

Kentucky Division of Environmental Program Support

Annual Report

Fiscal Year 2010

(July 2009 to June 2010)



September 2010

Energy and Environment Cabinet
Department for Environmental Protection

502-564-2150 and 502-564-6120 (Lab)

dep.ky.gov/deps



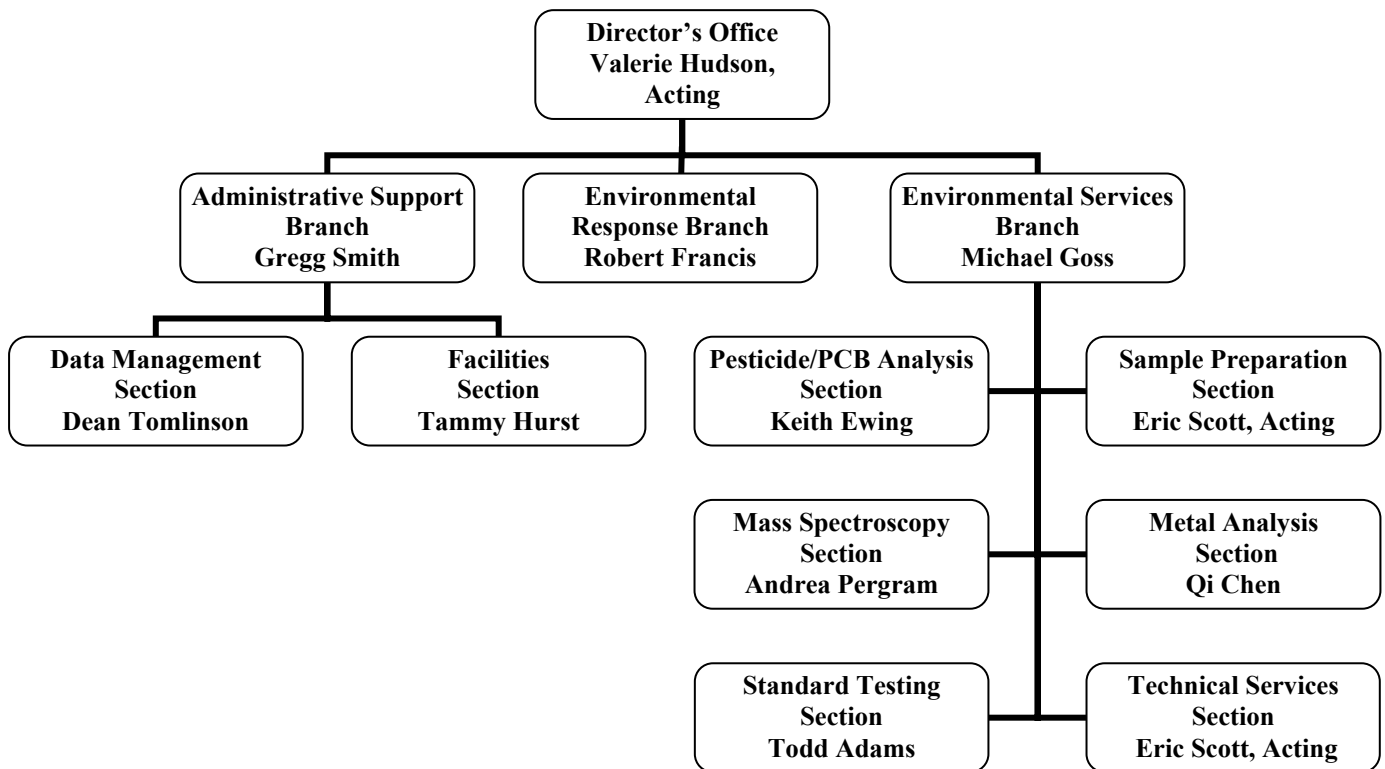
DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT

Introduction

The Department for Environmental Protection (DEP) was reorganized effective June 16, 2008 (Executive Order 2008-531). DEP consolidated internal support functions for the department into the new Division of Environmental Program Support (DEPS). These functions included administrative functions, environmental laboratory services and environmental response team (ERT) functions. As a result of the reorganization, the former Division of Environmental Services was changed from a division to a branch and the former Environmental Response Section in the Commissioner's Office was changed to a branch in the new division.

Division Structure

The Division of Environmental Program Support is composed of three Branches – Administrative Support Branch, Environmental Response Branch and Environmental Services Branch. The Environmental Services Branch is located at 100 Sower Boulevard in Frankfort in the Central Laboratory Complex. The other two branches are located at 300 Fair Oaks Lane in Frankfort.



Administrative Support Branch – Activities and Accomplishments

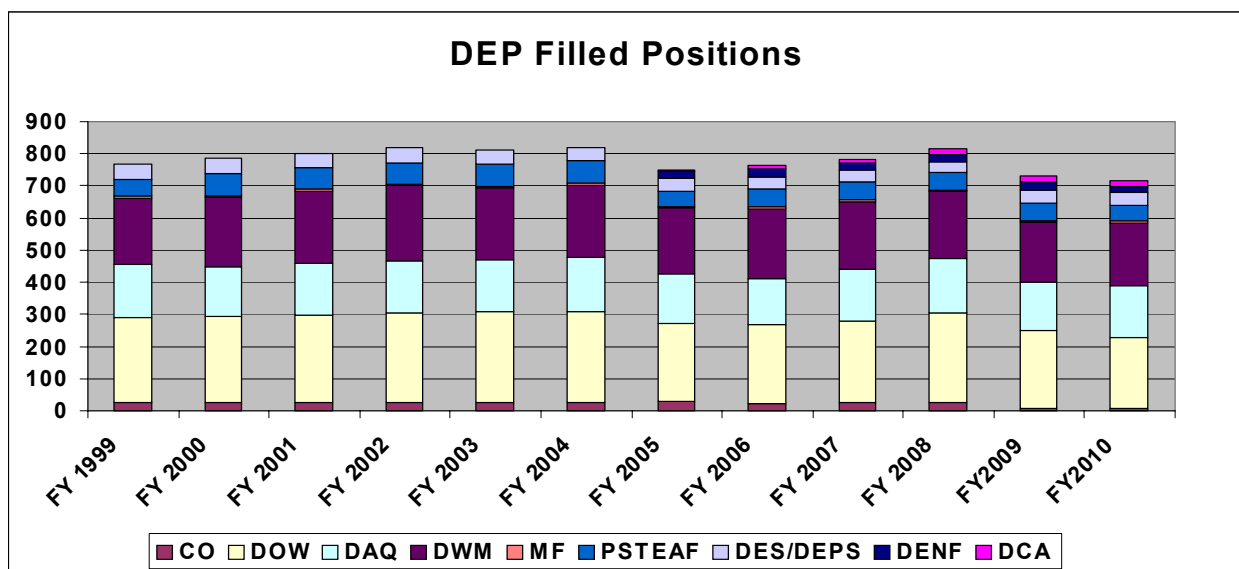
The Administrative Support Branch (includes the Data Management and Facilities Sections) is responsible for personnel management, budget activity and financial reporting, inventory coordination, printing, communication services (telephone systems), facilities management, mail processing, coordination of grant activities and memoranda of agreement, federal and state statutory and regulatory reporting functions, and information technology (IT) functions for the

