that it will result in an increase in Brownfield properties that are redeveloped in cooperation with the Division of Waste Management/Superfund Branch.

Tactic 2.2: Encourage reduced waste generation and disposal by promoting beneficial reuse, recycling, waste minimization, and pollution prevention.

Measures: The tons of solid and special waste recycled or reused, by type.
The tons of material recycled through the State Government Recycling program.
The number of waste tires used in tire-derived fuel projects, crumb rubber grants and other beneficial reuse purposes.
The tons of hazardous waste recycled or reused (example: mercury collection efforts).
The tons of waste recycled as a result of recycling grant program.

Baseline: SFY04 reported quantities of waste generation, disposal, reuse, and recycling.

Action 2.2.1: Maintain and enhance TEMPO reporting or other databases to accurately track and report on measures. Implement TEMPO 360 to improve efficiency.

Action 2.2.2: Identify resource and program constraints hindering achievement of our measures; pursue program changes and request funding as necessary in expansion budget.

Action 2.2.3: Prepare draft legislative agenda to address any issues requiring legislative solutions and pursue enactment. (example: revision of the statute relating to waste tires).

Action 2.2.4: Develop and/or amend regulations for Division programs to enhance and encourage beneficial reuse and recycling in a protective manner to human health and the environment (examples: development of technical requirements for waste-to-energy projects; development of technical requirements for defining when a “recovered material” is exempt from being a solid waste).

Status: Tons of solid and special waste recycled or reused, by type; tons of hazardous waste recycled or reused; and tons of waste recycled as a result of recycling grant program will not be available until July 1, 2013. There were 1,386 tons of materials recycled through the State Government Recycling program to date. There were 2,000,800 waste tires used in tire-derived fuel projects, crumb rubber grants and other beneficial reuse purposes.

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Tactic 2.3: Assure proper management and disposal of waste.

Measures: The compliance rates for authorized solid waste management facilities.
The amount, by weight, of litter, open dump waste, recycled municipal solid waste and household hazardous waste collected by counties through the Kentucky Pride program.
The compliance rates for authorized hazardous waste facilities.
The compliance rates for registered underground storage tanks.

Baseline: SFY04 tonnages disposed; litter collected; compliance rates.

- Action 2.3.1:** Maintain and enhance TEMPO reporting to accurately track and report on measures. Implement TEMPO 360 to improve efficiency.
- Action 2.3.2:** Evaluate and implement streamlining opportunities to address process and institutional inefficiencies inhibiting compliance.
- Action 2.3.3:** Develop and/or amend regulations for Division programs to facilitate compliance with agency requirements (example: drafting regulatory amendments to changes to the annual report and the 5-year plan submitted by counties in accordance with KRS 224.43; review 401 KAR Chapter 40 and draft regulatory amendments as necessary)
- Action 2.3.4:** Inspect regulated sites at established intervals to facilitate and ensure compliance with agency requirements.
- Action 2.3.5:** Increase communications between permitting central office staff and field operations staff. Take more opportunities for central office permitting staff to conduct site visits with field inspectors.
- Action 2.3.6:** Take enforcement action on regulated sites as necessary to facilitate and achieve compliance with agency requirements (working on methods to improve compliance rates for UST sites through direct compliance assistance efforts with tank owners and operators, this should improve with the implementation of TOOLS, an on-line operator training system).
- Action 2.3.8:** Review Standard Operating Procedures and guidance documents annually and update as necessary. Update as part of implementation of TEMPO 360.

Status: The compliance rate for authorized solid waste management facilities is 66.4%. The amount, by weight, of litter, open dump waste, recycled municipal solid waste and household hazardous waste collected by counties through the Kentucky PRIDE program. This information will not be available until July 1, 2013. The compliance rate for authorized hazardous waste facilities is 71.1%. The compliance rate for registered underground storage tanks is 51.2%.

Department for Environmental Protection

Goal 4



Environmental Compliance

Ensure environmental compliance using a clear and consistent approach of enforcement.

Proper enforcement stops violators from releasing illegal pollution into the air, water and onto the ground. In situations where federal and state environmental laws have been violated, enforcement ensures responsible parties are held accountable for the contamination of the environment. Responsible parties are directed to clean up contaminated property or reimburse the department for the cleanup.

The Division of Enforcement serves both compliance and enforcement functions. Through its Compliance and Operations Branch, the Division's compliance efforts focus on identifying violations, notifying the regulated entity of the violations and returning the regulated entity back to compliance through informal processes without the assessment of penalties. This is uniquely different from the responsibilities of the Civil Enforcement Branch, which focuses on addressing violations that have already been cited, following formal administrative processes to resolve the violations and routinely assessing civil penalties as a part of the resolution.

The enforcement process is conducted through referrals from either the Department's program divisions or internally from the Compliance and Operations Branch. When regulated entities fail to return to compliance through the compliance process, the referring party prepares, organizes and summarizes case-specific documentation and refers the violation to the Division of Enforcement's Civil Enforcement Branch for formal enforcement action.



Mid-Valley Pipeline Crude Oil Release, Owen County, January 2005

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Objective 1 - Facilitate the return of regulated entities to compliance with environmental statutes and regulations.

Tactic 1.1: Facilitate processes that result in the successful resolution of environmental enforcement cases.

Measure: The number of new cases received in the Division during the fiscal year.
Baseline: From July 2005 through March 2010, the Division received an average of 34 new cases per month and an average of 408 new cases per fiscal year.

Status: From July 2012 through December 2012, the Division received an average of 44 new cases per month and received an actual count of 265 new cases (65% of baseline).

Measure: The number of cases closed by the Division during the fiscal year.
Baseline: From July 2005 through March 2010, the Division closed an average of 37 cases per month and an average of 444 cases per fiscal year.

Status: From July 2012 through December 2012, the Division closed an average of 30 cases per month and closed an actual count of 182 cases (41% of baseline).

Measure: The total number of enforcement cases in the Division.
Baseline: From July 2005 through March 2010, the Division had an average of 1094 open enforcement cases.

Status: From July 2012 through December 2012, the Division had an average of 780 open enforcement cases.

