

Kentucky Department for Environmental Protection



Strategic Operational Plan for State Fiscal Year 2014

Kentucky Energy and Environment Cabinet

July 2013

January 17, 2014 Status Updates



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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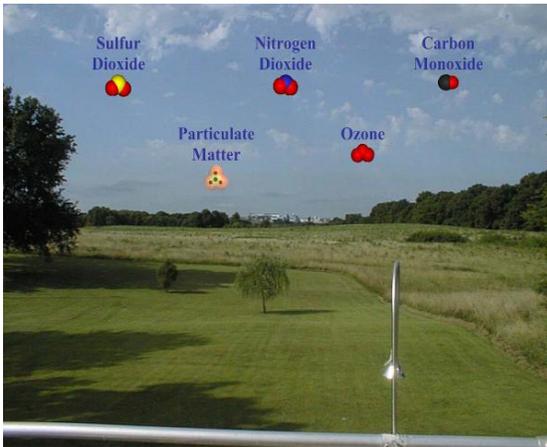
Goal 1



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 – Ensure programs adhere to federal and state statutory and regulatory requirements.

Tactic 1.1: Attain and maintain the National Ambient Air Quality Standards.

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

Baseline: The number of counties originally designated nonattainment for the 2006 PM_{2.5} standard based upon the ambient monitoring data.

Measure: The number of counties currently attaining the 2008 ozone standard.

Baseline: The number of counties originally designated nonattainment for the 2008 ozone standard based upon the ambient monitoring.

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

Baseline: The number of counties originally designated nonattainment for the 2010 SO₂ standard based upon the ambient monitoring data.

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

Baseline: The number of counties originally designated nonattainment for the 2010 NO₂ standard based upon the ambient monitoring data.

Measure: The number of counties currently in attainment of the 2008 lead standard.

Baseline: The number of counties originally designated as nonattainment for the 2008 lead standard based on ambient monitoring data.

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 1.1.1: Implement federal and state control strategies for areas of Kentucky that do not meet the 2008 8-hour ozone standard (0.075ppm).

Action 1.1.2: Implement federal and state control strategies for areas of Kentucky that do not meet the 1-hour 2010 SO₂ standard (75ppb).

Action 1.1.3: Implement federal and state control strategies for 1-hour 2010 NO₂ standard (100ppb).

Action 1.1.4: Implement the federal programs and requirements contained in the December 2007 Regional Haze SIP.

Action 1.1.5: Develop and finalize re-designation requests.

Action 1.1.6: Monitor the infrastructure SIP for the Pb, O₃, PM, NO₂ and SO₂ standard.

Action 1.1.7: Participate in regional modeling initiatives for ozone and visibility control strategies.

Action 1.1.8: Conduct education and outreach to those communities expected to be impacted by nonattainment designations.

Action 1.1.9: Administer SIP- approved programs implemented as part of historic control strategies.

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Action 1.1.10: Develop required control strategy SIP as specified by the CAA and EPA guidance.

Status: On June 6, 2013, U.S. EPA published the proposed Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements. The Division has been reviewing this proposed rule to determine what upcoming federal programs or regulations may address nonattainment areas as well as programs or regulations that may be implemented by Kentucky.

On October 28, 2013, U.S. EPA published the draft *Guidance for 1-Hour SO₂ Nonattainment Area SIP Submissions* document. The Division has been reviewing this guidance document to determine what upcoming federal programs or regulations may address nonattainment areas as well as programs or regulations that may be implemented by Kentucky to address current nonattainment areas. Additional upgrades/operating changes by both in-state, as well as out-of-state power plants, will provide significant reductions in emissions which should mitigate the violations in the nonattainment areas.

All areas in Kentucky meet the 2010 NO₂ standard.

In accordance with regional haze SIP and consultation requirements, the Division in June 2013 provided a Pre-Hearing Draft Kentucky Regional Haze 5-Year Periodic Report to the Federal Land Managers and also EPA for review and comment.

No re-designation request or actions on the infrastructure SIP occurred in the past six months.

Tactic 1.2: Review and revise state air quality regulations and policies.

Measure: The number of regulatory packages developed, promulgated, and finalized in FY14.

Baseline: The number of FY13 packages developed, promulgated and finalized.

Action 1.2.1: Revise state regulations 401 KAR 51:010, 401 KAR 53:010, 401 KAR 63:002, 401 KAR 63:060, and 401 KAR 52:050.

Action 1.2.2: Develop regulation packages that are inclusive of stakeholder concerns.

Status: The Division reviewed amendments to 401 KAR 51:010, 401 KAR 53:005, and 401 KAR 53:010. It is anticipated that amendments will be filed with LRC by February 15, 2014. The Division reviewed amendments to 401 KAR 63:002 which would incorporate 401 KAR 63:060. It is anticipated that amendments will be filed with the LRC

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by March 15, 2014. The Division reviewed amendments to 401 KAR 52:050 and 401 KAR 52:070 and anticipates filing with LRC by April 15, 2014.

Tactic 1.3: Assess source emissions annually through the Emission Inventory System.

Measure: The number of sources assessed, estimated calendar year emissions, and the amount of emission fees collected during CY 2012.

Baseline: The number of sources assessed, estimated calendar year emissions, and the amount of emission fees collected during CY 2011

Action 1.3.1: Determine the sources eligible for the emission survey by the first quarter of the calendar year.

Action 1.3.2: Assess source emissions by third quarter of the calendar year.

Action 1.3.3: Assess emission fees by the fourth quarter of the calendar year.

Action 1.3.4: Develop projection of emission fee based on source emission assessments and needs of the division.

Status: With the completion of the FY14 emission survey process, all source emissions have been assessed. The total billable emissions for CY2012 are 179,409 tons. An air emissions fee has been assessed to 690 facilities with a cost per ton of \$57.02 due January 31, 2014.

Tactic 1.4: Ensure air quality programs are fiscally and administratively viable.

Measure: The Division staffing levels as compared to cap, budgeted amounts, number of grant programs administered and completed, number of training programs delivered for division staff during FY14.

Baseline: Corresponding measures for FY13.

Action 1.4.1: Prepare the division budget for the fiscal year.

Action 1.4.2: Communicate and coordinate with DEP budget staff on the needs of the Division.

Action 1.4.3: Track expenditures and receipts to ensure programs are within designated budgetary amounts.

Action 1.4.4: Implement Cabinet and DEP operational, personnel and human resource policies and programs.

Action 1.4.5: Monitor staffing levels and ensure timely processing of personnel actions

Action 1.4.6: Educate and provide outreach to division staff on Cabinet and DEP policies.

Action 1.4.7: Track grants programs and ensure grant programs are meeting expectations.

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Status: The FY14 budget was prepared and approved by OSBD. Communication continues with the department level budget staff. Tracking expenditures and monitoring personnel programs and staffing levels are on-going. All Cabinet and DEP policies are addressed with staff. Current grant programs are meeting expectations.

Tactic 1.5: Ensure programs are legally sound.

Measure: Number and outcome of air quality litigation cases in FY14.

Baseline: Litigation cases in FY13

Action 1.5.1: Track and advise management of litigation at the federal and state level.

Action 1.5.2: Represent and advise the Division on legal matters.

Action 1.5.3: Coordinate with permit review staff on the legality of permit language.

Action 1.5.4: Provide informational and technical resources in preparation of litigation.

Action 1.5.5: Prepare technical expert witnesses to testify in legal proceedings.

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 provides technical expert witnesses for any Administrative Hearing, as necessary. During this time period, Division staff have worked in cooperation with the cabinet's legal division on air quality legal issues relating to ozone transport, SO₂ non-attainment designations, as well as the proposed and upcoming regulations regarding greenhouse gases and fossil-fueled electric generating units. Recently, The Division joined the 1-hr SO₂ lawsuit filed in California.

Objective 2 – Ensure permits are protective of Kentucky's air quality.

Tactic 2.1: Issue appropriate, lawful permits in a timely manner.

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 total number of other permit actions (i.e. registrations; off-permit changes; etc.) processed; the number of new permit staff; number of trainings programs provided for permit review staff.

Baseline: Average of the five previous state fiscal years.

Action 2.1.1: Issue permitting actions that are inclusive of all federal and state requirements

Action 2.1.2: Issue permitting actions within the designated regulatory timeframes.

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Action 2.1.3: Utilize TEMPO to accurately track and report on permitting actions.

Action 2.1.4: Evaluate and implement streamlining opportunities to address procedural and institutional inefficiencies.

Action 2.1.5: Recruit qualified permitting staff.

Action 2.1.6: Provide training to increase knowledge and enhance retention of qualified staff.

Status: During this interim, the Division received 120 permit applications and issued 150 permits. As of December 31, 2013, the total number of pending permits is 126. Of those, approximately 22% exceed the regulatory time frame. In addition, and for the same interim, the Division has received 190 registrations and “off-permit change” requests and issued 176 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.

During the interim, three employees were hired. Orientation is provided for new staff. The division provided three internal training courses for staff.

Tactic 2.2: Conduct air quality modeling to assess source impacts on air quality.

Measures: The total number of air toxic assessments and Prevention of Significant Deterioration (PSD) modeling assessments in FY14.

Baseline: Modeling assessments in FY13

Action 2.2.1: Assess air toxic impacts as it pertains to permit requirements

Action 2.2.2: Assess emissions as it relates to prevention of significant deterioration.