department. IT activities include the development and implementation of computer systems, software packages, and database structures; system support services for multiple systems; and coordination and oversight of the TEMPO (Tools for Environmental Management and Protection Organizations) enterprise for the department.

Human Resource Management

Filled Positions

The current number of filled positions within DEP as of the beginning of July 2010 was 747. The FY2010 budgeted personnel cap was 795 positions, although the budget reductions do not accommodate this number of filled positions. Historically, DEP's highest number of filled positions was in FY2003-2004 with approximately 821 positions filled and a budgeted personnel cap of 851.



Employee Awards

Due to budget constraints, ACE and ERA Awards were suspended in SFY09 and SFY10. On December 11, 2009 the Department held an Employee Awards Program to recognize outstanding employees and employee units (branch, section or program) for Calendar Years 2008 and 2009.

Environmental and Natural Resources Scholarship Program

The scholarship program began in 1991 and scholarships are available to college juniors, seniors and graduate students in selected academic disciplines, such as engineering, geology and chemistry. The program is coordinated by the Kentucky Water Resources Research Institute and the scholarship student must agree to work full-time for DEP immediately after graduation. To date, DEP has awarded scholarships to 57 students. In FY10, there was one student in the program, sponsored by the Division of Water.

Recruitment/Career Fairs

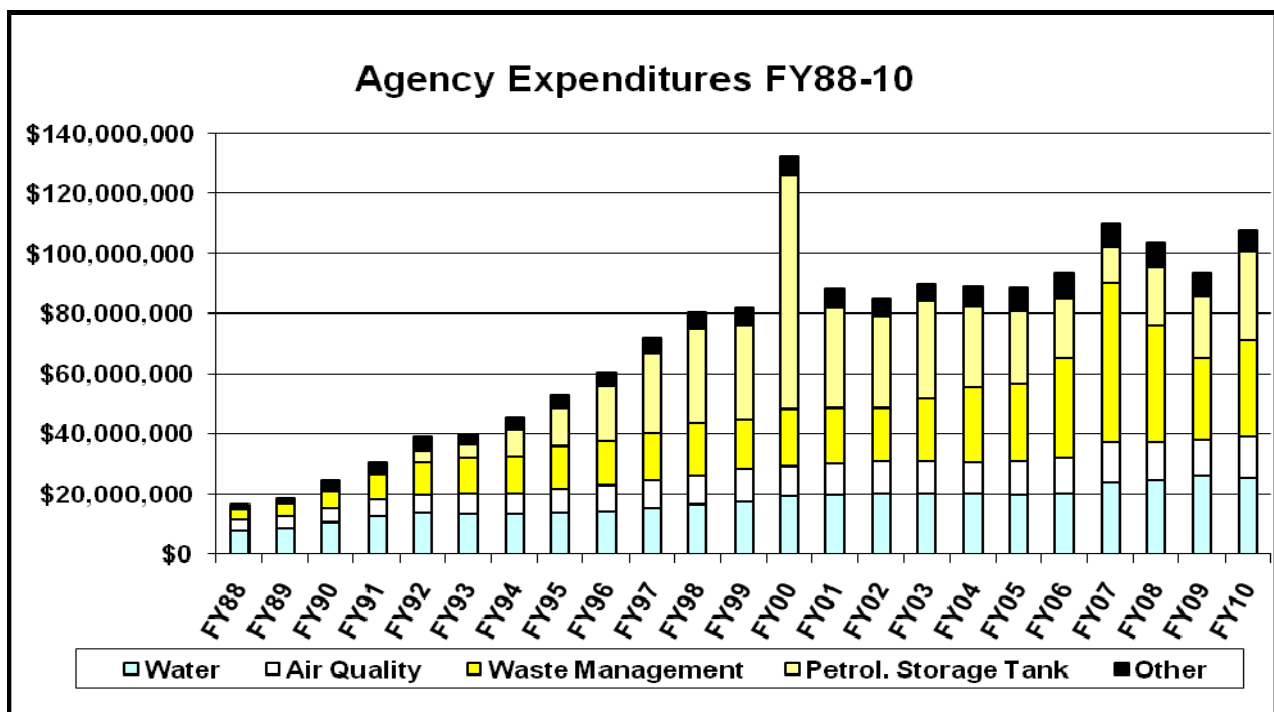
In the fall of 2009, DEP was represented at six Kentucky universities promoting the DEP scholarship program and recruiting students for vacancies. In the spring of 2010, DEP was represented at career fairs held at eight Kentucky universities.

Financial Management

FY10 Budget

Prior to the beginning of FY2010, the divisions completed their FY10 operating budgets and submitted them to the Cabinet's General Administration and Program Support (GAPS) budget office (June 15, 2009 deadline). In September, department budget staff began work on the 2010-2012 biennial budget request. The Cabinet's biennial budget request was submitted to OSBD the beginning of November 2009. The divisions completed 2%, 4% and 6% budget cut impact statements that were sent to the GAPS budget office by the December 17, 2009 deadline. In the first half of 2010, the divisions worked on the FY11 operating budgets and as July approached, the divisions worked on the fiscal year end close and the closing package.