Measure: The number of cases open in the Division of Enforcement only for monitoring compliance with an Agreed Order or Secretary's Order.
Baseline: From July 2005 through March 2010, the Division had an average of 265 enforcement cases open for monitoring and executed settlement document (Demand Letter, Agreed Order, Secretary's Order).

Status: From July 2012 through December 2012, the Division had an average of 233 cases open only for monitoring compliance of executed settlement documents.

Measure: The number of cases in the Division that are unassigned.
Baseline: In January 2008, the Division had 120 unassigned enforcement cases. Data developed prior to January 2008 is incomplete.

Status: In July 2012 the Division had an average of 0 unassigned cases. In December 2012, the Division had 102 unassigned cases.

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Measure: The total amount of civil penalties collected and supplemental environmental projects imposed from enforcement cases during the fiscal year.

Baseline: From SFY00 through SFY09, the Division collected and average of \$1,973,903.70 in civil penalties per fiscal year.

Status: From July 2012 through December 2012, the Division collected \$2,088,248.84 in civil penalties (105% of baseline).

Measure: The number of Agreed Orders signed by the responsible party in enforcement cases or cases otherwise resolved.

Baseline: From July 2005 through March 2010, the Division has received an average of 8 Agreed Orders signed by the responsible party per month and has received and average of 96 Agreed Orders signed by the responsible party per fiscal year.

Status: From July 2012 through December 2012, the Division received an average of 11 signed Agreed Orders per month with an actual count of 63 (66% of baseline) signed Agreed Orders.

Measure: The number of Demand Letters or Settlement Letters issued per fiscal year.

Baseline: The use of Demand Letters to resolve enforcement cases was reinstated in February 2008. From February 2008 through March 2010, the Division mailed an average of 5 Demand Letters to the responsible party per month and an estimated average of 96 Demand Letters to the responsible party per fiscal year.

Status: Between July 2012 and December 2012, the Division issued an average of 4 Demand Letters (23% of baseline).

Measure: The number of agreed orders and Administrative Orders signed by the Secretary in enforcement cases per year.

Baseline: From July 2005 through May 2008, an average of 11 Agreed Orders was executed per month and an average of 132 Agreed Orders was executed per year.

Status: Between July 2012 and December 2012, the Division issued an average of 11 Agreed Orders (100% of baseline).

Action 1.1.1: Maintain and update protocols and the mechanisms necessary to implement timely and effective enforcement of environmental laws.

Action 1.1.2: Develop staff expertise in air, waste management and water programs to allow the Division to more effectively facilitate compliance with environmental laws.

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Action 1.1.3: Work closely with program divisions to resolve enforcement cases in a timely and effective manner.

Action 1.1.4: Develop criteria and format for monthly reporting of Division activities and accomplishments to program divisions and Department and Cabinet management.

Action 1.1.5: Develop and implement criteria and mechanism for prioritizing enforcement cases to be referred to Cabinet attorneys for legal action.

Status: From July 2012 through December 2012, the Cabinet Secretary signed 69 enforcement orders (65 DEP agreed orders and 4 Secretary's Orders). Division regularly pulls reports to determine progress and timeliness of enforcement cases. The Division's ability to provide program training has been limited by out-of-state travel restrictions, lack of in-state training opportunities, and limited travel and training budgets. The Division utilizes training opportunities available through the other DEP division when training slots are available and when those opportunities are communicated to the Division. The Division staff coordinates with compliance and program staff from the other DEP divisions. The Division has a regular reporting structure.

Tactic 1.2: Resolve enforcement cases in a timely manner.

Measure: The length of time required to draft a case resolution proposal for approval once a case has been assigned to staff.

Baseline: The average time is 49 days to draft a case resolution proposal once a case has been assigned to staff.

Status: The average number of days between case assignment and drafting of a case resolution proposal for all cases created since 01/01/08 is 40 days. These are the averages for the cases created in the following years: 2008 (65 days), 2009 (43 days), 2010 (27 days), 2011 (19 days) and in 2012 (24 days).

Measure: The length of time required to hold a settlement conference after a case resolution proposal has been drafted.

Baseline: The average time is 82 days to hold a settlement conference after a case resolution proposal has been drafted.

Status: The average number of days between the case resolution proposal being drafted and the settlement conference being held since 01/01/08 is 97 days. These are the averages for the cases created in the following years: 2008 (122 days), 2009 (83 days), 2010 (46 days), 2011 (51 days) and in 2012 (60 days).

Measure: The length of time required to reach an agreement in principle or refer a case to EPLD after a case resolution proposal has been drafted.

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Baseline: The average time is 98 days to reach an agreement-in-principle after a case resolution proposal has been drafted, and an average of 167 days to refer a case to EPLD after a case resolution proposal has been drafted.

Status: The average number of days between the case resolution proposal being drafted and an agreement-in-principle being reached since 01/01/08 is 136 days. These are the averages for the cases created in the following years: 2008 (161 days), 2009 (127 days), 2010 (71 days), 2011 (76 days) and in 2012 (85 days).

The average number of days between the case resolution proposal being drafted and the case being referred to the Office of General Counsel is 252 days. These are the averages for the cases created in the following years: 2008 (352 days), 2009 (207 days), 2010 (53 days), 2011 (55 days) and in 2012 (92 days).

Measure: The length of time required to have the responsible party under an executed settlement document once a case has been assigned to staff.

Baseline: The average time is 199 days from case assignment to execution of a DEP agreed order, 143 days from case assignment to mailing of a demand letter, 523 days from case assignment to execution of an EPLD agreed order, and 582 days from case assignment to execution of a Secretary's Order. There is currently insufficient data to determine a baseline for length of time from case assignment to execution of a court decision or a consent decree.

Status: The average number of days between the agreement-in-principle being reached and the agreed order being drafted is 39 days. These are the averages for the cases created in the following years: 2008 (23 days), 2009 (21 days), 2010 (13 days), 2011 (9 days) and in 2012 (16 days).

