

Kentucky Department for Environmental Protection



Strategic Operational Plan for State Fiscal Year 2012

Kentucky Energy and Environment Cabinet

July 2011



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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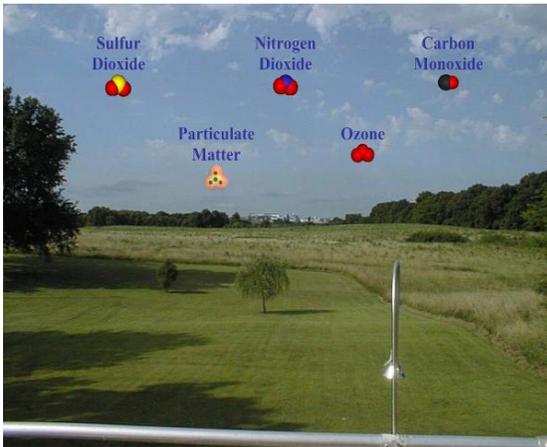
Goal 1



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, 2012.
- 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.

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.

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Action 2.1.3: Complete development of redesignation requests for the two remaining areas of nonattainment (Louisville and Ashland) in conjunction with surrounding states which share these areas with Kentucky. A redesignation request has been submitted for the Kentucky portion of the Cincinnati-Hamilton PM_{2.5} nonattainment area.

Action 2.1.4: Work with U.S. EPA and surrounding states to develop the above mentioned redesignation requests.

Tactic 2.2: Develop recommendations and implement federal and state control strategies for areas of Kentucky that do not meet the 2011 8-hour ozone standard.

Measure: The number of counties attaining the 2011 8-hour ozone standard.

Baseline: The number of counties recommended as nonattainment for the 2011 ozone standard, based upon the ambient monitoring data for the 3-year averaged period of 2009-2011.

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.

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 new standard as contained in the 2011 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 2011 8-hour ozone standard.

Tactic 2.3: Implement federal and state control strategies for areas of Kentucky that do not meet the 2010 SO₂ standard.

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.

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Tactic 2.4: Implement federal and state control strategies for 2010 NO₂ standard.

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.

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 FY2011-2012 through the Diesel Emissions Reduction Act.

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: 2007-2011 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, 2012.

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, 2012.

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 2006-2009 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.

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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 ± 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 ± 4% difference.

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 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 violations documented.
Number of routine (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 complaints received.
Number of complaint investigations conducted.
Number of NESHAP notifications received.
Number of asbestos NESHAP notification investigations.
Compliance rate of stationary source inspections.
Compliance rate with 401 KAR 63:005 (open burning), 63:010 (fugitive emissions) and 401 KAR 53:010 (odor).
Compliance rate of NESHAP and AHERA-related inspections and investigations.

Baseline: SFY2006-SFY2011 trends data.

Action 4.1.1: Complete full compliance evaluations at all (100%) TV 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: Resolve 100% all violations within 90 days or refer to the Division of Enforcement.

Action 4.1.5: Complete review of 100% of annual compliance certifications for TV major and conditional major (FESOP) sources annually.

Action 4.1.6: Complete inspection of 50% of NESHAP-regulated asbestos activities within the current fiscal year for which the division has received a required notification.

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Action 4.1.7: Complete inspection of 20% of selected AHERA local education agencies (i.e. school districts) for the current fiscal year.

Action 4.1.8: Complete complaint assessments and/or investigations for 100% of complaints received in the fiscal year.

Objective 5 – Track air quality related litigation.

Tactic 5.1: Provide support to the Office of General Counsel (OGC) regarding the Greenhouse Gas (GHG) Tailoring Rule litigation (*United States Court of Appeals Case #10-1211*).

Measures: Outcome of the litigation.

Baseline: Filing of the Amicus Brief on June 27, 2011 in support of Coalition for Responsible Regulation, Inc. et al., v. United States Environmental Protection Agency and Lisa P. Jackson, Administrator; File No. 10-1073 in the United States Court of Appeals for the District of Columbia Circuit.