Due to HB 387, passed during the 2010 General Assembly Session, the department has to report on a quarterly basis the number of individuals working on a full-time equivalent and recurring basis, listed by contract or agreement. The first report was done for July 2009-December 2009 and was due to GAPS in April 2010. An impact statement was prepared for reducing DEP's contracts in April 2010. Cabinet and department IT staff were able to cancel/change some of the rated data communications and pass thru charges on the Commissioner's Office COT Data bill that amounted to savings of around \$17,000 for the year for DEP. DEPS staff worked on the University agreements for medical monitoring, scholarship, and the KY WARN program along with personal service contracts for the OSHA training and the Drinking Water protocol contract. The FY10 inventory audit was completed and returned to GAPS by the deadline of April 30, 2010.



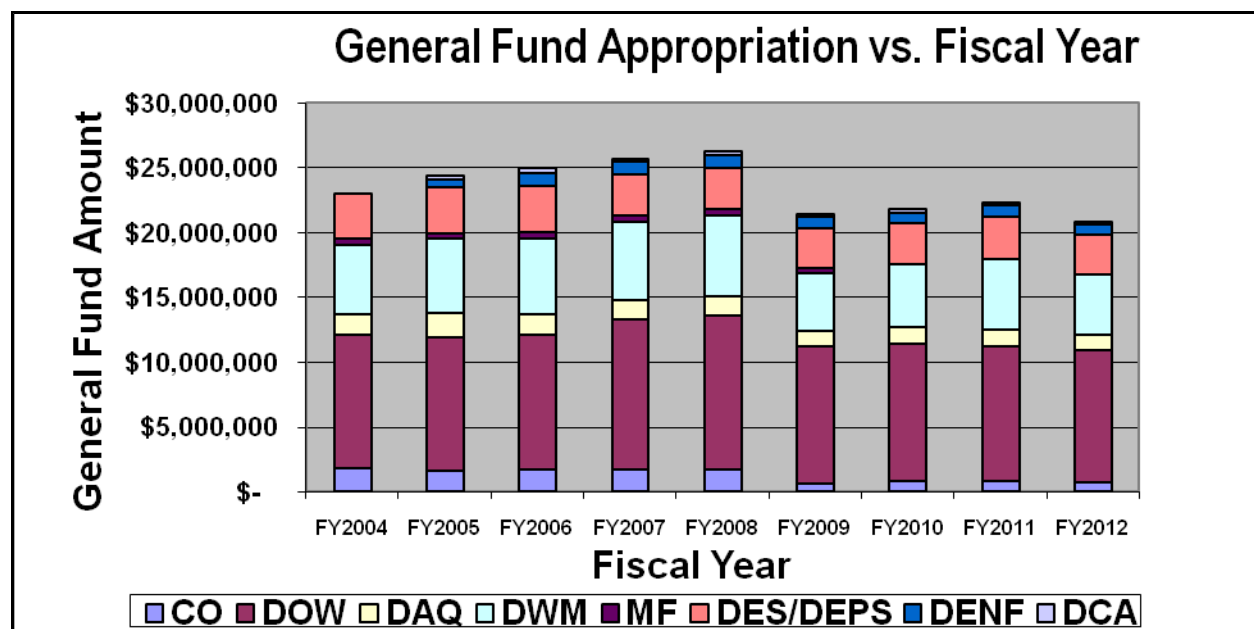
Below are the actual expenditures for DEP in FY10 by division or program area.

Expenditures By Unit	FY10
Commissioner's Office	\$776,908
Water	\$25,182,491
Air Quality	\$13,871,909
Waste Management (includes Maxey Flats)	\$32,013,861
Env. Services/Env. Program Support	\$3,907,054
PSTEAF	\$29,152,539
Enforcement	\$1,325,589
Compliance Assistance	\$1,377,952
TOTAL EXPENDITURES	\$107,608,303

FY10 Budget and Managing Budget Reductions

General Funds:

Since January 2008, state agencies have implemented eight rounds of general fund budget cuts resulting in budget reductions ranging from 20% to 25%. In FY09, the DEP general fund budget was reduced by approximately \$4.9M, an approximately 20% general fund reduction from FY08 to FY09. In FY10, DEP's general fund budget was \$21,757,000.



In an effort to offset a portion of the general fund reductions, DEP has been working for the past two years in an effort to increase authorization fees for a number of agency programs that historically either had no fee at all or had not been revised in many years (in some cases greater than 20 years). The agency has been successful in most of these efforts including increasing KPDES and solid waste permit fees.

All Funding Sources:

Over the last several fiscal years, the department has made a tremendous effort in reducing expenses due to reduced appropriations. Listed below are expenses that have been reduced in the areas of travel, temporary services, office supplies, furniture and publications. The charts provide totals by fiscal year (FY07 to FY10) and totals by fund source.

In-State Travel (E361) – Totals by Fiscal Year and Totals by Fund Source:

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
CO	\$ 2,162.20	\$ 5,601.43	\$ 187.98	\$ 553.36	74%
DOW	\$ 104,168.17	\$ 93,810.98	\$ 62,391.53	\$ 63,046.64	39%
DAQ	\$ 43,456.88	\$ 45,197.36	\$ 57,744.20	\$ 30,632.01	30%
DWM	\$ 82,924.01	\$ 83,221.15	\$ 39,032.08	\$ 43,995.63	47%
DES/DEPS	\$ 201.55	\$ 339.51	\$ 1,034.13	\$ 4,896.48	-2329%
DCA	\$ 35,598.65	\$ 43,093.68	\$ 25,069.08	\$ 25,941.33	27%
DENF	\$ 101.60	\$ 29.00	\$ 577.09	\$ 0	100%
PSTEAF	\$ 1,260.65	\$ 10,615.22	\$ 7,822.61	\$ 3,617.19	-187%
Total	\$ 269,873.71	\$ 281,908.33	\$ 193,858.70	\$ 172,682.64	36%