Status: During the interim, 23 air toxics reviews and 2 Prevention of Significant Deterioration (PSD) modeling assessments were performed.

Tactic 2.3: Provide technical assistance to regulated entities.

Measures: The total number of technical assistance activities in FY14.

Baseline: Baseline will be established in FY14.

Action 2.3.1: Assist Cabinet for Economic Development with projects that impact air quality.

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Status: From July through December, the Division assisted with four economic development projects coordinated through the Cabinet for Economic Development. In addition, the Divisions permit staff worked with two companies independently relating to expansions that will have significant economic development impacts.

Objective 3 – Monitor Kentucky’s Air Quality.

Tactic 3.1: Operate a statewide ambient air monitoring network.

Measures: The number of air monitors in the 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; number of 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; and concentrations of pollutants for which health-based risk standards have been determined.

Baseline: 2009-2013 Kentucky Electronic Data Acquisition Systems data and 2007-2012 Kentucky Air Quality System (AQS) data.

Action 3.1.1: Develop the ambient air monitoring network plan by July 1, 2014.

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, 2014.

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 U.S. EPA 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, 2014.

Status: By December 12, 2013, 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

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currently reviewing the deficiencies found during these siting evaluations and is taking corrective actions.

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

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).

To date, air monitoring data for all continuously monitored pollutants through September (3Q13) has been entered into AQS. The TSB is currently reviewing 4th quarter data. Annual mean concentration reports will be compiled when all of the 2013 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: Ensure data accuracy & integrity of the ambient air monitoring network.

Measures: The 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; and 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 ± 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.

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 this fiscal year. Currently, five SOPs are under revision; they should be submitted to EPA for approval in spring 2014. One new SOP is under development.

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 2013 data after all data have been quality assured and entered into AQS. Afterwards, the annual certification of the pollutant data will occur.

Tactic 3.3: Administer the source sampling program.

Measures: The number of source sampling events observed; number of test protocol reviews completed; and number of test report technical reviews completed in CY14.

Baseline: Corresponding measures for CY 2013.

Action 3.3.1: Review source sampling protocols for adherence to standard test methods.

Action 3.3.2: Observe source sampling events to assure compliance with test protocols and permit requirements.

Action 3.3.3: Review source sampling test reports for adherence to standard test methods.

Action 3.3.4: Track source sampling activities in TEMPO.

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Action 3.3.5: Provide technical assistance to staff on source sampling methods and activities.

Status: The following table gives the year-to-date totals for source sampling activities for CY13, which serves as the baseline for CY14. These numbers represent January – November 2013 activity totals.

Activity Type Label	YTD Total
Protocols Received & New Graybars Created	248
Test Reports Received	209
Protocols Reviewed	215
Completed Technical Reviews	254
Final Decision Approval	195
Update AFS File	539
Review by Branch Manager	276
Field Observations by Staff	141

Tactic 3.4: Assess statewide source emission impacts in Kentucky and across state boundaries.

Measures: The number of analyses conducted in CY14.

Baseline: Baseline will be established in CY14.

Action 3.4.1: Conduct analysis and research of statewide source emissions, impacts, and trends in Kentucky.

Action 3.4.2: Conduct analysis and research of Kentucky emissions and impacts on interstate air pollution.

Action 3.4.3: Provide technical assistance to staff on source emissions, impacts, and trends.

Status: During this time period, DAQ staff researched and analyzed particulate matter impacts across geophysical regions of Kentucky. In addition, on December 9, 2013, the Department received notice of an EPA petition under Section 176A of the Clean Air Act to expand the Ozone Transport Region into Kentucky. As a result, the Division continues to compile information and research regarding Kentucky's emissions relating to air pollution transport. The Division remains involved in the Kentucky Prescribed Fire Council in order to track issues relating to smoke management in Kentucky as it relates to emission impacts.

Objective 4 – Assure compliance and enforce air quality standards.

Tactic 4.1: Inspect sources of air pollution.

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Measures: The number of major (Title V) stationary source inspections conducted; number of conditional major (FESOP) inspections conducted; number of High Priority Violations; and compliance rate of stationary source inspections.

Baseline: FY 2007-2013 trends data.

Action 4.1.1: Complete full compliance evaluations (FCE) 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: Complete review of 100% of annual compliance certifications for Title V major and conditional major (FESOP) sources annually.

Action 4.1.4: Review 100% of Field Operations Branch SOPs on an annual basis.

Status: As part of DAQ's inspection commitment to U.S. EPA, Full Compliance Evaluations (FCEs) are to be completed at least once every two years at major Title V (TV) permitted air contaminant sources. EPA also requires that DAQ complete an FCE once every five (5) years at facilities with conditional major or federally enforceable state origin permits (FESOP).

There are currently 239 active Title V major sources on file with DAQ. This includes those sources that emit or have the potential to emit (PTE) ≥ 100 tons of a criteria pollutant and/or emit at levels ≥ 10 tons/year or 25 tons/year for a single Hazardous Air Pollutant (HAP) or combined HAPs, respectively. During this interim period, a total of 575 inspections (all types excluding investigations) have been completed for these TV air contaminant sources, with 103 of the inspections being FCEs. This compares to 120 FCEs completed in the 1st part of FY13. The current number of FCE's at major sources is about 86% of FY13 interim period.

As of December 18, 2013, a total of four (4) Title V sources are overdue for their biennial FCE inspection for the 2011-2012 time periods. That constitutes a 98% biennial FCE inspection coverage rate for TV sources.

There are currently 250 active conditional major/FESOP sources on file with DAQ. Based on EPA's 5 year FCE completion cycle, there are no overdue FCEs for these types of sources.

During this FY14 interim period, a total of 283 inspections (all types excluding investigations) have been completed for the conditional major/FESOP air contaminant sources, with 68 of the inspections being FCEs. This compares to 90 FCEs completed in the 1st part of FY13. The current number of completed FCE's at FESOP sources is about 75% of FY13 interim period.

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There are currently 2867 minor air contaminant sources on file with DAQ. There are no EPA inspection commitments regarding these facilities and FOB staff inspect them as time allows. During this period, FOB completed a total of 547 inspections (all types excluding investigations) at such sources, of which 228 were FCE's. This compares to 603 inspections completed during the first part of FY13. Current total minor source inspections are about 91% of the same interim in FY13.

Tactic 4.2: Conduct enforcement actions regarding air quality regulations.

Measures: Number of days taken to initiate appropriate enforcement action on each High Priority Violation.

Baseline: FY 2007-2013 trends data.

Action 4.2.1: Initiate appropriate enforcement action on 100% of high priority violations (HPV as defined by EPA) within 60 days of discovery.

Status: During this interim period, three (3) facilities with High Priority Violations (HPV) were discovered, as compared to four (4) discovered during the FY13 interim period. 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 48 days following the violation discovery dates. During the interim period of FY13, NOVs were issued no later than 29 days.

Tactic 4.3: Respond to air quality complaints.

Measures: The number of non-asbestos complaints received; number of non-asbestos complaint investigations conducted; number of open burning complaints (401 KAR 63:005); number of fugitive emission complaints (401 KAR 63:010); and odor complaints (401 KAR 53:010).

Baseline: FY 2007-2013 trends data.

Action 4.3.1: Complete complaint assessments and /or investigations for 100% of complaints received during fiscal year.

Status: A total of 768 air quality complaints submitted, were received by, or referred to the DAQ for review and possible action during the FY14 interim period as compared to 678 received during the same period of FY13. For this interim period, a total of 697 (91%) investigations were conducted by DAQ in response to these complaints. The remaining 81 complaints were either combined with previously received complaints, addressed as either incomplete information given, investigated by another

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Division (Water or Waste Management), or no action required. DAQ FOB staff attempt to respond to 100% of the actionable citizen complaints it receives.

Open burning – The number of citizen reports/complaints of open burning received for the six (6) month interim period was 227 as compared to 307 during the same period in 2012.

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 eighteen (118) complaints were received during the FY14 interim period as compared to 100 for the same interim period of FY13.

Odor complaints - The number of odor-related complaints varies from year to year. During this interim period, DAQ received 189 odor complaints as compared to 138 received during the same time period in FY13.

Tactic 4.4: Administer the asbestos program.

Measures: The number of Asbestos Certification and Accreditations processed in TEMPO; 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 asbestos-related complaints received; number of asbestos-related complaint investigations conducted; number of asbestos NESHAP notifications received; and number of asbestos NESHAP notification investigations.

Baseline: FY 2007-2013 trends data.

Action 4.4.1: Review and issue certification and accreditations within the 30-day regulatory timeframe (RTF)

Action 4.4.2: Complete inspection of 75% of NESHAP-regulated asbestos activities within the current fiscal year for which the division has received a required notification.

Action 4.4.3: Complete inspection of 20% of selected AHERA local education agencies (i.e. school districts) for the current fiscal year.

Action 4.4.4: Complete asbestos complaint assessments and /or investigations for 100% of complaints received during fiscal year.

Action 4.4.3: Develop a QAPP for asbestos sampling.

Action 4.4.4: Develop a standard operating procedure on AHERA inspections.

Action 4.4.5: Develop standard operating procedures (SOP) for asbestos sampling.

Action 4.4.6: Develop Asbestos Certification and Accreditations in TEMPO.