Action 5.1.1: Provide informational resources to the OGC that detail agency concerns relating to permitting.

Action 5.1.2: Review drafts of any other filings relating to the amicus brief.

Tactic 5.2: Direct and participate in any legal challenges 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 5.2.1: Provide informational and technical resources in preparation of litigation.

Action 5.2.2: Serve as the technical expert witness at Administrative Hearings.

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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 2012.
Number of permits that contain TMDL measures in FY 2012.

Baselines: Number of impaired waters bypassed for TMDL development in FY 2011.
Number of permits that contain TMDL measures in FY 2011.

Action 1.1.1: Implement protocols for the translation of TMDLs in permits by January 2012.

Action 1.1.2: Develop 70 approved TMDLs by June 2012.

Action 1.1.3: Explore alternatives to TMDL development through categories 4B and 5R by December 2011.

Action 1.1.4: Pilot a watershed through one of the alternative approaches as determined in Action 1.1.3 by April 2012.

Tactic 1.2: Implement a Nutrient Reduction Strategy.

Measure: Percentage of data collected and analyzed for the development of nutrient criteria in FY 2010-11.

Baseline: The FY 2009 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 2012.

Action 1.2.3: Develop a public outreach approach and conduct public outreach regarding nutrients and water quality issues by June 2012.

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 2012.

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 June 2012.

Objective 2 – Conduct effective water resources planning

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

Measures: Completion of the 2011 Nonpoint Source (NPS) Management Plan.
Completion of the 2011 Watershed Framework.

Baselines: 2000 NPS Management Plan.

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1997 Watershed Framework.

- Action 2.1.1:** Submit draft of updated 2011 NPS Management Plan to EPA by December 2011.
- Action 2.1.2:** Complete draft of updated Watershed Framework by June 2012.
- Action 2.1.3:** Work with Kentucky Center of Excellence for Watershed Management to establish the Kentucky Watershed Leadership Academy and offer a pilot course by June 2012.
- Action 2.1.4:** Develop SOPs for assembling GIS watershed profiles for HUC 12 watersheds in Kentucky by October 2011.

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.
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 2010.

- 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 2012.
- 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 2012.

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.
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.
Expenditure of State-Owned Dam Repair (SODR) funds.
- Baseline:** The corresponding numbers from 2010.

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- 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 2012.
- 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 2012.
- 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:** Implement SODR program strategies and projects.

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

- Action 2.4.1:** Prioritize watersheds for evaluation of risk factors by March 2012.
- Action 2.4.2:** Expand and further develop the Risk MAP stakeholders group by April 2012.
- Action 2.4.3:** Present training for DOW staff on Risk MAP and tools that can be used across programs by May 2012.
- Action 2.4.4:** Develop risk Communication toolbox for local officials by June 2012.
- Action 2.4.5:** Develop a Flood Information Portal for web distribution of Risk MAP data by June 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 2011 and 2012 Federal Commitments.

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The number of scheduled sanitary surveys completed within the month assigned.

The number of Special Appropriations (SPAP) inspections completed in 2011.

The number of ARRA projects inspected in 2011.

- 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 2012.
 - Action 3.1.2:** Develop Performance Partnership Grant (PPG) with EPA by October 2011 and implement PPG by November 2011.
 - Action 3.1.3:** Develop the 2012 106 work plan commitments by September 2011.
 - Action 3.1.4:** Submit the final 2012 106 work plan inspection commitments by July 15, 2011.
 - 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:** Conduct field inspections of projects that received financial assistance.
 - Action 3.1.9:** Submit all federal grant applications, work plans and reports by date due.
 - Action 3.1.10:** Complete drinking water primacy crosswalk revision for all regulations not included in primacy packages submitted after October 2009.
 - Action 3.1.11:** Conduct field inspections of projects that received financial assistance from the state revolving fund.
- Tactic 3.2:** Meet state requirements and maintain progress toward achieving and maintaining zero permit backlogs.