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
General	\$ 151,176.38	\$ 120,577.87	\$ 70,916.09	\$ 57,857.57	62%
Road	\$ -	\$ -	\$ -	\$ -	-
Federal	\$ 19,272.21	\$ 15,299.26	\$ 32,663.82	\$ 27,850.43	-45%
Restricted	\$ 98,164.47	\$ 135,415.98	\$ 82,456.18	\$ 83,357.45	15%
Insurance Administration	\$ 1,260.65	\$ 10,615.22	\$ 7,822.61	\$ 3,617.19	-187%
Total	\$ 269,873.71	\$ 281,908.33	\$ 193,858.70	\$ 172,682.64	36%

Out-of-State Travel (E362) – Totals by Fiscal Year and Totals by Fund Source:

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
CO	\$ 13,855.15	\$ 8,607.08	\$ 860.94	\$ 734.15	95%
DOW	\$ 79,492.99	\$ 78,521.32	\$ 23,435.25	\$ 39,967.75	50%
DAQ	\$ 11,849.15	\$ 8,377.96	\$ 15,279.74	\$ 1,214.38	90%
DWM	\$ 60,846.51	\$ 35,270.27	\$ 21,300.90	\$ 36,576.68	40%
DES/DEPS	\$ 8,503.59	\$ 5,353.43	\$ 1,879.51	\$ 1,208.00	86%
DCA	\$ 12,756.03	\$ 17,697.75	\$ 3,210.58	\$ 4,965.92	61%
DENF	\$ 785.51	\$ 4,238.74	\$ -	\$ -	100%
PSTEAF	\$ -	\$ 1,171.14	\$ 2,760.10	\$ -	-
Total	\$188,088.93	\$ 159,237.69	\$ 68,727.02	\$ 84,666.88	55%

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
General	\$ 80,285.39	\$ 64,057.29	\$ 14,058.24	\$ 7,384.34	91%
Road	\$ -	\$ -	\$ -	\$ -	-
Federal	\$ 73,612.93	\$ 55,578.73	\$ 37,104.97	\$ 64,943.20	12%
Restricted	\$ 34,190.61	\$ 38,430.53	\$ 14,803.71	\$ 12,339.34	64%
Insurance Administration	\$ -	\$ 1,171.14	\$ 2,760.10	\$ -	-
Total	\$188,088.93	\$ 159,237.69	\$ 68,727.02	\$ 84,666.88	55%

Temporary Services (E191) – Totals by Fiscal Year and Totals by Fund Source:

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
CO	\$ 7,241.35	\$ 21,617.42	\$ 541.64	\$ -	100%
DOW	\$ 143,001.19	\$ 151,840.54	\$ 72,195.00	\$ 59,769.50	58%
DAQ	\$ 5,519.46	\$ 9,198.98	\$ 14,397.57	\$ 6,105.60	-11%
DWM	\$ 43,151.00	\$ 41,185.97	\$ 17,515.95	\$ 20,520.15	52%
DES/DEPS	\$ -	\$ -	\$ 28,795.39	\$ 15,091.27	-
DCA	\$ 18,568.67	\$ 13,779.97	\$ 1,394.22	\$ 6,429.12	65%
DENF	\$ 8,702.37	\$ 13,977.52	\$ 11,018.18	\$ 8,142.75	6%
PSTEAF	\$ -	\$ -	\$ -	\$ -	-
Total	\$ 226,184.04	\$ 251,600.40	\$145,857.95	\$116,058.39	49%

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
General	\$ 143,416.12	\$184,376.63	\$ 73,657.91	\$ 89,677.48	37%
Road	\$ -	\$ 7,121.46	\$ 119.70	\$ -	-
Federal	\$ 32,299.64	\$ 23,393.78	\$ 52,446.92	\$ 14,319.28	56%
Restricted	\$ 50,468.28	\$ 36,708.53	\$ 19,633.42	\$ 12,061.63	76%
Insurance Administration	\$ -	\$ -	\$ -	\$ -	-
Total	\$ 226,184.04	\$251,600.40	\$145,857.95	\$116,058.39	49%

Office Supplies (E321) – Totals by Fiscal Year and Totals by Fund Source:

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
CO	\$ 10,374.67	\$ 8,504.07	\$ 1,526.95	\$ 529.15	95%
DOW	\$ 54,808.37	\$ 47,182.27	\$ 36,965.20	\$ 29,658.49	46%
DAQ	\$ 61,754.35	\$ 48,450.76	\$ 39,295.65	\$ 25,233.80	59%
DWM	\$ 52,302.29	\$ 38,604.51	\$ 26,276.99	\$ 16,807.49	68%
DES/DEPS	\$ 11,554.21	\$ 14,782.22	\$ 12,539.62	\$ 10,062.92	13%
DCA	\$ 3,936.50	\$ 6,102.45	\$ 3,494.29	\$ 4,874.25	-24%
DENF	\$ 5,357.15	\$ 6,047.74	\$ 1,757.33	\$ 2,077.05	61%
PSTEAF	\$ 28,494.69	\$ 8,923.94	\$ 4,214.32	\$ 3,349.61	88%
Total	\$228,582.23	\$ 178,597.96	\$ 126,070.35	\$ 92,592.76	59%

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
General	\$ 92,530.91	\$ 95,099.16	\$ 46,185.24	\$ 50,069.20	46%
Road	\$ -	\$ 439.47	\$ 1,514.03	\$ 19.78	-
Federal	\$ -	\$ -	\$ -	\$ -	-
Restricted	\$107,556.63	\$ 74,135.39	\$ 74,156.76	\$ 39,154.17	64%
Insurance Administration	\$ 28,494.69	\$ 8,923.94	\$ 4,214.32	\$ 3,349.61	88%
Total	\$228,582.23	\$ 178,597.96	\$ 126,070.35	\$ 92,592.76	59%

Furniture – Office Equipment (E346) – Totals by Fiscal Year and Totals by Fund Source:

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
CO	\$ 2,638.40	\$ 974.16	\$ -	\$ 2.46	100%
DOW	\$ 12,114.52	\$ 33,925.78	\$ 4,326.66	\$ 2,354.52	81%
DAQ	\$ 3,667.19	\$ 1,383.07	\$ 2,465.14	\$ 3,607.14	2%
DWM	\$ 10,031.31	\$ 6,721.97	\$ 883.84	\$ 1,515.19	85%
DES/DEPS	\$ 387.00	\$ 41.71	\$ 75.00	\$ 1,609.01	-316%
DCA	\$ 3,724.96	\$ 2,783.95	\$ -	\$ 865.37	77%
DENF	\$ 4,744.21	\$ 1,205.38	\$ -	\$ 507.84	89%
PSTEAF	\$ 3,663.54	\$ 1,309.35	\$ -	\$ 23.76	99%
Total	\$ 40,971.13	\$ 48,345.37	\$ 7,750.64	\$ 10,485.29	74%

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
General	\$ 21,055.39	\$ 32,964.83	\$ 2,776.50	\$ 3,134.88	85%
Road	\$ -	\$ -	\$ -	\$ -	-
Federal	\$ -	\$ -	\$ -	\$ -	-
Restricted	\$ 16,252.20	\$ 14,071.19	\$ 4,974.14	\$ 7,326.65	55%
Insurance Administration	\$ 3,663.54	\$ 1,309.35	\$ -	\$ 23.76	99%
Total	\$ 40,971.13	\$ 48,345.37	\$ 7,750.64	\$ 10,485.29	74%

Publications (E351) – Totals by Fiscal Year and Totals by Fund Source:

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
CO	\$ 463.52	\$ 279.61	\$ 143.95	\$ -	100%
DOW	\$ 7,574.41	\$ 3,789.83	\$ 1,346.35	\$1,459.10	81%
DAQ	\$ 673.29	\$ 1,299.91	\$ 6,280.45	\$2,659.92	-295%
DWM	\$ 6,188.35	\$ 3,247.71	\$ 2,160.99	\$2,037.72	67%
DES/DEPS	\$ 417.75	\$ 336.60	\$ 117.64	\$ -	100%
DCA	\$ 20.79	\$ 300.04	\$ 468.52	\$1,110.11	-5240%
DENF	\$ 368.73	\$ 29.06	\$ 11.10	\$ -	100%
PSTEAF	\$ 212.25	\$ 31.04	\$ 24.90	\$ -	100%
Total	\$ 15,919.09	\$ 9,313.80	\$ 10,553.90	\$7,266.85	54%

Division	2007	2008	2009	2010	% Reduction from 2007 to 2010
General	\$ 13,346.51	\$ 5,948.86	\$ 3,433.34	\$3,408.86	74%
Road	\$ -	\$ -	\$ -	\$ -	-
Federal	\$ -	\$ -	\$ -	\$ -	-
Restricted	\$ 2,360.33	\$ 3,333.90	\$ 7,095.66	\$3,857.99	-63%
Insurance Administration	\$ 212.25	\$ 31.04	\$ 24.90	\$ -	100%
Total	\$ 15,919.09	\$ 9,313.80	\$ 10,553.90	\$7,266.85	54%

Information Management

TEMPO

Weekly TEMPO reports are being produced on-time and as requested. The associated instructions were simplified and the procedures modified so anyone with access to the Reports Tool can run them. Seventy percent of the TEMPO help desk requests are resolved within 24 hours. A TEMPO linked “ePermitting” module has been in production and online permitting for TEMPO is operational. Programmers are currently working to make additional online forms available to the regulated community and are working on updating the forms engine. During FY10, eForms version 2 web application enhancements were completed and eForms were developed for the Division of Water’s Storm Water NOI and Ground Water Well Registration.

COMPASS Replacement System – ALAWADR

A test database instance of the COMPASS replacement system (ALAWADR) has been installed and has been tested. The department is waiting for version 3 of the software that is reported to include biological data input capabilities. The ALAWADR project management has been turned over to the Division of Water and DEPS staff will continue to support the Oracle instance and the associated server.

SWr1

SWr1 has been upgraded to SWr2. An upgrade from SWr2 to SWr3 has been shelved by the USEPA. An upgrade from SWr2 to another EPA approved system should take place within the next year.

CROMERR

DEP’s formal Cross-Media Electronic Reporting Rule (CROMERR) application was sent to the USEPA on 1/11/10. At present, there is no USEPA deadline to have a CROMERR compliant portal fully operational. However, the department is working toward that end.

USEPA STAG Grants

USEPA awarded money to DEP for the following two 2008 State and Tribal Assistance Grants (STAG). Work on these two grant projects will take place in FY10 and FY11.

- PCS to ICIS-NPDES Migration – The grant funds (\$171,600 federal, \$110,500 state) will be used for software enhancements and contractual labor to migrate existing data in PCS to ICIS, verify the accuracy of the migration, and enter required data not currently in PCS. Management reports will be developed based on the new ICIS data and migration tools will be developed to extract data from TEMPO to ICIS to reduce manual data entry.
- Better Use Project/Tablet Personal Computers Compliance Monitoring - The grant funds (\$108,000 federal, \$61,500 state) will be used to demonstrate better use of technology in compliance monitoring activities with the use of portable, personal-computing technologies for the performance of pre-inspection, on-site inspection, and post-inspection activities.

NEIEN Grants

The USEPA National Environmental Information Exchange Network (NEIEN) is an Internet-based approach for exchanging environmental data between USEPA and states. The NEIEN enables participants to control and manage their own data while making it available to partners via requests over a secure Internet connection. DEP has been applying for NEIEN grants in order to maintain and improve the TEMPO enterprise system. TEMPO was originally funded by

EMPOWER funds. After EMPOWER funds were depleted, the department began applying for the NEIEN grants in order to support the program. Grant funds are limited and the entire department is now sharing the costs of maintaining TEMPO. A listing of past and current NEIEN grants is provided below.