Status: DAQ asbestos inspectors completed 94 NESHAP (National Emission Standards for Hazardous Air Pollutants) inspections (excludes incident investigations) that usually pertain to the disturbance/removal of

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asbestos during building demolition or renovation activity. This compares to 96 NESHAP inspections completed during the same interim period in FY13.

DAQ received 221 NESHAP notifications during this interim period and FOB staff completed 63 NESHAP notification-related investigations which constitutes a 29% response rate. This compares to 217 notifications received and 113 investigations (52% response rate) completed during the 1st interim of FY13. DAQ has an EPA commitment to inspect at least 50% of regulated notifications received during a calendar year. The significant reduction in notification investigations was due to either retirement or previous vacancies of asbestos inspector positions. An increase in notification investigations should occur during the remaining FY14 period as new inspectors have been hired and are being trained.

AHERA regulations specifically address asbestos control in both private and public schools. Asbestos inspectors completed 95 routine AHERA inspections during this interim period as compared to 127 inspections in the first interim of FY13. The 25% reduction in the inspection numbers is again related to the asbestos inspector vacant positions.

Objective 5 – Participate in programs that improve Kentucky’s air quality.

Tactic 5.1: Participate in programs that reduce mobile and off road emissions.

Measures: The number of programs administered, partners, and any emission reduction results for FY14.

Baseline: Corresponding measures for FY13.

Action 5.1.1: Administer the Diesel Emission Reduction Grant Program.

Action 5.1.2: Report annual data to the Kentucky Clean Fuels Coalition (KCFC) website for the DEP Green Fleets Program.

Action 5.1.2: Partner with the KCFC on initiatives such as promotion of electric vehicles, natural gas and other clean transportation fuels.

Status: During this semi-annual time period, the Division submitted 2013 DEP fleet data to the KCFC Green Fleet Program. As a result, the Department was recognized as the Greenest State Government Fleet at the December awards ceremony. The Division continues to partner with KCFC on the promotion of alternative fueled vehicles and fuels. In addition, the Division released the 2013 Request for Proposal for the Kentucky Clean Diesel Program; however, due to changes in Cabinet procedures, the RFP will be re-released in early 2014.

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Tactic 5.2: Partner with other states agencies to reduce air quality emissions.

Measures: The number of partnerships and initiatives conducted for FY14.

Baseline: The number of partnerships and initiatives conducted for FY13.

Action 5.2.1: Coordinate with DEDI on energy-related research, training, and initiatives such as the Combined Heat and Power project.

Action 5.2.2: Coordinate with Finance and Administration Cabinet on Green Fleet efforts.

Status: During this time period, Division staff worked in concert with DEDI and the Secretary's office on researching implications of greenhouse gas regulations for Kentucky's fossil fueled electricity generating units. Division staff also re-established relationships with the Finance and Administration Cabinet regarding Green Fleet efforts. Specifically, the Division continues to coordinate an education and outreach campaign involving idle reduction for the state fleet. DAQ's environmental education specialist designed idle reduction window clings for state fleet vehicles to raise awareness of the issue.

Tactic 5.3: Educate the public on Kentucky air quality issues.

Measures: The number of schools visited, students educated, outreach events conducted, and programs initiated and conducted in FY14.

Baseline: Corresponding measures for FY13

Action 5.3.1: Develop and conduct air quality educational programming for Kentucky's primary and secondary educational institutions.

Action 5.3.2: Partner with organizations on environmental education opportunities.

Action 5.3.3: Develop educational materials including articles for print, non-print, and social media that educates the public on air quality issues.

Action 5.3.4: Maintain and update the Division's website.

Action 5.3.5: Coordinate and conduct public events and/or exhibits that educate the public on air quality issues.

Action 5.3.6: Monitor and coordinate climate change information as it pertains to the Division programs and air quality education.

Action 5.3.7: Monitor environmental justice information as it pertains to Division programs and air quality issues.

Status: DAQ's environmental education specialist conducted elementary and middle-school outreach programs to 540 students in six counties; conducted outreach to universities reaching 430 students/staff. Coordinated and conducted public outreach events at conferences, festivals, and parks reaching 1055 people. Conducted outreach/training for fire departments reaching 300 fire fighters.

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DAQ's environmental education specialist served as Vice President and board member of the KY Association for Environmental Education, and is an active member of the Climate Literacy Network and the North American Association for Environmental Education. DAQ partnered with KSU, BCTC, University of KY, and the KY Environmental Education Council on environmental education workshops, committees, and outreach events. DAQ also partnered with the KY Fire Commission and the Solid Waste Coordinators of KY on open burning education.

In addition, Division staff produced articles and brochures for state publications, social media, and press releases.

Tactic 5.4: Foster networking through regional and national partnership.

Measures: The number of DAQ staff participating in leadership roles or as committee members in FY14.

Baseline: Number of staff in leadership roles or serving as committee members in FY13.

Action 5.4.1: Participate in AAPCA, NAACA, ECOS, and SESARM on program and initiatives that affect the Division.

Status: DAQ staff continues to participate in monthly conference calls and meetings for AAPCA, NAACA, ECOS, and SESARM. Two staff members are currently chairing AAPCA's training and monitoring committees.

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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 scheduled for TMDL development in FY14.
Number of impaired waters bypassed for TMDL development in FY14.
Number of permits that contain TMDL measures in FY14.

Baselines:

Number of permits that contain TMDL measures in FY13.
Number of impaired waters bypassed for TMDL development in FY13.

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

Action 1.1.2: Develop 50 approved TMDLs by June 2014.

Action 1.1.3: Explore alternatives to TMDL development through categories 4B and 5R by December 2013.

Action 1.1.4: Pilot a watershed through one of the alternative approaches as determined in Action 1.1.3 by April 2014.

Action 1.1.5: Implement requirements of HB378 (Impaired waters transparency)

Status: The MS4 permit TMDL protocols are being developed. An informal process for translation of TMDLs into KPDES exists, but has yet to be formally articulated in an SOP. This action item is 50% complete.

Thirty-one TMDLs have been completed since July 1, 2013. This action item is more than 50% complete.

The Federal TMDL Vision development process is directed at states implementing alternatives to TMDLs. Kentucky is participating in this process (going straight to Implementation Plans and/or combining TMDL and watershed-based plan implementation for appropriate waterbodies). 25% complete.

Strodes Creek is being considered as the candidate watershed to pilot an alternative approach to TMDL development and implementation. This action item is 25% complete.

The Water Health Portal Workgroup (website) has been created and we are in the process of developing an HB378-compliant website. A Listserv of approximately 300 recipients has been developed and implemented. A Facebook page has been developed. This action item is 50% complete.

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Tactic 1.2: Implement a Nutrient Reduction Strategy.

Measure: Percentage of data collected and analyzed for the development of nutrient criteria in FY13-14.

Baseline: The FY13 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 evaluate implementation of numeric criteria (nitrogen and phosphorus) for Wadeable streams and reservoirs/lakes by June 2014.

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

Action 1.2.3: Develop a public outreach approach and conduct public outreach regarding nutrients and water quality issues by December 2014.

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 2014.

Action 1.2.5: Participate and provide updates to the Kentucky Agriculture Water Quality Authority throughout the fiscal year.

Action 1.2.6: Work with Groundwater Protection Council to develop a nutrient chapter for the Groundwater Report to the Nation by December 2013.

Action 1.2.7: Initiate Riparian Buffer promotion by December 2013. Coordinate among multiple programs and agencies.

Status: Collection of nutrient data continues throughout the state via the ambient monitoring network. The 2013 Probabilistic Monitoring data collection has been completed and subsequent biological identifications are being conducted. Harmful Algal Bloom data collection in lakes has been initiated. Intensive nutrient studies were conducted in the Inner Bluegrass Bioregion as well as for the Floyd's Fork Nutrient TMDL. A process for translation of the nutrient narrative standard to nutrient targets and benchmarks has been developed. The nutrient narrative standard (401 KAR 10:031) and eutrophication definition (401 KAR 10:001) were updated in the latest Triennial Review. Formal nutrient numeric criteria development and implementation will not occur by June 2014. This action item is 50 % complete.

The DOW continues to work on a draft of the Kentucky Nutrient Reduction Strategy with input from the stakeholders and anticipates that a final first draft will be complete in March 2014. Kentucky has held five stakeholder meetings for review of the draft outline. Public outreach is one of the components of the strategy and the DOW will continue with stakeholder meetings until the document is final.

DOW is participating in the Mississippi River/Gulf of Mexico Hypoxia Task Force, attending meetings of the Task Force,

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participating in Coordinating Committee calls, and working toward implementing the Gulf Hypoxia Action Plan 2008, largely through the development of the Kentucky Nutrient Reduction Strategy.

The Division of Water attended all of the Kentucky Agriculture Water Quality Authority meetings and subcommittee meetings. The Agriculture Water Quality Authority adopted new standards for nutrient management. DOW is updating its Corrective Measures Protocols. DOW is heading up a committee to revisit the Streams and other Waters BMPs.

The Groundwater Protection Council has put the development of the nutrient chapter on hold. No meetings are being held currently.

Internal meetings/discussions have been conducted concerning Riparian Buffers. Some outreach with other state agencies has been conducted. A strategy is currently being developed to coordinate with multiple agencies and programs. This action is 25% complete.