- Measures:**
- The total number of permits pending July 2012.
 - The total number of permits pending that exceed regulatory timeframes by July 2012.
 - The total number of “major” facilities with permit applications that exceed regulatory timeframes by July 2012.
 - The number of general permits that have expired and not been issued or that have not been addressed by July 2012.
 - The number of general permit Notices of Intent (NOIs) for which coverage has not been issued or that have not been addressed by July 2012.
 - The percentage of permit reviews completed within regulatory timeframes during SFY 2012.

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The percentage of permit reviews that exceed regulatory timeframes during SFY 2012.

Employee productivity rates for permitting, data entry and scanning during SFY 2012.

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.

Number of coal Individual Permit (IP) and General Permit (GP) coverages issued without objection.

Baseline: The corresponding percentages from 2011.

The SFY 2011 DOW permit backlog.

SFY 2011 backlog percentages.

SFY 2011 employee productivity rates.

Number of coal IP and GP coverages issued without objection on July 1, 2010.

Action 3.2.1: Meet regulatory timeframes on permit issuances and plan reviews.

Action 3.2.2: Resolve oil and gas program.

Action 3.2.4: Issue remaining expired general permits by December 2012.

Action 3.2.5: Provide outreach to the regulated community regarding implementation of general permits by March 2012.

Action 3.2.6: Issue permits for all “major” facilities that exceed the RTF by June 2012.

Action 3.2.7: Issue permits for all facilities that exceed the RTF by >1.5 years by September 2011.

Action 3.2.8: 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.

Tactic 3.3 Develop a wastewater lab certification program.

Measure: Regulation and program developed.

Baseline: None for FFY 2011.

Action 3.3.1: File interim regulation by October 2011.

Action 3.3.2: Complete wastewater lab certification manual by October 2011.

Objective 4: Promote better management and communication of data.

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

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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 July 1, 2011.

Action 4.1.1: Implement K-WADE v1.0 by August 2011

Action 4.1.2: Perform GAP analysis with data partners by January 2012

Action 4.1.3: Submit data to EPA using exchange network by March 2012

Action 4.1.4: Implement K-WADE v2.0 with data partner access by June 2012

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

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

Baseline: Level of completion on September 1, 2011.

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 2011.

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

Measure: Number of staff receiving GIS training in 2011.
Number of Division approved SOPs for 2011.
Number of data analysis projects completed in 2011.

Baseline: Number of Division approved SOPs for 2010.

Action 4.3.1: Develop audit procedures for DOW programs with approved SOPs by January 2012.

Action 4.3.2: Conduct training for staff regarding SOP development and the review process by April 2012.

Action 4.3.3: Develop a Cabinet-wide GIS workgroup and strategy for sharing information among members by December 2011.

Action 4.3.4: Develop methods for making individually created layers available for use to other users through the portal by February 2012.

Action 4.3.5: Begin systematically analyzing data from current DOW databases by October 2011.

Action 4.3.6: Develop self-learning GIS modules for staff by June 2011.

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

Measure: Implementation of eMOR.

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Baseline: Implementation of web-based data entry process.
Level of completion on September 1, 2011.

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

Action 4.4.2: Develop electronic monthly operation reports (eMOR) by January 2012.

Action 4.4.3: Implement eMOR by March 2012.

Action 4.4.4: Convert Oracle forms data entry screens to a .net web-based data entry process by January 2012.

Action 4.4.5: Participate on SDWIS Next Gen workgroups by January 2012.

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

Measure: 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, 2011

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

Action 4.5.2: Coal DMRs submitted via netDMR by June 2012.

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

Measure: Improved accuracy demonstrated by TEMPO audit report in FY12

Baseline: TEMPO audit reports generated during FY11.

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 staff to ensure they are effectively using all features of TEMPO.

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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.

Department for Environmental Protection

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.

Department for Environmental Protection

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 SFY2004 DWM permit backlog.