- 2002 NEIEN One Stop Grant - DEP completed this project in 2006 using the grant funds (\$500,000 federal). One of the many outcomes of this project included “eSearch” which allows the regulated community to search agency data via the web. DEP also implemented “eNotification”, a module of ePortal, for the collection of routine incident notification data from regulated facilities.
- 2002 NEIEN Challenge Grant – DEP used the grant funds (\$150,000 federal) to develop the corrective action interface under the TEMPO/RCRA Info Interface and completed additional work to customize the Mississippi interface for Kentucky.
- 2004 NEIEN Readiness Grant - DEP implemented NODE 1.1 using these grant funds (\$71,577 federal). This included installing the Node on the hardware purchased under the grant, conducting testing, and implementation.
- 2005 Kentucky Exchange Network Implementation Grant (AFS & NEI) - The funds (\$230,000 federal, \$50,000 state) were used to address the XML mapping changes brought about by the department’s state-specific implementation of TEMPO, provide the department the ability to develop data flows to support exchange of AFS data with USEPA and trading partners via CDX, and allow the department to complete NEI changes. A minor modification was made to the original grant proposal to allow for the submittal of AFS data to USEPA using the Universal Interface (UI). DEP is routinely submitting data to USEPA via the UI in production environment now.
- 2006 Kentucky Exchange Network Grant for the Web Based Emissions Survey - The funds (\$200,000 federal, \$50,000 state) were used to allow the department to develop a system to improve timeliness, efficiency, and reduce costs associated with the Division for Air Quality annual emissions survey process. The grant provided the department the ability to develop data flows to enhance Kentucky’s participation of NEI data with USEPA and trading partners via CDX. This work was for the benefit of the Division for Air Quality.
- 2006 Kentucky Exchange Network Grant for the FRS Data Flow – The funds (\$78,000 federal) were used to make necessary changes to the previously developed Mississippi Department of Environmental Quality FRS node and to implement a DEP FRS node. This work was for the benefit of the entire department.
- 2009 NEIEN Grant for Node 2.0 - These funds (\$77,114) were used to upgrade the DEP software Node from version 1.0 to version 2.0. The node is used to supply data to USEPA and other data trading partners.

Additional Projects

The following projects were completed during FY10.

1. XML sampling upgrade for DOW
2. Modifications to the ePay and conference registration web application
3. DEP’s migration of computer and user accounts to Active Directory domain
4. DCA sponsored ePay enhancements for TCH events
5. DOW’s BARR print services upgrade and protocol changes
6. Web Survey for DAQ
7. Portal Administration Upgrades
8. SDWIS 2 Upgrade and Patches
9. Office 2007 Training

Buildings and Facilities Management

DEP Motor Pool

The Department for Environmental Protection established a DEP Motor Pool to better provide service to DEP employees. The startup date for the DEP Motor Pool was November 12, 2009. The Motor Pool allows DEP to use vehicles more efficiently by serving more employees with fewer vehicles and, this in turn, will help to control costs. The vehicles are now located in the three rows closest to the 300 Fair Oaks building and the Motor Pool office is located on the first floor of 200 Fair Oaks building.

200 Fair Oaks Building Telephone Change

In July 2009, DEP changed the telephone system in the 200 Fair Oaks building from a Tadiran system that was very old and outdated with a Definity Avaya system that was newer and was used at the previous DEP offices on Reilly Road. All telephone sets were changed out and everyone kept their same extension. The switchover was a success. Now the telephone systems are compatible in the 200 and 300 Fair Oak locations and in the near future we will integrate the two systems together so staff can call each other and bypass the switchboards.

DEP Office Move

For the first time in over 25 years, the DEP consolidated the Divisions of Water, Waste Management and Air Quality into one office location at 200 Fair Oaks in the fall of 2008. In early 2010, DEP continued to consolidate offices by moving the Frankfort Regional Office from Teton Trail to the Third Floor of 200 Fair Oaks.



Tammy Hurst assists the Frankfort Regional Office staff with the move from Teton Trail to 200 Fair Oaks in Frankfort. Pictured at left is Steve Kellerman (DWM), Deborah Singleton (DOW), Tammy Hurst (DEPS), and Kim Sutherland (DAQ).

Environmental Services Branch – Activities and Accomplishments

The Environmental Services Branch provides laboratory-testing services essential for the identification and characterization of environmental pollutants in the Commonwealth. These services are required by KRS 224.10-100(7) “Secure necessary scientific, technical, administrative, and operations services including laboratory services by contract or otherwise”; and (16) “monitor the environment to afford more effective and efficient control practices to identify changes and conditions in ecological systems and to warn of emergency conditions”. Additionally, 40 CFR 123.26 - Requirements for Compliance Evaluation Programs states that “State programs shall have inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or non-compliance with applicable program requirements.”

The Environmental Services Branch (previously a Division) underwent reorganization in FY07 that resulted in the risk assessment responsibilities being redistributed to the Divisions of Air Quality and Waste Management. This resulted in focusing on the single mission of providing laboratory services to the Department for Environmental Protection as the department’s consolidated environmental chemistry laboratory. The branch has accomplished much since FY07 and expects to continue its reputation for high achievement. The Environmental Services Branch attained national accreditation under the National Environmental Laboratory Accreditation Program (NELAP) in 2007. It became the second state laboratory in the United States Environmental Protection Agency Region IV, an eight-state region, to achieve this accreditation. This accreditation is testament to the quality of the analysis performed by the laboratory.

Concurrent with this achievement, the Environmental Services Branch (ESB) has maintained a high level of analytical services to the Department. The testing activities of the division support all of the programs managed by the Divisions of Water, Air Quality and Waste Management. The ESB increased its productivity between 2003 and 2007 and the numbers of samples tested and the numbers of tests performed increased during that time by an average of 12.7%. The addition of more productive equipment and the dedication of analytical and support staff allowed this increase in productivity. Replacing equipment with newer, more efficient instruments over this timeframe was critical to maintaining productivity improvements without additional staff.

The Environmental Services Branch (ESB) continues to provide testing services for all the divisions in accordance with the allocated FY10 budget monies. In calendar year 2009, the number of samples analyzed was 5894 and the average turn-around time was 25.3 days. The number of tests performed was 33,065 and the number of chemical parameters provided was 316,650.

From July 1, 2009 to June 30, 2010 (FY10), the laboratory had accepted 6101 samples. This number is around 1.2 % less than the total number of samples received during the same period last year (FY09). However, from January to June 30, 2010, the number of samples has increased almost 8% from the same period in 2009. This may indicate that the number of samples lost due to budgetary deficiencies has leveled off and is now moving back toward the 2007-2008 totals. Additionally, from January 1 to June 30, 2010, the number of tests performed was 16,996 and the number of chemical parameters reported was 165,564.