Objective 2 – Conduct effective water resources planning

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

Measures: Completion of the Watershed Framework.
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 2013 Nonpoint Source Management Plan by December 2013.

Action 2.1.2: Complete draft of Watershed Framework by January 2014.

Action 2.1.3: Develop SOPs for assembling GIS watershed profiles for HUC 12 watersheds in Kentucky by September 2013.

Action 2.1.4: Prioritize watershed profiles to be developed by September 2013.

Status: The GIS-based Recovery Potential Tool continues to be evaluated for usability. DOW is working on a project regarding recovery potential of pathogen-impaired watersheds which should be completed in January 2014.

In November 2013, DOW received comments from Region 4 EPA concerning the 2013 Nonpoint Source Management Plan. DOW plans to complete revisions to the Nonpoint Source Management Plan by January 31, 2014.

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A working draft of a new Watershed Framework has been completed. Basin coordinators are working to complete the Basin Status Report template to incorporate into the document.

The SOP for GIS watershed profiles has been developed. This SOP is expected to be revised as additional DOW personnel become aware of its existence and utility.

Prioritization of watershed profiles is on-going. Profiles encompass watershed plans, mapping recovery potential watersheds, and other topics yet to be identified.

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 sustainable infrastructure 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 2013.

- 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 2014.
- 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 August 2013.
- Action 2.2.4:** Implement SODR program strategies and projects.
- Action 2.2.5:** Educate local officials, floodplain coordinators, local emergency personnel, and emergency management on how to read inundation maps, and help them to develop Emergency Action Plans.
- Action 2.2.6:** Educate new staff members on the use of new and existing software as well as current laws and regulations.

Status: DOW personnel promoted sustainable infrastructure and system sustainability during Sanitary Surveys, planning and design meetings, site visits, and presentations at Area Development Districts meetings, Kentucky Rural Water Association conferences, and the Kentucky Water Operators and Wastewater Operators conferences. DOW also

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developed and promulgated templates and guidance documents to improve managerial sustainability.

WIB personnel worked with the Kentucky Association of Counties and Bullitt County Sanitation District regarding securing financial assistance from the Kentucky Infrastructure Authority to develop a sustainable plan for operating the abandoned Big Valley Mobile Home Park package plant. WIB personnel also worked with the city of Lexington throughout the design phase of the Town Branch Wet Weather Basin project. WIB personnel are assisting the cities of Fordsville and Whitesville with their wastewater asset inventory.

WIB personnel revised the State Revolving Fund project priority ranking system to ensure projects that incorporate energy conservation as well as those that propose nutrient controls receive higher ranking.

The State-Owned Dam Repair program currently has the following active projects: Bullock Pen Lake Dam, Lake McNeely Dam, Scenic Lake Dam, Willisburg Lake Dam, and Beech Creek Lake Dam that are using the SODR capital budget fund to rehabilitate dams and otherwise mitigate risks.

The Dam Safety program inquired of key stakeholders to comment on a potential Probable Maximum Precipitation study for Kentucky in order to use engineering and scientific methods to update the hydraulic standards for dam design and construction.

WIB personnel worked with the city of Nicholasville, Louisville MSD, KU/LGE, and Kentucky Emergency Management on how to read dam failure inundation maps and to develop Emergency Action Plans for the dams in question. The Dam Safety program also conducted breach analyses on 55 dams which will be used to educate local officials, floodplain coordinators, and local and state emergency response personnel.

The Dam Safety program held multiple training sessions on the following dam softwares: SITES, HEC-RAS, HEC-HMS, DSS-WISE, and Geo-Dam BREACH

The Dam Safety program personnel conducted training of new Dam Safety program regarding the Dam Safety statute and applicable regulations.

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Tactic 2.3: Plan for sustainable infrastructure.

Measures: The number of facility plans and asset inventories 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.

Baseline: The corresponding numbers from 2013.

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 2014.

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 2014.

Action 2.3.4: Continue investigation of innovative uses of the drinking water SRF 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 2014.

Action 2.3.7: Complete the required inspections of dams to ensure that dams are properly maintained.

Status: WIB personnel participated in Area Development District Water Management Planning Council meetings throughout the state to encourage effective planning for future infrastructure.

The wastewater planning regulations and related guidance documents incorporate a strategy to encourage the evaluation of applicability of onsite and decentralized systems and to develop plans on a watershed basis. This approach is encouraged at every opportunity during planning and design discussions, as well as in presentations at the KWWOA conferences.

WIB and WMB personnel met with Hopkinsville Water Environment Authority to highlight the benefits of planning their water and wastewater infrastructure on watershed basis.

DOW evaluated its historic, current and future use of Drinking Water State Revolving Fund set-asides and has adjusted its projected set-

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aside needs and rolled unused set-aside funds to KIA. DOW continues to explore innovative uses for the Drinking Water State Revolving Fund set-asides; the funds were used to establish a Capacity Development Assistance Program to provide financial assistance to small public water systems to improve their technical, managerial, and financial capacity.

Dam Safety has worked with the Floodplain Permits Section on multiple permits throughout the year that involved working on dams in the floodplain. Dam Safety has also worked with floodplain permits on current levy systems.

DOW continues to evaluate the available water audit processes while considering the development of drinking water managerial and financial (capacity development) regulations.

The Dam Safety program completed 143 dam inspections in the first half of the fiscal year, including 50 high hazard, 45 moderate hazard, and 48 low hazard dams.

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.

Baselines: FFY13 and FFY14 Federal Commitments.
The number of scheduled sanitary surveys completed within the month assigned during FY13.
The number of Special Appropriations (SPAP) inspections completed in 2013.

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 2014.

Action 3.1.2: Continue implementation of Performance Partnership Grant (PPG) with EPA.

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- Action 3.1.3:** Develop the FFY15 106 work plan commitments by May 2014.
- Action 3.1.4:** Submit the final FFY14 106 work plan inspection commitments by July 15, 2013.
- Action 3.1.5:** Meet federal work plans, primacy requirements and applicable National Program 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 from the state revolving fund.
- Action 3.1.9:** Conduct PAI on permitted facilities that possess the greatest potential to impact public health.
- Action 3.1.10:** Evaluate and develop a compliance rate improvement plan for inspection activities.
- Action 3.1.11:** Comply with Section 305(b) CWA requirements pertaining to monitoring and assessments and Integrated Reporting.

Status: All work plans, grant applications, and reports were submitted to EPA and FEMA by the federal due dates.

The Performance Partnership Grant was implemented by the federal due date.

Development of the 106 work plan for 2015 will begin in February 2014 and will be completed by the May 2014 deadline.

The final 2014 106 work plan inspection commitments were submitted by the established deadline, and the work plan was approved by EPA on August 5, 2013.

Federal work plans, primacy requirements and applicable National Program Measures were completed within the federal timeframes.

The DWSRF set-asides work plans were submitted to EPA within the timeframe defined in the MOA and progress regarding the implementation of the work plans is tracked.

The WIB Engineering Section inspected twenty (20) projects funded by the SRF and seven (7) projects funded by federal Special Appropriation grants.

Performance Audit Inspections are being completed as needed on facilities with the greatest impact to public health.

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A compliance rate improvement plan has been drafted. An evaluation of compliance rates identified that a significant portion of statewide non-compliance occurs at non-municipal wastewater treatment systems associated with schools and seasonal facilities. Efforts are underway to determine which facilities would most benefit from additional education/training for improved compliance.

The 2012 Integrated Report (IR) was approved by the Director's Office in December 2013. An electronic update of the IR was completed in May 2013. The 2014 IR development is underway. Ambient and Probabilistic Monitoring were completed for 2013. Assessments are currently being conducted. This action item is 50% complete.

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

- Measures:**
- The total number of permits pending July 2014.
 - The total number of permits pending that exceed regulatory timeframes by July 2014.
 - The total number of "major" facilities with permit applications that exceed regulatory timeframes by July 2014.
 - The number of general permits that have expired and not been issued or that have not been addressed by July 2014.
 - The number of general permit Notices of Intent (NOIs) for which coverage has not been issued or that have not been addressed by July 2014.
 - The percentage of permit reviews completed within regulatory timeframes during SFY14.
 - The percentage of permit reviews that exceed regulatory timeframes during SFY14.
 - Employee productivity rates for permitting, data entry and scanning during SFY14.
 - 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.
- Baselines:**
- The corresponding percentages from 2013.
 - The SFY13 DOW permit backlog.
 - SFY13 backlog percentages.
 - SFY13 employee productivity rates.

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Number of coal IP and GP coverages issued without objection on July 1, 2013.

- Action 3.2.1:** Meet regulatory timeframes on permit issuances and plan reviews.
- Action 3.2.2:** Resolve oil and gas program issues.
- Action 3.2.3:** Issue remaining expired general permits by January 2014.
- Action 3.2.4:** Provide outreach to the regulated community regarding implementation of general permits by March 2014.
- Action 3.2.5:** Issue permits for all “major” facilities that exceed the RTF by June 2014.
- Action 3.2.6:** Issue permits for all facilities that exceed the RTF by >1.5 years by September 2013.
- 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.
- Action 3.2.8:** Meet regulatory time frames pertaining to 401 Water Quality Certifications.

Status: The number of stream construction applications in-house that exceed RTF peaked at 30. From this point to December 23, 2013, the number of applications exceeding RTF decreased by 63% (from 30 to 11). The corresponding decrease in the KPDES backlog was 43% (from the peak of 644 to 367). Overall, the SWPB saw a decrease in total applications of 41% (from 1535 to 903).