Action 1.1.1: Obtain a zero backlog on all remaining applications beyond regulatory time frames by June 30, 2012.

Action 1.1.2: Maintain and enhance TEMPO reporting to accurately track and report on measures.

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.

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, remaining.
Number of hazardous waste program corrective actions completed, remaining.
Number of historic landfills characterized, number remediated, remaining.
Number of illegal dumps remediated under the Kentucky PRIDE Program, remaining.
Number of State Superfund sites characterized, number remediated.
Number of State-Lead sites remediated utilizing the Hazardous Waste Management Fund.
Number of methamphetamine lab properties received and number released.

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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: SFY2004 inventory of existing sites.

- Action 2.1.1:** Maintain and enhance TEMPO reporting to accurately track and report on measures.
 - 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: changes to the Voluntary Environmental Remediation Program; 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 environment (examples: revisions of UST regulations which modify September 2006 revisions and incorporate Energy Policy Act requirements should be finalized by the end of the 1st quarter of SFY12, drafting regulatory amendments to solid waste regulations for external review by early SFY12 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-SFY12).
 - Action 2.1.6:** Finalize amendments to 401 KAR Chapter 42 which incorporate requirements for the investigation of indoor petroleum vapor issues. Maintain development of an overall program to coordinate actions and address these issues. Send staff to vapor intrusion classroom trainings.
 - Action 2.1.7:** Finalize amendments to 401 KAR Chapter 42 which incorporate requirements for Operator Certification in conjunction with the federal Energy Policy Act. These requirements 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:** Enter into contractual agreements to fully utilize funding made available through the American Reinvestment and Revitalization Act to complete cleanups at contaminated UST facilities.
 - Action 2.1.9:** Review Standard Operating Procedures and guidance documents annually and update as necessary.
- Tactic 2.2:** Encourage reduced waste generation and disposal by promoting beneficial reuse, recycling, waste minimization, and pollution prevention.

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- 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:** SFY2004 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.
- 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).

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:** SFY2004 tonnages disposed; litter collected; compliance rates.

- Action 2.3.1:** Maintain and enhance TEMPO reporting to accurately track and report on measures.
- 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; review 401 KAR Chapter 40 and draft regulatory amendments as necessary,

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- 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.

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

Department for Environmental Protection

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.

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.

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. On May 23, 2011 the Division has 1032 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). On May 23, 2011 the Division has 241 enforcement cases open for monitoring and 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. On May 23, 2011 the Division has 13 unassigned enforcement cases. Data developed prior to January 2008 is incomplete.

Measure: The total amount of civil penalties collected and supplemental environmental projects imposed from enforcement cases during the fiscal year.
Baseline: From FY2000 through FY2009, the Division collected and average of \$1,973,903.70 in civil penalties per fiscal year.

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.

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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.

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 were executed per month and an average of 132 Agreed Orders were executed per year.

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.

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.

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.

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.

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.

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.

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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.

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.

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 FY2005 through FY2008, 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.

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.

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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.

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

Tactic 2.1: Provide 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 multi-media compliance assistance services with a special emphasis on small businesses and communities to enhance environmental performance.

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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: Market the availability of compliance assistance and the benefits of the program.

Action 2.1.4: Proactively offer assistance to entities that have routine or significant compliance problems.

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

Measure: Changes in environmental knowledge and behavior resulting from programming

Baseline: To be established in FY2012

Client Response Activities - ____% indicated a change in knowledge
____% indicated a likely behavior change

Action 2.2.1: Produce and facilitate training that includes accurate and timely technical and regulatory information.

Action 2.2.2: Develop and compile reference materials that provide clarity about environmental requirements and offer technical solutions to common challenges.

Action 2.2.3: Establish interactive tools that empower the regulated community to determine the environmental obligations that apply to their location and make it easier for them to comply.

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: Changes in knowledge and behavior resulting from environmental stewardship activities.