The average number of days between the agreement-in-principle being reached and the demand letter being drafted is 20 days. These are the averages for the cases created in the following years: 2008 (36 days), 2009 (6 days), 2010 (6 days), 2011 (4 days) and in 2012 (7 days).

Measure: The length of time required to draft an agreed order or demand letter once an agreement-in-principle has been reached.

Baseline: The average time is 19 days to draft an agreed order once an agreement-in-principle has been reached, and 6 day to draft a demand letter once an agreement-in-principle has been reached.

Status: The average number of days between the agreement-in-principle being reached and the agreed order being drafted is 39 days. These are the averages for the cases created in the following years: 2008 (23 days), 2009 (21 days), 2010 (13 days), 2011 (9 days) and in 2012 (16 days).

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The average number of days between the agreement-in-principle being reached and the demand letter being drafted is 20 days. These are the averages for the cases created in the following years: 2008 (36 days), 2009 (6 days), 2010 (6 days), 2011 (4 days) and in 2012 (7 days).

Measure: The length of time required to have the responsible party under an executed settlement document once a case has been assigned to staff.

Baseline: The average time is 199 days from case assignment to execution of a DEP agreed order, 143 days from case assignment to mailing of a demand letter, 523 days from case assignment to execution of an EPLD agreed order, and 582 days from case assignment to execution of a Secretary's Order. There is currently insufficient data to determine a baseline for length of time from case assignment to execution of a court decision or a consent decree.

Status: The overall average number of days between the cases being assigned to an executed settlement document since 01/01/08 is 189 days for demand letters, 277 days for a DEP agreed order, 628 days for OGC agreed orders, and 840 days for Secretary's Orders.

For cases created in 2012, the average number of days was 97 days for a demand letter, and 115 days for a DEP agreed order. There was not any data for OGC agreed orders or Secretary's Orders.

For case created in 2011, the average number of days was 140 days for a demand letter, 232 days for a DEP agreed order, and 429 days for OGC agreed orders. There is no data for the Secretary's Orders.

For case created in 2010, the average number of days was 175 days for a demand letter, 271 days for a DEP agreed order, and 624 days for OGC agreed orders. There is no data for the Secretary's Orders.

For case created in 2009, the average number of days was 210 days for a demand letter, and 384 days for a DEP agreed order, 702 days for OGC agreed orders, and 866 days for Secretary's Orders.

For case created in 2008, the average number of days was 296 days for a demand letter, 384 days for a DEP agreed order, 758 days for an OGC agreed order, and 815 days for a Secretary's Order.

Department for Environmental Protection

Objective 2 – Provide assistance to Department programs by issuing and tracking compliance with letters of warning and notices of violation.

Tactic 2.1: Facilitate processes for the issuance and tracking of compliance with letters of warning and notices of violation.

Measure: The number of letters of warning and notices of violation issued by DENF per year.

Baseline: From July 2006 through March 2010, the Division issued an average of 5 Letters of Warning per month and an average of 22 Notices of Violation per month. From FY05 through FY08, the Division issued an average of 60 Letters of Warning per fiscal year and an average of 264 Notices of Violation per year.

Action 2.1.1: Monitor and report on a yearly basis the number of letters of warning and notices of violation issued by DENF.

Action 2.1.2: Work closely with program divisions to issue letters of warning and notices of violation in a timely and effective manner.

Status: From July 2012 through December 2012, the Division issued an average of 34 Notices of Violation per month with an actual count of 206 (78% of baseline) Notices of Violation.

From July 2012 through December 2012, of the 206 Notices of Violations issued, 18 were referred to the Division from the DEP Central Office Programs.

The Division averages 21 days from the violations being referred to the Division to the Notice of Violation being issued since 01/01/08. The average was 21 days in 2008, 19 days in 2009, 15 days in 2010, 18 days in 2011, and 35 days in 2012.

Department for Environmental Protection

Goal 5



Compliance Assistance and Environmental Stewardship

Promote responsible environmental stewardship.

The Division of Compliance Assistance administers four programs: certification and licensing, brownfield redevelopment, environmental compliance assistance and environmental leadership (KY EXCEL). The division's innovative and important approach to facilitating compliance and excellence is improving the environment for all Kentuckians.



Technical Assistance - *DCA is a technical resource for individuals with environmental questions and needs.* Complying with a very diverse and extensive set of environmental requirements can be difficult. Even committed and experienced environmental professionals face times when they simply need help. DCA maintains a compliance assistance hotline that allows anyone to seek help with an environmental concern.



Education - *DCA is providing Kentucky with the knowledge it needs to care for Kentucky's environment.* In a 2008 survey, more than 3,000 entities regulated by the department were asked what impacted their ability to comply with environmental requirements. Respondents identified a lack of knowledge regarding environmental requirements as one of the greatest barriers to ensuring environmental compliance. DCA's training is equipping front-line environmental professionals with the information they need to succeed in their environmental efforts.



Sustainability - *DCA strives to help all of its clients recognize and implement sustainable behaviors that protect and improve Kentucky's environment.* DCA stands uniquely positioned to partner with Kentucky's corporate and private citizens to proactively build environmental values and facilitate positive behaviors throughout Kentucky. DCA is accomplishing this through partnerships, training, mentoring and technical support.



Stewardship - *DCA strongly believes that the future of Kentucky's environment depends on the stewardship of its citizens.* Every day, people make both large and small decisions

in their homes, workplaces and communities that can benefit or harm the environment. DCA is helping these individuals become more aware of the economic and environmental benefits that result from sustainable decisions, so they can make positive choices that are environmentally beneficial.

Department for Environmental Protection

Objective 1 - Certify qualified environmental professionals.

Tactic 1.1: Certify select environmental professionals to maximize appropriate actions and effective operations at regulated locations.

Measure: The number of certification licenses issued annually.

Baseline: In SFY09, the Division of Compliance Assistance issued the following certification licenses:

Wastewater Certifications -	180
Wastewater Certification Renewals -	1068
Drinking Water Certifications -	273
Drinking Water Certification Renewals -	344

Action 1.1.1: Process certification applications and administer examinations in an accurate and timely manner to ensure that individuals possess the minimum competencies necessary to properly perform their professional duties.