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.

A schedule exists for completing the remaining expired general permits by the end of calendar year 2014. At the beginning of SFY14, the Stormwater Permit for “Other” Industrial facilities was re-issued. To date, greater than 900 permit coverages have been issued under the new permit (KYR00).

Outreach to the regulated community will be conducted as the general permits are being developed and prior to being finalized.

A schedule was created during the first half of SFY14 that requires drafting the remaining expired “major” permits (38 industrial, 48 municipal) by the end of calendar year 2014. During this timeframe a total of six (6) “major” municipal permits were finalized, ten (10) “major” municipal permits were drafted, and five (5) “major” industrial permits were drafted.

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As of December 23, 2013 there were 73 pending applications that exceed the RTF by >1.5 years. This represents an 80% decrease from the beginning of SFY14 (from 358 to 73).

The resolution of coal permitting issues is ongoing and dynamic. DOW has worked 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.

401 Water Quality Certifications currently has a backlog of approximately 30%. This is 10% lower than at the end of SFY13, but 10% higher than the normal average of 20% exceeding RTF. Transition to a new section supervisor is complete and adjustments are being implemented to address RTF. This action item is 75% complete.

Tactic 3.3: Implement a wastewater lab certification program.

Measure: The number of wastewater laboratories certified in FY14.

Baseline: The number of certified labs on July 1, 2013.

Action 3.3.1: Implement a wastewater lab certification program beginning January 2014, provided the regulation has been promulgated through the legislative process.

Status: The Wastewater Laboratory Certification program regulation was final on September 5, 2013. The program establishes requirements to ensure that data collected for purposes of complying with §402 of the Clean Water Act are accurate in order to assure protection of the waters of the Commonwealth. Implementation of the regulation is currently ongoing. The DOW has currently received fifteen (15) applications and has approved five (5) for certification effective January 1, 2014.

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 July 1, 2013.

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

Action 4.1.2: Implement K-WADE Production Version with data partner access by January 2014.

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Status: The Water Quality Branch personnel is in the process of submitting Water Quality Exchange data using WQX web for water sample results for 2012 projects. Habitat results and final biology scores will be submitted, but not biology results. The DOW expects to begin submitting 2013 project data through the Exchange Network by December 2014.

K-Wade v2.0 has gone through several rounds of testing, with enhancements and bug fixes being conducted by RPPS IT section. Of the 41 reported bugs, 27 have been fixed. After all enhancements and bugs have been completed, K-WADE will undergo final user acceptance testing. Production data entry can then start after DOW program personnel in the Water Quality and Watershed Management branches have cleaned up the reference tables in the database.

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 July 1, 2013.

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 June 2014.

Status: Ongoing – The DOW internet site has been maintained and modifications have been made within 24 hours of the request. Requests are submitted via the Help Desk.

There has been no change in the status of Action 4.2.2, due to delays with the Knowledge Lake implementation at GAPS/COT.

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

Measures: Number of staff receiving Quality Assurance (QA) training in FY14.
Number of staff receiving GIS training in FY14.
Number of Division approved SOPs for FY14.
Number of data analysis projects completed in FY14.
Number of GIS requests fulfilled in FY14.

Baselines: Number of Division approved SOPs for FY13.
Number of staff receiving GIS training in FY13.

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Action 4.3.1: Conduct training for DOW staff regarding QA and the review process by February 2014.

Action 4.3.2: Conduct training for DOW staff regarding GIS and ArcGIS 10.

Action 4.3.3: Continue systematically analyzing data from current DOW databases.

Status: Training for QA topics will be held in Feb/Mar 2014, for DEP-wide staff. QA topics include SOP development and management and related issues.

Currently, DOW has approximately 35 approved SOPs in existence, covering both administrative and technical operations. Many of these SOPs need review, and some will need revision in 2014.

GIS training continues in house with 58 people attending its GIS Lunches (August-October). There were 116 people in attendance for the first GIS Day Conference.

Data analysis has been completed on the following projects during the past six months -

- DOW data
 - NTN Data Retrieval and Analysis for Kentucky
 - Pathogen Study (2012) in Groundwater
 - Center Pivot Well Analysis
 - Analysis of Methods for Nitrate/Nitrite
- DNR data
 - CHIA Trend Station Phase 2 Analysis
 - SMIS Data Review
 - Selenium analysis of CHIA Trend Station Data (all Phases)
- Section 319 project data
 - Sinking Creek QAER
 - Sinking Creek Review of 1st Year's Data
 - Bacon Creek Data Analysis
 - Gunpowder Creek Data Analysis
 - Woolper Creek Data Analysis

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, 2013.

Action 4.4.1: Maintain SDWIS until SDWIS Next Gen implementation.

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 2014.

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Action 4.4.3: Convert Oracle forms data entry screens to a net web-based data entry process by June 2014.

Action 4.4.4: Participate on SDWIS Next Gen workgroups.

Status: SDWIS Next Gen has been renamed to SDWIS PRIME. Recent communications from EPA indicate that SDWIS PRIME will not be available until May 2015. SDWIS is being maintained by DOW personnel, awaiting EPA action before implementing SDWIS PRIME.

The implementation of SDWIS PRIME is an effort that must be coordinated within DOW and will be lead by both CTAB and IT staff. A workgroup has been created to review the current data processes within the drinking water program in DOW. Drinking water program personnel are in the process of reviewing and revising all documentation in preparation of SDWIS PRIME implementation. This includes determining exactly what data is necessary to store for the program. Modification of any data entry forms will not begin until this review has been completed. This work is ongoing.

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, 2013.

Action 4.5.1: Flow permit and compliance data from TEMPO into ICIS for the coal industry and single event violations by June 2014.

Action 4.5.2: Continue progress toward DMR submitted via netDMR.

Status: The coal general permit (GP) data flow from TEMPO into ICIS will coincide with the reissuance of the new Coal GP. DOW has completed flow of the single event violations and informal enforcement actions.

Kentucky is #1 nationwide for states/EPA regions using netDMR for 2013. Forty-two percent of the permittees using netDMR nationwide are from Kentucky and approximately 22% of all DMRs received in netDMR nationwide are from Kentucky.

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

Measure: Improved accuracy demonstrated by TEMPO audit report in FY14

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Baseline: TEMPO audit reports generated during FY13.

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 – DOW personnel have been working with the Water Quantity Section, the Wet Weather Section and the WIB Engineering Section to update requirements and profiles. DOW personnel have also added and updated TEMPO Letter Builder documents for the Permit Support Section and the WIB Engineering Section. In addition, DOW personnel have been reviewing WALs in the DOW for consistency.

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: Several DOW regional field office and Water Quality Certification personnel testified in a formal administrative hearing of a challenge to an NOV issued for unpermitted impacts to a wetland. The impacts included draining a wetland, loss of habitat and loss of other ecological functions. The Cabinet prevailed in the challenge.

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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 - Provide efficient program support to DWM branches and stakeholders.

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

Measures: Number of hazardous waste permits pending review.
Number of hazardous waste permits pending review that are outside of regulatory timeframes.
Percentage of hazardous waste permit reviews completed within regulatory timeframes.
Percentage of hazardous waste permit reviews completed outside of the regulatory timeframe.
Number of solid waste permits pending review.
Number of solid waste permits pending review that are outside of regulatory timeframes.
Percentage of solid waste permit reviews completed within regulatory timeframes.
Percentage of solid waste permit reviews completed outside of the 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, 2014.

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.

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: Ensure that all permits are issued within regulatory timeframes.

Status: The division has 11 hazardous waste permits pending review.
There are 10 hazardous waste permits pending review that are outside of regulatory timeframe.
67% of hazardous waste permit reviews are completed within regulatory timeframe.
33% of hazardous waste permit reviews were completed outside of the regulatory timeframe.
40 solid waste permits are pending review.
There are 4 solid waste permits pending review that are outside of regulatory timeframe.
96% of solid waste permit reviews were completed within regulatory timeframe.
4% of solid waste permit reviews were completed outside of the regulatory timeframe.

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Tactic 1.2: Ensure accurate data entry and reporting, and provide training and guidance to staff and stakeholders.

Measures: Number of trainings completed by DWM staff in FY14.
Number of owners/operators that complete the on-line TOOLS training in FY14.

Baseline: The FY13 DWM Pathlore training log.

Action 1.2.1: Maintain and enhance TEMPO reporting to accurately track and report on measures. Implement TEMPO 360 to improve efficiency.

Action 1.2.2: Allocate staff as necessary to assist with data entry.

Action 1.2.3: Enhance training and retention of qualified staff by providing and encouraging staff attendance in cost-effective trainings. (example: In-house CPR trainings and free online webinars).

Action 1.2.4: 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 1.2.5: Review Standard Operating Procedures and guidance documents annually and update as necessary. Update as part of implementation of TEMPO 360.

Action 1.2.6: Develop and/or amend regulations for Division programs to accurately reflect programmatic policy and 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)

Status: Trainings completed by DWM staff, included:

- 166 In-State trainings;
- 48 Out-of-State trainings;
- 119 First Aid/CPR (DWM) trainings;
- 102 Blood Borne Pathogen (DWM) trainings; and
- 323 GSC trainings.