Baseline: To be established in FY2012

Client Response Activities - ____% indicated a change in knowledge
____% indicated a likely behavior change

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

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

Action 3.1.3: Develop and compile “green” tools 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.

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, observed were as follows:

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

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 green art contest for high school students.

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

Measure: An inventory of the voluntary projects undertaken by the Division to promote environmental stewardship annually

Baseline: In FY2010, the Division initiated the following Lead by Example Projects:

- The Division’s certification program initiated a “zero waste” initiative at their training events.
- The Division facilitated the installation of programmable thermostats in the 300 Fair Oaks facility to reduce building energy use.
- The Division initiated a composting program within the facility to reduce organized waste previously destined for a landfill.

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

Action 3.2.2: Reduce the division’s electrical usage.

Action 3.2.3: Increase recycling opportunities within the office.

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 Capitol Correspondence (CC6) services.

Action 1.1.8: Coordinate scheduling and oversee all Safety Training for DEP employees.

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.

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 1, 2012 including results of the Strategic Plan measures and actions for the previous state fiscal year.

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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.

Objective 2 – Provide technical, personnel and administrative support for DEP IT-Based Systems (TEMPO/SWr3/KWIMP).

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.

Tactic 2.2: Provide TEMPO/ SWr2/KWIMP Database Support.

Measure: Successful completion of tasks on IT Project List.

Baseline: July 2011 IT Updated Project List.

Action 2.2.1: Completion of requested reporting modules.

Action 2.2.2: Support ALAWADR for COMPASS replacement.

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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 (SWr2).

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

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.

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.

Action 3.1.2: Obtain satellite communications to enhance the Department’s communication capabilities.

Action 3.1.3: Develop and implement the Department Emergency Operation Plans.

Action 3.1.4: Develop and maintain an ERT Personal Protective Equipment (PPE) Program.

Action 3.1.5: Develop and maintain a Department Continuity of Operations Plan (COOP).

Action 3.1.6: Develop and maintain an Environmental Response Branch Response Coordinator Handbook.

Action 3.1.7: Develop and maintain an Environmental Response Center Guidelines.

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- Action 3.1.8:** Develop and maintain a State On-Scene Coordinator (SOSC) Handbook
- Action 3.1.9:** Develop and maintain a Drinking Water Emergency Response Plan.
- Action 3.1.10:** Develop and execute a Department Emergency Exercise.
- Action 3.1.11:** 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 3.1.12:** Coordinate DEP budgetary activities including submission of annual operating budgets, the biennial budget, proposed Capital Construction projects, and the quarterly contract workers report as required by HB 387 of the 2010 Regular Session.
- Action 3.1.13:** Review and develop Memoranda of Agreement (MOAs) and Personal Service Contracts (PSCs).
- Action 3.1.14:** Coordinate personnel activities including the DEP scholarship program and EEO/ADA activities.
- Action 3.1.15:** Provide technical advice concerning appropriate laboratory analytical methods and techniques.

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 2010, there were 6076 samples analyzed by the Environmental Services laboratory.

Action 4.1.1: Provide testing services for samples in accordance with the allocated SFY12 budget.

Action 4.1.2: Maintain an average turn-around-time of less than 28 days for samples submitted beyond July 1st, 2011. In 2010, the average turn-around-time for all samples was 24.3 days.

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

Baseline: In calendar year 2010, there were 32,555 individual tests performed by the Environmental Services laboratory.

Action 4.1.3: Provide individual testing services in accordance with the allocated SFY12 budget.

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

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Baseline: In 2010, there were 296,285 individual chemical parameters reported by the Environmental Services laboratory.

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

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.

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.

Objective 5 – Provide adequate training to DEP employees.

Tactic 5.1: Provide training opportunities to DEP employees to increase the employee performance effectiveness.