Action 1.1.2: Develop and implement a recruitment strategy that encourages individuals to consider the operator profession.

Action 1.1.3: Provide administrative support for the Kentucky Board of Certification of Wastewater System Operators and the Kentucky Board of Certification of Water Treatment and Distribution System Operators.

Action 1.1.4: Increase the program's national involvement to stay informed of operator issues, ensure the program is prepared to respond to changing needs, and influence the national policy related to certified operators.

Status: From July 2012 through December 2012, the certification and licensing program issued 295 new certifications and 90 certification renewals were received. The program issued 95 wallet cards and administered 432 certification examinations.

The program continued to support the Kentucky Board of Certification of Wastewater System Operators and the Kentucky Board of Certification of Water Treatment and Distribution System Operators.

The program continued its implementation and of the certification blog, Operation Matters. The blog has had more than 32,000 views with readers in over 100 countries.

The 2013 training schedule was prepared and notification postcards were mailed to all certified operators.

Department for Environmental Protection

Objective 2 - Help entities comply with Kentucky's environmental requirements.

Tactic 2.1: Provide quality, one-on-one assistance services that help individuals comply with environmental obligations.

Measure: Changes in environmental knowledge and behavior resulting from one-on-one assistance activities.

Baseline: In SFY08, the Division of Compliance Assistance received feedback from its clients that indicated the following changes:

Client Response Activities - 72% indicated a change in knowledge
83% indicated a behavior change

Action 2.1.1: Implement effective, proactive and reactive multi-media compliance assistance services with a special emphasis on small businesses and communities to enhance environmental performance.

Action 2.1.2: Provide ombudsman services for the public and entities regulated by the Department to ensure that department programs are appropriately implemented.

Action 2.1.3: Communicate the availability of compliance assistance and the benefits of the program.

Status: For the first FY13 semi-annual reporting period, the Environmental Assistance Branch responded to 411 requests for assistance relating to understanding Kentucky's environmental regulations and permits. 125 of these entities were small businesses with 14 small communities reporting, 205 entities were non-reporting on their facility category. For the reporting period, of the clients surveyed, 75% indicate an increase in knowledge with 90% indicating making positive behavior changes. A total of 97 outreach activities were performed for the reporting period which includes meetings, presentations, articles for publication, and social media activities such as Facebook and blog posts.

Tactic 2.2: Implement meaningful programming that provides individuals with the knowledge needed to increase environmental compliance and performance.

Measure: Percent satisfaction of those entities trained and audience reached through communication tools

Baseline: FY2012 indicators are as follows

88.5% Percent satisfaction from training evaluation

1,611 Total number of daily unique visitors on the DCA Website

8,666 Audience reached through DCA communication tools (SNIPS, LAW, and OCP subscribers)

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1833 of individuals trained on compliance topics (OCP and ECAP trainings)

- Action 2.2.1:** Produce and facilitate quality training that includes accurate and timely technical and regulatory information.
- Action 2.2.2:** Provide resources that clarify environmental requirements and offer technical solutions to common challenges.
- Action 2.2.3:** Establish communication tools that empower the regulated community to determine the environmental obligations that apply to their location and the resources that are available to make it easier for them to comply.

Status: For the FY13 semi-annual reporting period, the Environmental Assistance Branch conducted 7 compliance training events. A total of 173 individuals were trained by the branch, resulting in a 95% satisfaction rating. The Certification and Licensing Branch conducted 16 training events reaching an audience of 645 individuals. SNIPS, the compliance e-newsletter, along with the Operator Certification blog continue to be popular outlets for compliance based information. New in the area of training and social media were the additions of a fugitive dust training video and two biodiesel learning modules.

The certification and licensing program provided 246 hours of training reaching approximately 650 individuals.

The program entered into a partnership with the University of Kentucky to enhance and expand its solid waste training materials, study manuals and examinations. This will provide more relevant day-to-day operational information for the solid waste professionals.

Objective 3 – Facilitate Environmental Stewardship

Tactic 3.1: Encourage environmental stewardship by making individuals more aware of the opportunities they can act on to make their communities stronger and healthier.

Measure: Number of entities assisted with stewardship projects and via training
Baseline: FY2012

10 entities assisted with stewardship projects
112 individuals trained on stewardship topics (Brownfield and KY EXCEL)
1,611 Total number of daily unique visitors on the DCA Website
10,586 Audience reached through DCA communication tools (Green DOT, Facebook, Exhibits, Presentations, and LAW)

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Action 3.1.1: Provide quality, one-on-one assistance services that help individuals identify, plan, and implement environmental projects that are not required by Kentucky law.

Action 3.1.2: Offer quality environmental stewardship training to enable actions that improve Kentucky's environment and create healthier, stronger communities.

Action 3.1.3: Develop and compile stewardship resources in partnership with organizations, state and local agencies, nonprofit entities and other stakeholders.

Action 3.1.4: Serve as a resource that encourages environmentally sustainable communities and facilitates the cleanup and beneficial reuse of brownfield properties.

Action 3.1.5: Establish communication tools that empower the regulated community to determine the stewardship resources that are available to increase their sustainability.

Status: For the reporting period, a total of 60 requests for assistance were received by the branch for KY EXCEL, Brownfields, or leadership assistance. The branch also conducted 7 training events with a 93% satisfaction rating, reaching 81 participants. KY EXCEL continues to facilitate the Sustainable Spirits Initiative and has drafted an industry best practices document during the reporting period. GreenDot and Brownfield Bullets continue to be successful e-newsletters on community redevelopment and sustainability topics. For the Brownfield program, a Memorandum of Agreement was signed this December with EPA that will provide greater protection from federal liability for volunteers who receive closure letters under qualified, state-approved cleanups. During the reporting period, staff worked to develop procedures for the establishment of the Brownfield Revolving Loan Fund. Due to the program's outreach efforts, eight Kentucky entities submitted grant applications to EPA for redevelopment projects.

Tactic 3.2: Recognize and publicize voluntary actions that improve Kentucky's environment and promote environmental awareness.