876 owners/operators completed the on-line TOOLS training.

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.

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- 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 that resulted in a no further action being issued 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 open dumps remediated under the Kentucky PRIDE Program and number remaining.
Number of tire dumps remediated under the Waste Tire Trust Fund 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 sites with a release of petroleum or a petroleum product remediated from a source other than a petroleum storage tank and number awaiting review.
Number of methamphetamine contaminated properties reported and number decontaminated.
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).
Number of brownfield sites assessed under the Targeted Brownfield Assessment Program and number awaiting review.
Number of brownfield sites reviewed under KRS 224.01-415, number pending review, and number of concurrence letters issued.
- 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:** 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 budget. 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. (example: Extension of Waste Tire Trust Fund in KRS 224.50-868).
- 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: Update HW regulations to incorporate federal rulemaking finalized through July 1, 2011 by early SFY14; Draft

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regulations to implement KRS 224.01-415; Update 401 KAR 100:030, regional screening levels).

Status: There are 245 underground storage tank cleanups conducted that resulted in a no further action being issued and 979 remaining.

There are 93 hazardous waste program corrective actions completed and 31 remaining.

272 historic landfills were characterized, 44 remediated and 584 remaining.

38 illegal open dumps remediated under the Kentucky PRIDE Program; 132 were remaining.

9 tire dumps were remediated under the Waste Tire Trust Fund and one remaining.

7 State Superfund sites were characterized and 11 were remediated.

5 State-Lead sites were remediated utilizing the Hazardous Waste Management Fund.

There are 20 sites with a release of petroleum or a petroleum product remediated from a source other than a petroleum storage tank and 90 awaiting review.

45 methamphetamine contaminated properties were reported and decontaminated.

964 emergency or incident responses were made and 510 cases closed. Zero cleanups conducted under state oversight via the Voluntary Environmental Remediation Program (see also DCA Brownfields measure).

3 brownfield sites were assessed under the Targeted Brownfield Assessment Program awaiting review.

9 brownfield sites were reviewed under KRS 224.01-415, 5 pending review, and 7 concurrence letters were issued.

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

Measures: Tonnage of solid and special waste recycled or reused, by type.

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Tonnage of material recycled through the State Government Recycling program.

Number of waste tires used in tire-derived fuel projects, crumb rubber grants and other beneficial reuse purposes.

Tonnage of hazardous waste recycled or reused (example: mercury collection efforts).

Tonnage of waste recycled as a result of recycling grant program.

Baseline: SFY04 reported quantities of waste generation, disposal. SFY07 reported quantities for recycling grant program and reuse.

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 DWM measures; pursue program changes and request funding as necessary in 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 (example: development of technical requirements for defining when a “recovered material” is exempt from being a solid waste).

Status: The tonnage of solid and special waste recycled or reused, by type:

- 127,259 tons of paper-fiber and paperboard;
- 819,302 tons of mixed metals (aluminum and bi-metal);
- 1,515 tons of glass;
- 3,514 tons electronics (e-scrap);
- 26,471 tons of commingled (mixed) recyclables;
- 7,186 tons of plastics.
- 701 tons of material recycled through the State Government Recycling program.
- 2.466 million passenger tire equivalents (PTEs) of waste tires were used in tire-derived fuel projects and 100 PTEs of waste tires were used in crumb rubber grants.

As a result of Household Hazardous Waste (HHW) collection efforts, the following tonnages and mercury items were collected from county events:

- 3.1 tons HHW from Adair County;
- 4.5 tons HHW and 56 mercury items from Bullitt County;

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- 25.4 tons HHW and 826 mercury items from Hardin County;
- 6.5 tons HHW and 260 mercury items from Pulaski County;
- 3.5 tons HHW from Rowan County;
- 2.2 tons HHW from Shelby County;
- 1.9 tons HHW from Wayne County; and
- 5.3 tons HHW and 1,972 mercury items from Woodford County.

Results from the recycling grant program grants awarded to cities, counties, and multi-county/regional organizations include (*Reporting based on FY13*):

- The grant amount for 69 Recycling and Household Hazardous Waste Grants totaled \$1,546,913. Grantees were responsible for a 25% match.
- Of the total 69 KY PRIDE grants award, 47 were used to promote the growth of recycling infrastructure through the purchase of shredders, bailers, trailers, containers, forklifts, scales and other equipment used in recycling facilities.
- The remaining 22 grants were used to pay for qualified contractor services to properly manage and dispose of household hazardous waste collected at individual local collection events. In addition, grant funds were used for advertising for the collection events and for public education and outreach.

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 49 and draft regulatory amendments as necessary)

Action 2.3.4: Inspect regulated sites at established intervals to facilitate and ensure compliance with agency requirements.

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Action 2.3.5: Increase communications between permitting central office staff and field operations staff. Utilize 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

Action 2.3.7: 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.

Status: The compliance rate for authorized solid waste management facilities is 69%.

3,500 tons of litter were collected in 2012. The illegal open dump waste collected included: 5,494 tons of municipal solid waste disposed at permitted solid waste management facilities, 11,341 PTEs of waste tires and 24.63 tons of recycled material.

The Kentucky PRIDE grant recipients realized a total of 1,152,943 tons of recycled material from the municipal solid waste stream as well as 673,952 PTEs of waste tires. The household hazardous waste collected by counties through the Kentucky Pride program is described under Tactic 2.2. (*Reporting based on FY13*)

The compliance rate for hazardous waste facilities is 80%.
The compliance rate for registered underground storage tanks is 59%.

Tactic 2.4: Plan, design and execute Final Closure Period activities at Maxey Flats while maintaining regulatory compliance.

Measures: Complete design package submitted by URS and approved by EPA.
Documentation of sump abandonment completion.
Modified contract completed with URS to include sump abandonment oversight and design of the final cap.

Baseline: Entry into the Final Closure Period, November 2012.

Action 2.4.1: Modify URS contract to include sump abandonment oversight and design of the final cap.

Action 2.4.2: Complete the design for the final cap.

Action 2.4.3: Complete sump abandonment.

Status: URS has completed 30% of the design package for the Final Closure at Maxey Flats on behalf of DWM. URS presented the information to DWM and EPA on 12/11/13.

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Documentation of sump abandonment is in progress and has been delayed by required revision to the plan that is currently out for bid. Bid will close on 1/20/14 with expected start date in the range of 2/20/14.

Modified contract completed with URS to include sump abandonment oversight and design of the final cap in August 2013.

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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.

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

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 1, 2013 through December 31, 2013, the Division received an average of 30 new cases per month and received an actual count of 181 new cases (44% 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 1, 2013 through December 31, 2013, the Division closed an average of 24 cases per month and closed an actual count of 142 cases (32% 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 1, 2013 through December 31, 2013, the Division had an average of 590 open enforcement cases.

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- 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 1, 2013 through December 31, 2013, the Division had an average of 207 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:** From July 1, 2013 through December 31, 2013, the Division had an average of 0 unassigned cases.
- 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 1, 2013 through December 31, 2013, the Division collected \$903,975.55 in civil penalties (46% 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 an average of 96 Agreed Orders signed by the responsible party per fiscal year.
- Status:** From July 1, 2013 through December 31, 2013, the Division received an average of 7 Agreed Orders signed by the responsible party per month and received an actual count of 41 signed Agreed Orders (44% of baseline).
- 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.

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Status: From July 1, 2013 through December 31, 2013, the Division issued an average of 5 Demand Letters per month and issued an actual count of 32 Demand Letters (31% 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: From July 1, 2013 through December 31, 2013, the Division issued an average of 8 Agreed Orders per month and an actual count of 46 Agreed Orders (36% 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.

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 2013 through December 2013, the Cabinet Secretary signed 87 enforcement orders (46 DEP agreed orders, 37 Demand Letters and 4 Secretary's Orders). The 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 other DEP divisions 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.

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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 assignments and drafting of a case resolution proposal for all cases created since 01/01/2008 is 39 days. These are the averages of the cases created in the following years: 2008 (65 days), 2009 (43 days), 2010 (27 days), 2011 (19 days), 2012 (24 days) and 2013 (16 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 case resolution proposal being drafted and the settlement conference being held since 01/01/2008 is 101 days. These are the averages of the cases created in the following years: 2008 (122 days), 2009 (83 days), 2010 (46 days), 2011 (51 days), 2012 (60 days) and 2013 (55 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.

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 01/01/2008 is 159 days. These are the averages of the cases created in the following years: 2008 (161 days), 2009 (127 days), 2010 (71 days), 2011 (76 days), 2012 (85 days) and 2013 (86 days).

The average number of days between the case resolution proposal being drafted and the case being referred to the Office of General Counsel since 01/01/2008 is 289 days. These are the averages of the cases created in the following years: 2008 (352 days), 2009 (207 days), 2010 (53 days), 2011 (55 days), 2012 (92 days) and 2013 (69 days).

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

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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 30 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), 2012 (16 days) and 2013 (11 days).

The average number of days between the agreement-in-principle being reached and the demand letter being drafted is 19 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), 2012 (7 days) and 2013 (1 day).

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.

Status: The overall average number of days for a case being assigned to an executed settlement document since 01/01/2008 is 205 days for demand letters, 324 for a DEP agreed order, 697 for an Office of General Counsel (OGC) agreed order and 921 days for a Secretary's Order.