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

Department for Environmental Protection

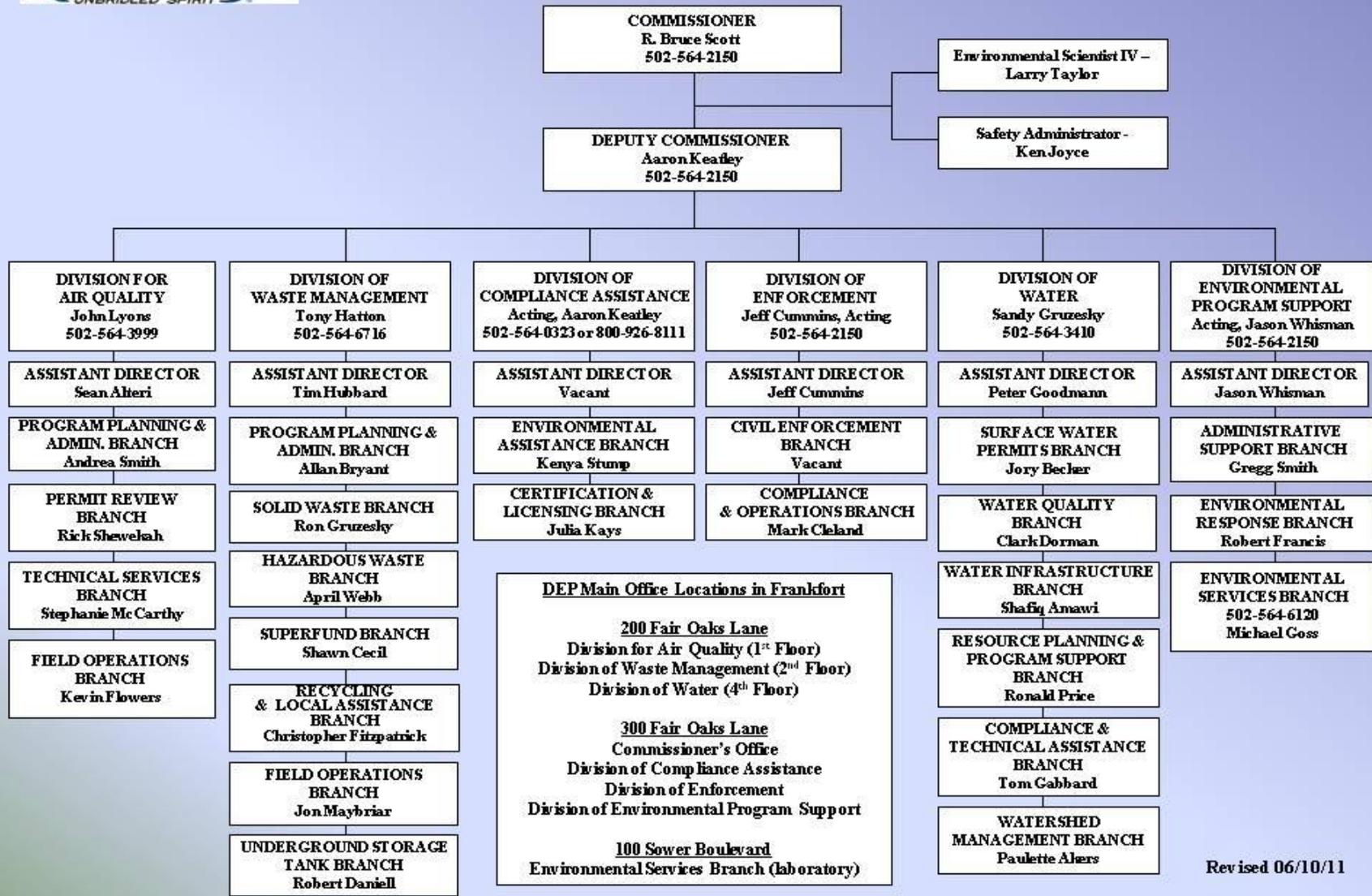
Baseline: The baseline will be the number of training events sponsored by DEP in SFY11.

- 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.
- 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).

APPENDICES



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



Revised 06/10/11

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