Measure: The number of voluntary actions identified as a result of DCA programs
Baseline: In FY2010, the number of voluntary actions observed were as follows:

New KY EXCEL Voluntary Projects -	121
Environmental Stewardship Award Nominations -	44
Eco-Art Submissions -	13

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Action 3.2.1: Implement KY EXCEL, an environmental leadership program that recognizes entities for their voluntary commitments to improve Kentucky's environment.

Action 3.2.2: Administer the Department's environmental stewardship award program.

Action 3.2.3: Hold an annual eco-art contest for high school students.

Action 3.2.4: Communicate the successes of Kentucky's environmental stewards.

Status: During this reporting period, KY EXCEL approved or renewed membership for 49 entities. KY EXCEL members initiated approximately 222 new voluntary projects. These projects continue to make a positive impact on Kentucky's environment. The KY EXCEL program also coordinated the DEP Environmental Excellence Awards. A total of 28 nominations were received. From these worthy candidates, six (6) awards were given at the 2012 Governor's Conference on the Environment. The program is currently accepting nominations for the 2012-2013 Eco-Art Contest. The Environmental Assistance Branch was successful at placing stories in new media outlets such as Brownfield Renewal magazine and the Environmental News Network as well as establishing relationships with new and existing stakeholders.

Tactic 3.3: Show the division's commitment to environmental stewardship by implementing Lead by Example projects.

Measure: The amount of resources utilized by the Division (DCA estimates it consumes 32% of the total building consumption)

Baseline: FY2011 resource utilization

91 pounds of aluminum cans recycled
153,600_kWh of electricity used annually
53,024 gallons of water used
108 MCF of natural gas used

Action 3.2.1: Strive for zero waste at division-held training events.

Action 3.2.2: Efficiently use natural resources.

Action 3.2.3: Recycle within the office.

Status: The Division continues to promote waste reduction opportunities at division held training events and provide assistance in the areas of energy efficiency and waste reduction within the office environment.

The program continued to implement a recycling program while conduct training at locations across the state. During the first six months of the fiscal year, we have recycled 92.6 pounds of paper, plastic and aluminum cans.

Department for Environmental Protection

Goal 6



Environmental Program Support

Improve quality, efficiency and effectiveness of environmental programs and activities through innovative strategies, tools and approaches.

The Department for Environmental Protection involves a range of activities that collectively provide support to ensure decisions made by the department are practical and consistent with the department's mission. These activities provide a foundation to achieve desired environmental benefits in the best interest of Kentucky's citizens.



Assessing the environmental status of Kentucky's air, land and water is important to determine potential threats, evaluate risks and identify solutions to protect the environment and safeguard human health. The department maintains a centralized laboratory that performs analytical sample testing of air, water and soil to determine the nature and extent of pollutants within the Commonwealth. The department also maintains a 24-hour emergency environmental response line for accidental spills and releases of toxic and hazardous material that threaten the

environment. The Environmental Response Team (ERT) responds immediately to environmental emergencies and provides efficient, coordinated and effective action to minimize damage to Kentucky's environment.

Administrative support of information technology enables the department to efficiently manage data in a timely manner. Addressing the technological needs of our environmental management systems is an essential aspect of providing web-based electronic services to the public. Advancement of the department's technology and streamlining environmental response programs will provide the best possible service to Kentucky's local governments and communities.

Improvement in organizational and employee development, quality assurance and workplace safety are important areas to facilitate the accomplishment of the agency's mission and goals. Empowering employees with the tools, knowledge and skills to contribute effectively and efficiently enables employees to achieve long-term sustainable results to protect and enhance Kentucky's environment.

Department for Environmental Protection

COMMISSIONER'S OFFICE (CO)

Objective 1 – Continue to support and coordinate ongoing department-level programmatic activities.

Tactic 1.1: Identify recommendations that will assist in providing the service and responsiveness required for carrying out the day-to-day activities in the Commissioner's Office.

Measure: Provide recommendations to the Commissioner on an ongoing basis.

Baseline: SFY10 department-level activities.

Action 1.1.1: Coordinate e-clearinghouse and NEPA document reviews.

Action 1.1.2: Coordinate U.S. Army Corps of Engineers Public Notice Reviews.

Action 1.1.3: Coordinate review of Pollution Control Tax Exemption Certificates.

Action 1.1.4: In collaboration with DEPS, coordinate special projects including: Wellness Committee, Governor's Conference on the Environment, KECC, March of Dimes, and other department-wide activities.

Action 1.1.5: Conduct an annual review of the department Quality Management Plan and update as necessary.

Action 1.1.6: Oversee and maintain the DEP Motor Pool.

Action 1.1.7: Coordinate scheduling and oversee all Safety Training for DEP employees.

Status: The Department completed 153 eClearinghouse reviews in the first half of FY12, 6 reviews under NEPA, and issued letters of approval for 12 Pollution Control Tax Exemptions. There are 5 pending applications for PCTE. The DEP Personnel Administrator continues to participate in monthly wellness coalition meetings and provides information to DEP staff on the Commonwealth's Living Well wellness program and Humana Vitality which helps to motivate employees to make healthy choices.

Objective 2 – Develop an effective strategic planning process.

Tactic 2.1: Develop a Department for Environmental Protection strategic plan for SFY13.

Measure: DEP strategic plan development is coordinated by the Commissioner's Office staff and completed at the beginning of the state fiscal year.

Baseline: Strategic plans are finalized in advance of deadlines.

Action 2.1.1: SFY13 Strategic Plans for the Commissioner's Office and each of the six department divisions are finalized by July 1, 2012.

Action 2.1.2: Ensure the Department's goals and objectives are compatible with the SFY13 Department budget.

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Action 2.1.3: Align the Department's strategic plan with Cabinet's strategic plan.

Action 2.1.4: Publish the mid-year status update to the Strategic Plan in December.

Action 2.1.5: Each division shall publish an annual report by September 15, 2012 including results of the Strategic Plan measures and actions for the previous state fiscal year.

Status: The Strategic and Operational Plan was completed in July 2012 and annual reports for each division were completed in September 2012.