For a case created in 2013, the average number of days for a case assigned to an executed settlement document is 177 for an executed DEP agreed order and 102 days for demand letters. There was not any data for the OGC or Secretary's Orders.

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

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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 1, 2013 through December 31, 2013, the Division issued an average of 32 Notices of Violation (NOVs) per month and issued an actual count of 193 Notices of Violation (NOVs) (73% of baseline). The Division of Enforcement has not issued any Letters of Warning.

The overall average number of days between a Permit/Program Notice of Violation being issued since 01/01/2008 is 17 days.

The overall average number of days between the issuance and closure of the Permit/Program Notice of Violation is 116 days. These are the averages for the cases created in the following years: 2008 (225 days), 2009 (117 days), 2010 (80 days), 2011 (134 days), 2012 (67 days) and 2013 (49 days).

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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 FY09 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 -	273
Solid Waste Certifications	138

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: During the first half of FY14, the certification and licensing program issued 270 new certifications and 104 renewals were received. The program issued 125 wallet cards and administered 417 certification examinations.

The program continues to participate in high school and college career fairs promoting the operator certification profession.

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 2014 training schedule was prepared and notification postcards were mailed to all certified operators.

In order to stay informed of operator issues, national policy related to certified operators and to ensure the program is prepared to respond to changing needs, staff participated in the tri-annual EPA Operator

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Certification and Capacity Development Conference in November 2013.

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 FY08, 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: During the first half of FY14, the Environmental Assistance Branch responded to 421 requests for assistance relating to understanding Kentucky's environmental regulations and permits. 128 of these entities were small businesses with 12 small communities reporting, 281 entities were non-reporting on their facility category. For the reporting period, of the clients surveyed, 87.5% indicate an increase in knowledge with 83% indicating making positive behavior changes. A total of 168 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: FY12 indicators are as follows

88.5% Percent satisfaction from training evaluation
1,611 Total number of daily unique visitors on the DCA Website

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8,666 Audience reached through DCA communication tools (SNIPS, LAW, and OCP subscribers)
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: During the first half of FY14, the Environmental Assistance Branch shifted their focus from classroom trainings to the development of online educational resources for regulated and non-regulated communities on a variety of topics. The latest developments for training include anytime self-paced learning modules covering topics such as hazardous waste determination, universal waste management, and household pharmaceutical waste disposal. New fact sheets and guidance documents developed include aerosol can waste management and emission calculations for natural gas compressor and dehydration stations.

The Certification and Licensing Branch conducted 13 training events totaling 216 training hours and reaching an audience of approximately 500 individuals. SNIPS, the compliance e-newsletter, along with the Operator Certification Operation Matters blog continue to be well-liked sources for compliance based information.

From July 2013 through December 2013 Operation Matters has had more than 17,500 views; with readers in 152 countries. SNIPS has 1331 subscribers.

The program has continued its partnership with the University of Kentucky to enhance and expand its solid waste training materials, study manuals and examinations.

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.

Department for Environmental Protection

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

Baseline: FY12 indicators are as follows:

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)

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 53 requests for assistance were received by the branch for KY EXCEL, Brownfields, or leadership assistance. The branch conducted 2 compliance trainings reaching 51 participants, resulting in a 99% satisfaction rating.

KY EXCEL continues to facilitate the Sustainable Spirits Initiative and has a final draft of the sustainable spirits brochure ready to present to the industry.

The Brownfield e-newsletter, *Brownfield Bits*, continues to be a successful outreach tool reaching 398 recipients as of Dec. 31, 2013. During this reporting period, House Bill 465 has spurred interest in brownfield redevelopment. Regulations have been developed and are expected to become effective in February.

Preparations are being finalized to issue the first Requests for Proposals under our EPA Brownfield Revolving Loan Fund Grant. The first RFP will be issued in February 2014. It will provide a total of \$140,000 in subgrants to local governments and non-profits.

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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 FY10, the number of voluntary actions observed were as follows:

New KY EXCEL Voluntary Projects -	121
Environmental Stewardship Award Nominations -	44
Eco-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 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 61 entities. KY EXCEL members initiated approximately 91 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 29 nominations were received. From these worthy candidates, six (6) awards were given at the 2013 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 The GreenGuide Sustainable Living in the Bluegrass publication and KyForward 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: FY11 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

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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 uphold waste reduction opportunities at division held training events and provides support in the areas of energy efficiency and waste reduction within the office environment.

The program continued to implement a recycling program while conducting training at locations across the state. In 2013, we have recycled over 207 pounds of plastic.

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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.

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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 566 eClearinghouse reviews in the first half of FY14, 19 reviews under NEPA, processed 16 Public Notice Reviews for the U.S. Army Corps of Engineers, and issued 9 letters of approval for 10 Pollution Control Tax Exemptions. There are 8 pending applications for PCTE.

Objective 2 – Develop an effective strategic planning process.

Tactic 2.1: Develop a Department for Environmental Protection strategic plan for SFY14.

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: SFY14 Strategic Plans for the Commissioner's Office and each of the six department divisions are finalized by July 31, 2013.

Action 2.1.2: Ensure the Department's goals and objectives are compatible with the SFY14 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.

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Action 2.1.5: Each division shall publish an annual report by September 15, 2013 including results of the Strategic Plan measures and actions for the previous state fiscal year.

Status: The Strategic and Operational Plan was completed in August 2013 and annual reports for each division were completed in September 2013.

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 U.S. EPA'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: Continue ongoing efforts to identify resources 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: SFY12 hiring for critical positions.

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

Action 1.1.2: Ensure that all divisions within the Department for Environmental Protection have adequate funding budgeted to support the DEP Scholarship Program provided through the University of Kentucky.

Status: As of January 1, DEP had 737 filled positions. The FY14 budgeted personnel cap was 764 positions. DEP is working diligently to fill critical vacancies funded within the allotted budget amounts. To date, DEP has awarded scholarships to 66 students. In May 2013, DEP awarded two students a scholarship. One student was sponsored by the Division of Water and one student was sponsored by the Division for Air Quality. DEP participated in Kentucky university career fairs at Murray State and Morehead State in the fall of 2013. 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 the last three years. This year's program will be held on January 17, 2014

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to recognize outstanding employees and employee units (branch, section or program) for calendar year 2013.

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

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

Measure: Monthly submission of reports to the Commissioner’s Office.

Baseline: Monthly 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.

Action 2.1.3 Hire additional contractors to assist in performing the architecting and programming functions as outlined in existing DEP grants.

Status: Project reports are being supplied to the commissioner’s office as required. Two contractors have been hired. One contractor was hired to work on the departmental TEMPO 360 version upgrade project. The second contractor is working on rebuilding the web engine for the Department’s ePortal in order to facilitate the U.S. EPA-required and funded CROMERR security compliance mandates and project.

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

Measure: Successful completion of tasks on IT Project List in FY14.

Baseline: July 2013 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 online permit applications and license/certification renewals in accordance with allocated SFY14 budget.

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

Status: Eight new eForms have been designed and programmed, and are in production for the Water, Waste, and Air divisions. The UST tools project which involved collaboration between KYDEP and KY.GOV to avail web-based training to UST’s tank operators was completed and is in production. TEMPO’s Reports Tool application was re-

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platformed in .NET and is now also web-based. Several upgrades were performed and implemented in KYDEP's ePay module to accommodate the Department's evolving requirements and allow for faster and more accurate payment histories. Several new flows in ICIS have been automated via scheduled tasks and procedure calls. Two modules have been modified in KWADE to accommodate DOW program needs. Migration and relocation of KYDEP servers, databases, and applications to COT administration began in November of 2013 and is expected to continue into May of 2014. Part of the migration involves consolidation and decommissioning of approximately 50% of KYDEP server and storage hardware and associated virtual systems as appropriate while continuing to maintain the services necessary for the efficient operation of departmental programs and offers the potential of saving the Department a substantial amount yearly that can be reallocated to underfunded divisional programs and projects. The U.S. EPA has accepted the final draft of KYDEP's CROMERR application proposal and has sent it forward for final approval. Pending the completion of the CROMERR project which is dependent on the department's ePortal, the U.S. EPA will publish the final approval in the Federal Register.

Tactic: 2.3: Meet goals of U.S. EPA grant-based projects on time and on budget.

Measure: Successful completion of funded projects in FY14.

Baseline: Submission and acceptance of semi-annual and annual reports to and by U.S. EPA.

Action 2.3.1: Complete "CROMERR" Exchange Network grant project as noted in project plan.

Action 2.3.2: Complete "TEMPO Modernization" Exchange Network grant project as noted in the project plan.

Status: DEP has continued participation in the PPG (Performance Partnership Grant) for FFY14. 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.

Semi-annual grant reports have been completed and submitted as required per U.S. EPA guideline. The U.S. EPA funded TEMPO modernization project received a deadline extension from 9/30/13 to 12/31/13. The project is still in progress but the EPA-funded portion of the project is completed as required. Final reporting on the project to the U.S. EPA is currently in process. Work has just begun on the

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CROMERR project and is currently expected to be completed as scheduled in the grant proposal. The CROMERR project involves a rebuild of the web engine that drives the department's ePortal.

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 SFY14.

Baseline: SFY13 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: Develop and maintain a Department Continuity of Operations Plan (COOP).

Action 3.1.3: Coordinate training for all ERT On-Scene Coordinators.