ESB continues to participate in the number of proficiency tests that are needed to maintain accreditation under USEPA and NELAP programs. In calendar year 2009, ESB submitted 1574 analytes and received a passing grade of 95.2%.

Overall, the FY10 budget for the Environmental Services Branch supported the current activities in the branch. State General Fund budget reductions in FY09 and FY10 resulted in personnel budget reductions and in limited funds for instrument purchases and upgrades. Instrument service agreements were paid in FY10 by other divisions within the department. The FY10 baseline budget included 25 full-time positions, six full-time positions less than in FY09. The majority of the laboratory positions charge their time to project codes associated with general, restricted and federal funds. All other positions are funded 100% with general fund dollars.

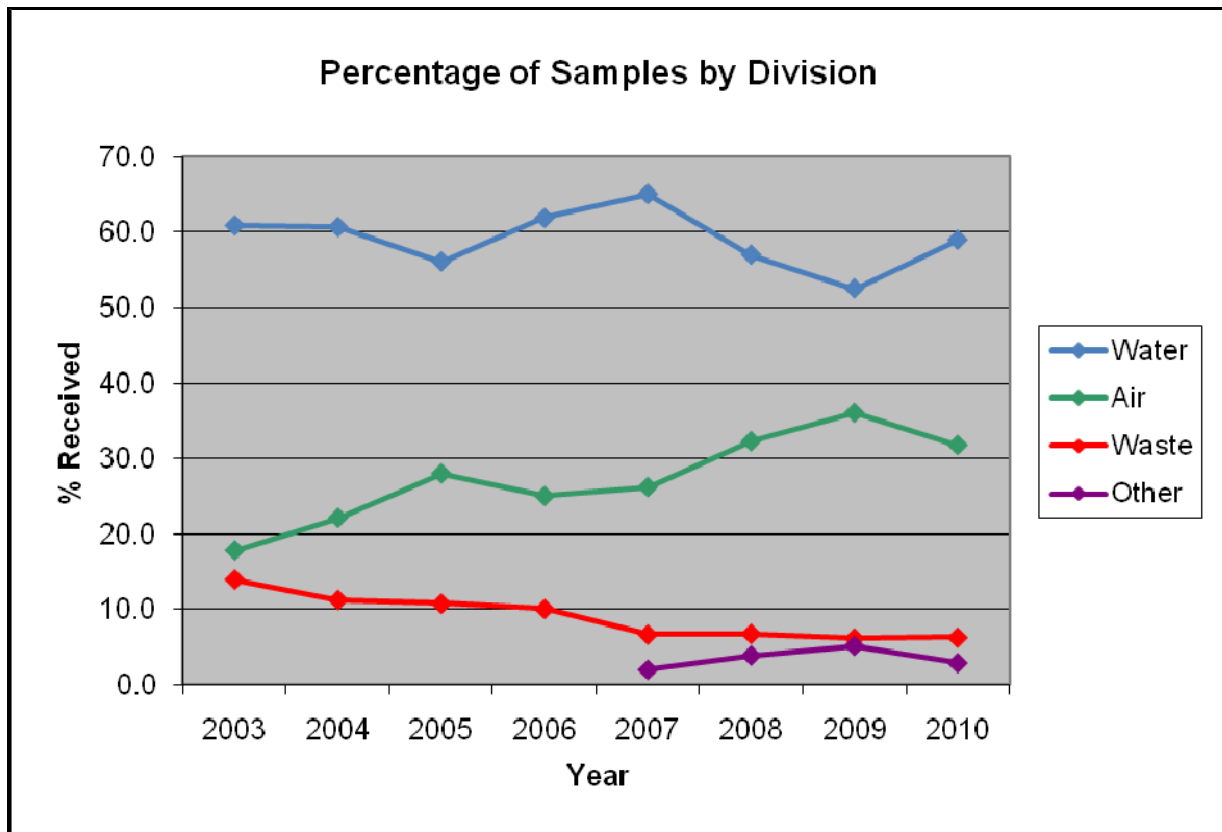
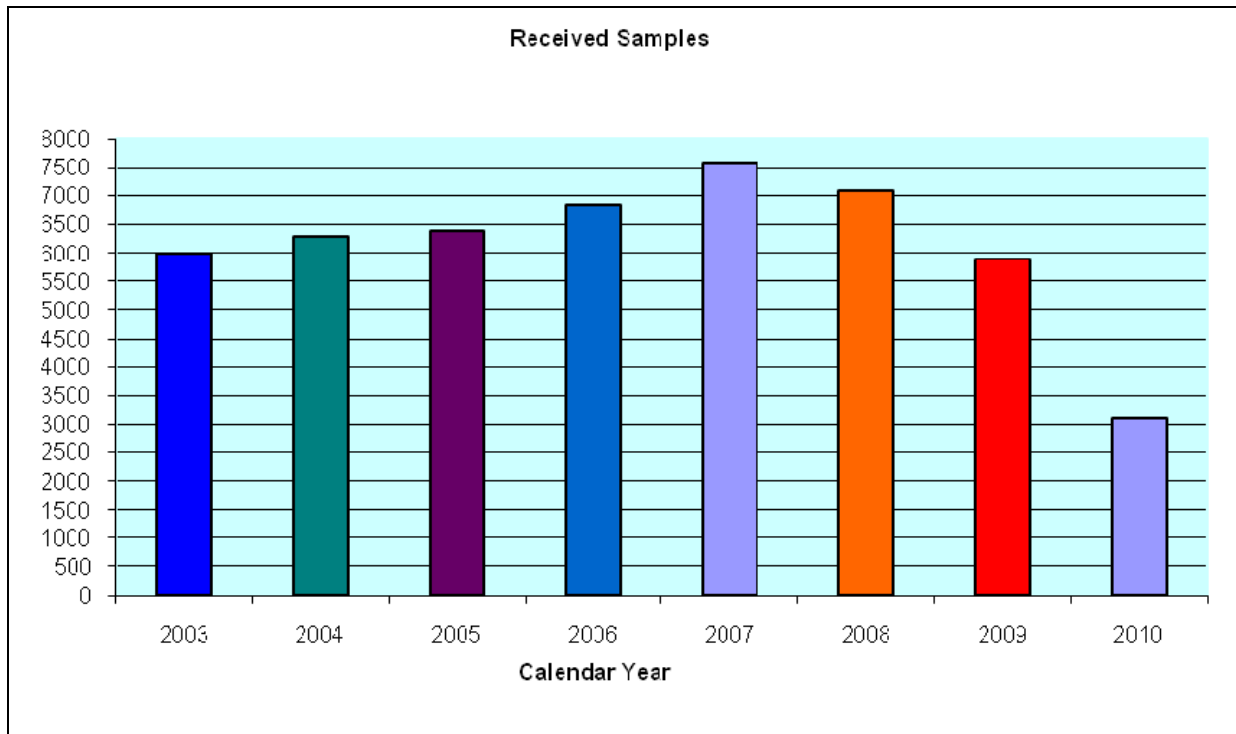