Tactic 2.2: Assist staff in understanding their role in the DEP strategic plans by ensuring that employees are clear about the objectives, goals and directions of the agency.

Tactic 2.3: Provide input into USEPA's strategic planning processes at both the national and regional levels.

DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT (DEPS)

Objective 1 – Recruit and retain qualified employees for positions at DEP.

Tactic 1.1: Identify recommendations that will assist in the hiring and retaining of qualified employees.

Measure: The number of new employees hired and retained on a yearly basis in critical positions.

Baseline: SFY09 hiring for critical positions.

Action 1.1.1: Work with GAPS staff to develop recommendations to present to the Personnel Cabinet to assist in the recruitment and retention of employees (may include promotion in place options and changes to class specifications.)

Action 1.1.2: Increase the promotion of the DEP Scholarship Program at Kentucky universities.

Status: As of July 1, 2012 DEP had 721 filled positions. The FY2012 budgeted personnel cap was 766 positions. DEP is working diligently to fill critical vacancies funded within the allotted budget amounts. To date, DEP has awarded scholarships to 62 students. In May 2012, DEP awarded 1 student a scholarship. This student was sponsored by the Division of Water. Two students, also sponsored by the Division of Water, are completing their degrees in December 2012. DEP did not participate in any Kentucky university career fairs in the fall of 2012 due to budget constraints. In addition, ACE and ERA Awards have been suspended since SFY09, and will continue to be suspended until further notice. DEP has initiated an Employee Awards Program for

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the last two years. This year's program were held on January 18, 2013 to recognize outstanding employees and employee units (branch, section or program) for calendar year 2012.

Objective 2 – Provide technical, personnel and administrative support for DEP IT-Based Systems (TEMPO/SDWIS/K-WADE).

Tactic 2.1: Produce weekly TEMPO Reports for DEP Commissioner's Office that are timely and accurate.

Measure: Weekly submission of reports to the Commissioner's Office.
Baseline: Weekly Reports submitted.

Action 2.1.1 Train appropriate Division staff to produce and format reports.

Action 2.1.2 Designate and train appropriate Division staff for back up.

Status: TEMPO is continuing to provide weekly reports to the Commissioner's Office. In addition to report writing being performed by two DEP IT Contractors, one other staff member is learning how to create these reports.

Tactic 2.2: Provide TEMPO/ SDWIS/K-WADE Database Support.

Measure: Successful completion of tasks on IT Project List.
Baseline: July 2012 IT Updated Project List.

Action 2.2.1: Completion of requested reporting modules.

Action 2.2.2: Provide technical support as the Kentucky Water Assessment Data for Environmental Monitoring (K-WADE) system is developed to replace the Ecological Data Application System (EDAS).

Action 2.2.3: Provide timely TEMPO Help Desk Support.

Action 2.2.4: Create web-based enhancements for TEMPO, including on-line permit applications and license/certification renewals in accordance with allocated SFY12 budget.

Action 2.2.5: Adhere to Federal Database Guidelines and modifications for the Safe Drinking Water Information System (SDWIS)

Status: DEP has created 14 eForms to allow the regulated community to submit documents and forms through a web-based utility. DEP is also receiving automated notifications via batch upload from MSD. TEMPO staff members continue to provide timely assistance to users via the help desk, email, and phone requests. A web-based version of TEMPO (TEMPO360) continues to undergo testing.

Tactic 2.3: Meet goals of USEPA grant-based projects on time and on budget.

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Measure: Successful completion of funded projects.
Baseline: Submission and acceptance of semi-annual and annual reports to and by USEPA.

Action 2.3.1: Complete “Better Use of Technology” STAG grant requirements as noted in project plan.

Action 2.3.2: Complete “PCS-ICIS” grant requirements as noted in project plan.

Action 2.3.3: Complete “Node 2 Upgrade” Exchange Network grant requirements as noted in the project plan.

Action 2.3.4: Begin “NetDMR” Exchange Network grant projected as noted in the project plan.

Action 2.3.5: Begin “CROMERR” Exchange Network grant project as noted in the project plan.

Status: DEP has entered into a PPG (Performance Partnership Grant) for FFY2013. This grant combines the Section 106 Water Pollution Grant, Section 105 Clean Air Grant, TSCA Grant, RCRA Grant, and the Brownfields Grant. The department will use these funds to fulfill obligations related to water pollution control, air pollution control, solid waste disposal and brownfield development.

“Better Use of Technology” STAG grant requirements project has been completed and this grant has been closed out. “PSC-ICIS” grant requirements project has been completed and this grant has been closed out. “Node 2 Upgrade” Exchange Network grant requirements project has been completed and this grant has been closed out. The implementation plan for the “NETDMR” Exchange Network grant project has been submitted to upper management. Progress continues on new EForm to KYR--, data cleanup of ICIS and additional data flows development, and training was provided for permit writers, field operations staff, and external/non-DEP staff. “CROMERR” Exchange Network grant application is in the final stages of completion.

Objective 3 – Continue to Support and Coordinate Ongoing Programmatic Activities.

Tactic 3.1: Identify recommendations that will assist in providing the service and responsiveness required for carrying out the day-to-day activities in the DEPS.

Measure: Activities performed and coordinated in SFY12.

Baseline: SFY11 activities performed by staff in the DEPS. (IT activities are identified in Objective 2 above.)

Action 3.1.1: Coordinate the activities of the Environmental Response Team (ERT) to effectively respond to environmental incidents.

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- Action 3.1.2:** Develop and maintain a Department Continuity of Operations Plan (COOP).
- Action 3.1.3:** Develop and maintain an Environmental Response Center Guidelines.
- Action 3.1.4:** Coordinate training for all ERT On-Scene Coordinators
- Action 3.1.5:** Coordinate all DEP facilities issues including maintenance, department services (phone, janitorial, trash, security, internal/external mail delivery, postage for field offices, uniforms, safety shoes, vehicle inventory), and office relocations.
- Action 3.1.6:** Coordinate DEP budgetary activities including submission of annual operating budgets
- Action 3.1.7:** Review and develop Memoranda of Agreement (MOAs) and Personal Service Contracts (PSCs).
- Action 3.1.8:** Coordinate personnel activities including the DEP scholarship program and EEO/ADA activities.
- Action 3.1.9:** Provide technical advice concerning appropriate laboratory analytical methods and techniques.