Action 3.1.3: 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 motor pool and inventory), and office relocations.

Action 3.1.4: Coordinate DEP budgetary activities including submission of annual and biennial operating budgets, contractor furlough savings, and fiscal year close-out.

Action 3.1.5: Review and develop Memoranda of Agreement (MOAs) and Personal Service Contracts (PSCs) including those for medical monitoring, and OSHA training for all applicable DEP employees.

Action 3.1.6: Coordinate personnel activities including the DEP scholarship program, EEO/ADA and Title VI activities.

Action 3.1.7: Work with cabinet staff as required to ensure that all IT software licenses are kept current and/or retained under the realm of COT due to the recent reorganization.

Action 3.1.8: Provide technical advice concerning appropriate laboratory analytical methods and techniques.

Status: The Environmental Response Branch coordinated 289 incident responses from July 1 to December 31, 2013. The COOP project has been completed, and the final document was issued on July 30, 2013. The Environmental Response Branch began providing a liaison to the Kentucky Office of Homeland Security and the Fusion Center to provide technical assistance with environmental issues that could be criminal or terrorist related. The Branch received grants this year to upgrade air monitoring equipment and to expand the branch's capability

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to detect acid releases into the air that will allow real time monitoring that will be transmitted back to a wireless network.

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 FY14 operating budgets and the department submitted a rollup to the GAPS budget office in July of 2013. Each division within the department completed estimates of contractor furlough savings in November of 2013, and completed the contract workers report for the first two quarters of FY13 in October 2013 and January 2014. The medical monitoring contract with the University of Kentucky, and the scholarship program with the University of Kentucky Research Center, was renewed for FY14. Closing package forms for FY13 were completed and submitted to GAPS Fiscal Management in July of 2013.

Personal Service Contracts for OSHA Training and IT software maintenance were approved for FY14. The DEPS personnel administrator continues to coordinate personnel activities within the department.

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 Water and Waste Management divisions for chemical constituents.

Measure: The number of environmental samples analyzed each year.

Baseline: In calendar year 2012, there were 4930 samples analyzed by the Environmental Services laboratory.

Action 4.1.1: Provide testing services for samples in accordance with the allocated SFY14 budget.

Action 4.1.2: Maintain an average turn-around-time of less than 28 days for samples submitted beyond July 1st, 2013. In 2012, the average turn-around-time for all samples was 24.7 days.

Status: The Environmental Services Branch (ESB) continues to provide testing services for the divisions in accordance with the allocated SFY14 budget monies. The total number of samples received for the calendar year of 2013 was 4954. This number is almost identical to the number analyzed in 2012. The number of samples lost in the absence of DAQ has been picked up with the MOAs with DNRs (CHIA and AML). The average turn-around-time for samples in CY13 was 22.1

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days. This is an improvement from the previous calendar year of CY12 of 23.9 days. The number of samples taking longer than 30 days to report, improved from 16.5% in CY 2012 to 4.74% in CY2013

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

Baseline: In calendar year 2012, there were 40,117 individual tests performed by the Environmental Services laboratory.

Action 4.1.3: Provide individual testing services in accordance with the allocated SFY14 budget.

Status: The Environmental Services Branch (ESB) continues to provide testing services for the divisions in accordance with the allocated SFY14 budget monies. In calendar year 2013 there were 48,520 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 2012, there were 249,905 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 SFY14 budget monies. In calendar year 2013, there were 228,758 individual chemical parameters reported by the Environmental Services Branch laboratory.

Tactic 4.2: Maintain accreditation by U.S. EPA 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 U.S. EPA. 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.

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Action 4.2.2: Pass 2 out of the last 3 consecutive studies to maintain accreditation for various analytical methods.

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 U.S. EPA and NELAP programs. In calendar year 2013, ESB participated in 2 Water Pollution (WP), 4 Water Studies (WS), and 2 full LPTP Soil studies. The total number of analytes submitted was 1312 and ESB received a passing acceptable grade of 96.7%. 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 revised in December of 2012 and is currently under QC review for possible changes and/or additions. NELAP audited ESB in March of 2013. All findings and recommendations have been corrected and approved minus a few SOP updates in the Standard Testing Section. NELAP's accrediting body has given ESB till March 2014 to move these final SOP revisions to complete.

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 2013 ESB has been able to acquire a number of new items through both DEPS funding sources and through grants within the Division of Water. DOW purchased a Brooks Rand methyl mercury instrument (\$39,000) this year and it is currently analyzing fish tissue samples. DOW also secured ESB funding to acquire an ICP-MS to replace one that will become obsolete and inoperable in April of 2014. This instrument cost around \$140,000 and will be used to run samples in the Metals Section. DEPS spent \$75,000 of their

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budgeted money for the purchase of a Buchi ASE (Accelerated Solvent Extractor) in CY13. This instrument is being developed for the preparation of fish tissue and soil samples for various organic method analysis.

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 in FY14.

Baseline: The baseline will be the number of training events sponsored by DEP in SFY13.

Action 5.1.1: Coordinate the scheduling with U.S. EPA 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 PowerPoint 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: Coordinate DEP employee participation in the Commonwealth's Wellness Coalition Program, the Humana Vitality Program, and KECC activities.

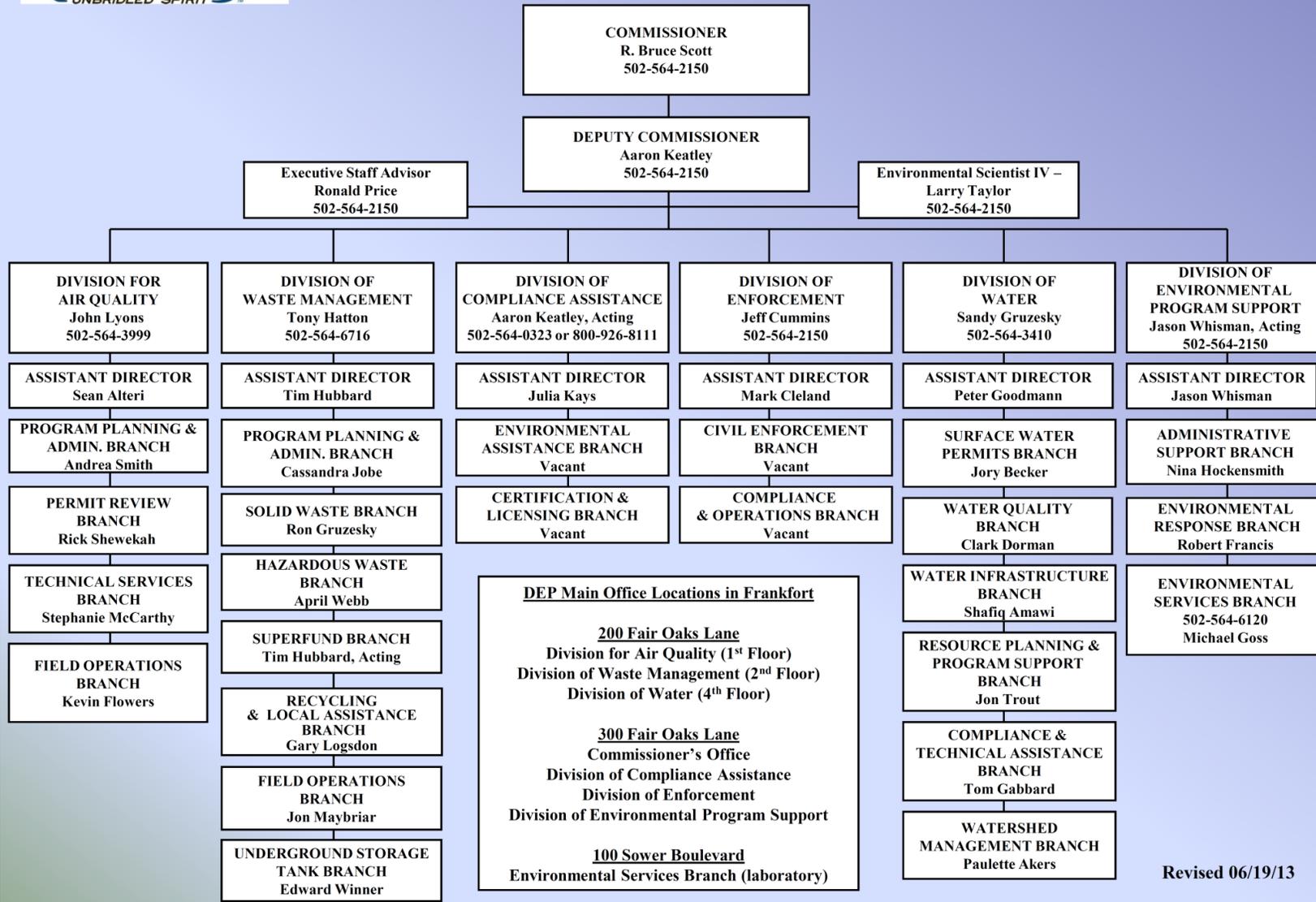
Action 5.1.7: Partner with agencies and organizations outside DEP to provide environmental awareness training (including but not limited to Earth Day, Governor's Conference on the Environment, and Kentucky Recycling Interest Group).

Status: The DEP New Employee Orientation Program is provided for all new hires and employees transferring in from other agencies. The DEP staff continues to participate in monthly wellness coalition meetings and provide 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
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