Status: DEPS staff continues to coordinate all DEP facilities issues including maintenance, and department services such as phones, janitorial, trash pickup, internal mail delivery, uniforms, and vehicle motor pool.

Divisions within the department completed their FY13 operating budgets and the department submitted a rollup to the GAPS budget office in July of 2012. Each division within the department completed estimates of contractor furlough savings in November of 2012, and completed the contract workers report for the first two quarters of FY13 in October 2012 and January 2013. The medical monitoring contract with the University of Kentucky, and the scholarship program with the University of Kentucky Research Center, was renewed for FY13. Closing package forms for FY12 were completed and submitted to GAPS Fiscal Management in July of 2012.

Personal Service Contracts for OSHA Training and IT software maintenance were approved for FY13. The DEPS personnel administrator continues to coordinate personnel activities within the department.

The Environmental Response Branch coordinated 311 incident responses from July 1 to December 31, 2012. The COOP remains on hold until further evaluation of the need for the plan. The Department currently has other individual plans for specific issues that may already address the need for a COOP. The Environmental Response Center Guidelines are currently a hold due to development of new software program that will change the operation of the ERC. The program is scheduled to be completed before July 1, 2013. The training program has been fully implemented allowing better tracking of OSCs past and

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current training. The OSCs now have guidelines of required training within timeframes that allow the flexibility to the OSC to attend a training class that meets their schedules.

Objective 4 – Provide accurate and defensible chemical analytical services to the program divisions of the Department for Environmental Protection.

Tactic 4.1: Analyze environmental samples collected by the Air Quality, Water and Waste Management Divisions for chemical constituents.

Measure: The number of environmental samples analyzed each year.

Baseline: In calendar year 2011, there were 5846 samples analyzed by the Environmental Services laboratory.

Action 4.1.1: Provide testing services for samples in accordance with the allocated SFY13 budget.

Action 4.1.2: Maintain an average turn-around-time of less than 28 days for samples submitted beyond July 1st, 2012. In 2011, the average turn-around-time for all samples was 32.7 days. The increase in average is due to problems in both N/P Pesticides and VOC-Air toxic areas.

Status: The Environmental Services Branch (ESB) continues to provide testing services for the divisions in accordance with the allocated SFY13 budget monies. The total number of samples received for the calendar year of 2012 was 5,291. On July 1st, 2012, the DAQ began utilizing a federal government contract laboratory for their laboratory needs. There was an estimated 10% decrease in the number of samples received for the calendar year. This decrease was related to this change in services provided. As expected the average turn-around-time dropped from 32.7 days per sample to 23.7. The number of samples taking longer than 30 days went from 36.7% in CY2011 to 15.4% in CY2012. In the last 6 months of CY2012 that number has fallen to 3.29%.

Measure: The number of individual tests performed by the Environmental Services laboratory.

Baseline: In calendar year 2011, there were 38,226 individual tests performed by the Environmental Services laboratory.

Action 4.1.3: Provide individual testing services in accordance with the allocated SFY13 budget.

Status: The Environmental Services Branch (ESB) continues to provide testing services for the divisions in accordance with the allocated SFY13 budget monies. In calendar year 2012, there were 39,681

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individual tests performed and reported by the Environmental Services Branch laboratory.

Measure: The number of individual chemical parameters reported by the Environmental Services laboratory.

Baseline: In 2011, there were 309,682 individual chemical parameters reported by the Environmental Services laboratory.

Action 4.1.4: Provide chemical parameter reporting to meet department needs.

Status: The Environmental Services Branch (ESB) continues to provide testing services for the divisions in accordance with the allocated SFY13 budget monies. In calendar year 2012, there were 244,462 individual chemical parameters reported by the Environmental Services Branch laboratory.

Tactic 4.2: Maintain accreditation by USEPA and the National Environmental Laboratory Accreditation Program (NELAP).

Measure: Accreditation status of the Environmental Services laboratory.

Baseline: Currently, the laboratory is certified as the State Principal Laboratory for Drinking Water by USEPA. In July 2007, the New Hampshire Department of Environmental Services granted the laboratory NELAP accreditation. Continuing accreditation status is dependent on successful ongoing participation in the NELAP program.

Action 4.2.1: Participate in a minimum of 2 Proficiency Testing (PT) studies approximately 6 months apart.

Action 4.2.2: Pass 2 out of the last 3 consecutive studies to maintain accreditation for that analyte/method.

Action 4.2.3: Secure funding that will pay for the fees so that accreditation can be maintained.

Action 4.2.4: Review Environmental Services Laboratory analytical and administrative SOPs and Laboratory Operations and Quality Assurance Manual (LOQAM) annually and update as necessary.

Status: ESB continues to participate in the required number of proficiency tests needed to maintain accreditation under USEPA and NELAP programs. In calendar year 2012, ESB participated in 2 Water Pollution (WP), 3 Water Studies (WS), and 2 full LPTP Soil studies. Total number of analytes submitted were 1454 and ESB received a passing grade of 94.2%. DEPS has secured funding so that accreditation could be maintained and is current with the review of all analytical and administrative SOPs. The LOQAM was recently revised (Dec 2012) and submitted to EPA Region 4 with the KYESB's 2012

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Drinking Water Audit responses. NELAP is scheduled to do their on-site assessment mid-March 2013.

Tactic 4.3: Upgrade the analytical instrument base of the Environmental Services laboratory.

Measure: The analytical capacity and dollar value of new and replacement instrumentation.

Baseline: The Environmental Services lab maintains a major analytical instrument inventory with a baseline dollar value in excess of \$2 million.

Action 4.3.1: Secure additional funding that will allow replacement of old or outdated equipment and instruments.

Action 4.3.2: Secure additional funding that will allow purchase of equipment that utilizes new technologies to meet the department's changing program needs.

Status: In calendar year 2012 ESB has only been able to fund the purchase of a select number of small items. A PCR or post column reactor for the HPLC instrument (to replace a failing one) was the most expensive item purchased and it cost around \$14,000. The total amount spent so far is around \$30,000. Some grant money has been secured through DOW for the purchase of an instrument to analyze fish for methyl mercury. This instrument is estimated to cost \$40,000. The ESB laboratory and DEP would benefit greatly if monies were available to purchase a new ASE350 (Accelerated Solvent Extraction) system @ \$67,800 and SPE-DEX 3000XL PLUS @ \$34,000 for the Technical Services Section.

Objective 5 – Provide adequate training to DEP employees.

Tactic 5.1: The goal of the Department for Environmental Protection (DEP) is to provide the best, cost-effective services to the citizens of the Commonwealth. This goal is to be achieved by maintaining a qualified and healthy workforce.

Measure: The number of formalized training events sponsored by DEP.

Baseline: The baseline will be the number of training events sponsored by DEP in SFY12.

Action 5.1.1: Coordinate the scheduling with USEPA of the Basic Inspector Training Course to ensure that the content is appropriate and current.

Action 5.1.2: Offer the DEP New Employee Orientation program on a monthly basis to all new DEP employees and maintain the manual (and Power Point presentation) to ensure that the content is appropriate and current.

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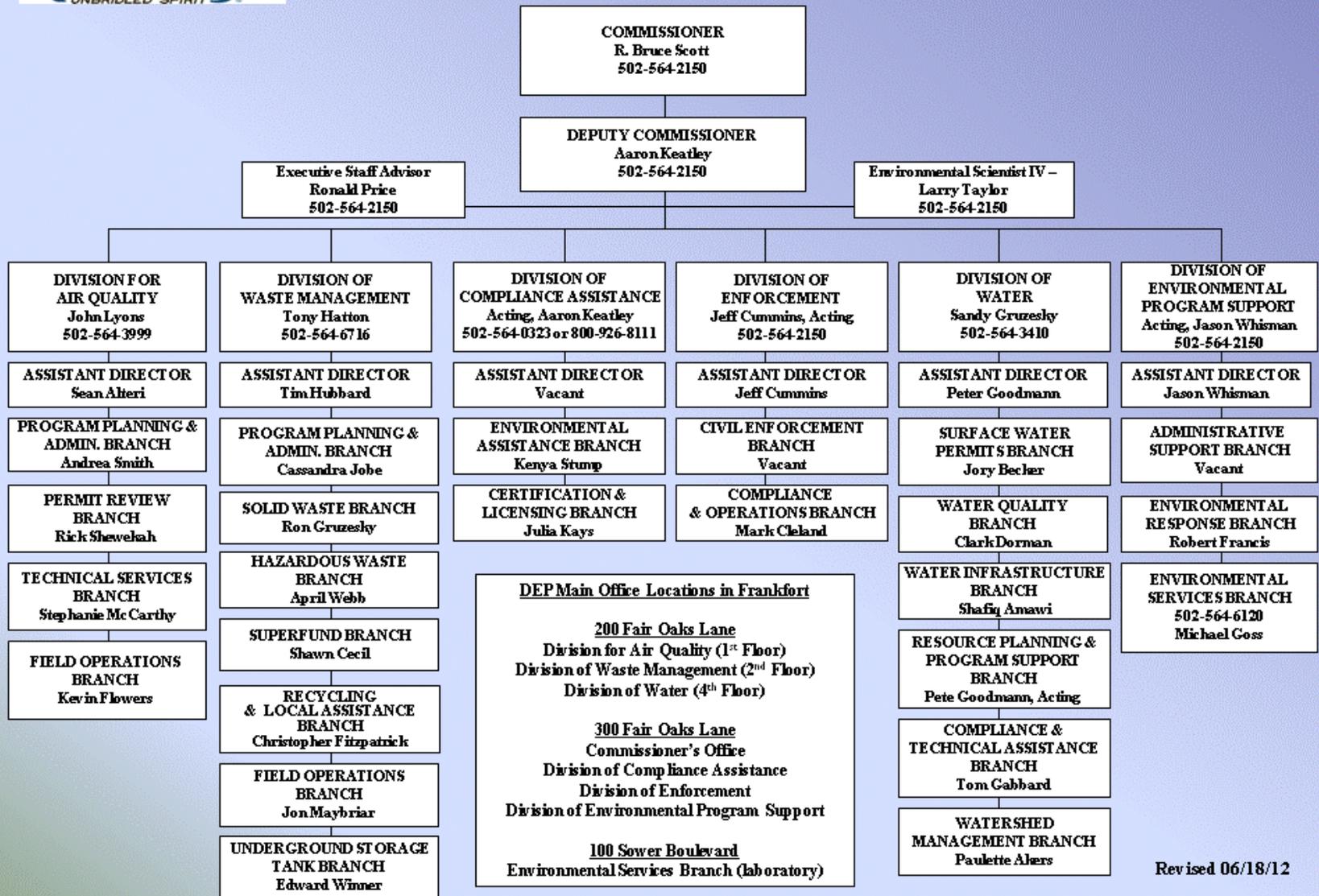
- Action 5.1.3:** Assist the DEP Commissioner's Office with scheduling and oversight of all Safety Training for DEP employees.
- Action 5.1.4:** Coordinate scheduling of Cabinet (GAPS) mandatory Supervisor's Training program (includes training on employee relations, enforcement of state/cabinet/department-level policies, etc.)
- Action 5.1.5:** Assist the Divisions in identification of specialized training needs and provide approval and support for the training.
- Action 5.1.6:** Partner with agencies and organizations outside DEP to provide environmental awareness training (including but not limited to Earth Day, Governor's Conference on the Environment, and Kentucky Recycling Interest Group).

Status: The DEP New Employee Orientation Program is conducted on a monthly basis for all new hires and employees transferring in from other agencies. The DEP Personnel Administrator continues to participate in monthly wellness coalition meetings and provides information to DEP staff on the Commonwealth's Journey to Wellness Program. The Humana Vitality Program started in of 2012. This program is designed to help motivate employees to make healthy life style choices.

APPENDICES



**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**



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