Todd Adams loads the discrete analyzer with samples and Greg Abner weighs out samples in the preparation section of the lab.



Amy Stosberg preps Pesticide/PCB water samples and Baoding Chen prepares a SUMMA canister for an air analysis.

Environmental Services Branch – Samples Received from 1/01/03 to 6/30/10



Environmental Response Branch – Activities and Accomplishments

Overview

The Energy and Environment Cabinet (EEC) is mandated to protect human health and to provide for efficient, coordinated and effective action to minimize damage to air, land and waters of the Commonwealth from toxic or hazardous releases of pollutants and contaminants. To achieve this goal, the Department for Environmental Protection formed the Environmental Response Team (ERT) in 1980.

The language in KRS 224.01-400 mandates the Cabinet to have a 24-hour environmental response line and designates the Cabinet as the lead agency for emergency spill responses. In addition KRS 224.46-580 mandates the Cabinet to respond effectively and timely to emergencies created by releases per 224.01-400.

ERT is a departmental function composed of staff with various environmental discipline backgrounds from DOW, DAQ, DWM and DEPS with the majority of the staff from the regional offices. The Environmental Response Branch is composed of four full time staff, 24 part-time responders (365 days per year 24 hours a day) and 8 alternates. ERT is operationally based in the Division of Environmental Program Support in Frankfort. ERT was moved from the Division of Water to the Commissioner's Office in the July 2004 reorganization (Executive Order 2004-731) and then was moved to the Division of Environmental Program Support in the June 2008 reorganization (Executive Order 2008-531).

ERT responsibilities include:

- Maintain a 24-hour emergency report/notification phone line for spills and releases
- Coordinate and transfer non-emergency and post emergency incidents to appropriate DEP staff
- Serve as On-Scene Coordinator to releases of toxic and hazardous substances, pollutants and contaminants that threaten the environment
- Coordinate with local and state agencies, USEPA, other federal agencies and adjacent state's agencies related to environmental releases
- Provide staffing and coordination of EEC efforts for KY Emergency Operations Center (EOC) during activation of EOC due to natural disasters such as flooding and tornadoes.
- Assist in training and planning activities of other local and state agencies

During an emergency event in Kentucky, the KY Emergency Operations Plan (coordinated by the KY Division of Emergency Management) is activated which places requirements on the EEC/DEP and the Environmental Response Team to work within a framework with other state, local and federal agencies to coordinate efforts to mitigate the emergency.

Beyond the routine response activities by ERT, the KY EOP places specific duties on the EEC to provide the following:

- Provide on-scene coordinator
- Provide staffing to State Emergency Operations Center
- Provide technical assistance and initial evaluation of pollution hazards
- Assist in early assessment of extent of hazard by dispatching staff to spill/release site when required
- Approve and direct on-site operations plan for cleanup, treatment or containment and mitigation of environmental damage

- Assure proper disposal of resulting waste materials
- Establish environmental sampling, testing and analysis programs to measure environmental effects
- Determine environmentally safe concentrations for water quality and ensure safe public drinking water supplies affected by releases
- Coordinate with USEPA, Federal Region IV Regional Response Team, US Army Corps of Engineers, US Coast Guard and other federal agencies

KRS 224.01-400 mandates coordination by requiring “consultation with other federal, state, and local agencies, and private organizations.” It must occur at all stages and in all elements of emergency response activities. This coordination is managed by use of the Incident Command System (ICS) as set forth in the KY Emergency Operations Plan and the OSHA safety standards.

The Incident Command System is a standardized system of incident management based upon a chain of command and common terminology for all responding agencies. ICS incorporates the concept of a unified command system, which are employed at large incidents where multiple agencies have jurisdictional concerns.

ERT has daily coordination/communication activity with the KYDEM’s Emergency Operations Center duty officers who receive the initial calls on the ERT 24-hour phone after normal work hours. The duty officers receive and log the calls and forward the information to the ERT coordinator on call at that time. The duty officers also perform the same services for several other state agencies including the State Fire Marshal, Dept. of Agriculture and Dept. for Health Services (Radiation Branch). They are also in communication with several other agencies such as KSP, DOT, Fish and Wildlife, KVE, KY National Guard, and the regional and local DEM emergency managers.

Coordination, Communication and Cost Recovery

The present notification and communication structure for the EEC/DEP is as follows:

- ERT receives and evaluates incidents
- ERT makes decision on response and severity of incident
- ERT notifies appropriate Branch Managers and Director of appropriate Division if situation warrants
- ERT notifies Commissioner and EEC Secretary if necessary

Some emergency situations due to unknown or unresponsive responsible parties may require the Cabinet to act to control and cleanup releases. The procedures for these situations have been:

- ERT determines that an emergency situation exists requiring immediate response to prevent/limit environmental damage due to the situation
- ERT determines that a responsible party is either unknown or unresponsive
- ERT notifies the Commissioner and asks for approval to authorize and acquire necessary contractors to deal with the emergency
- Commissioner gives verbal approval to ERT to proceed under spending guidelines
- Commissioner notifies EEC Secretary and gains upward approvals for emergency declaration
- ERT processes documentation for contractor and emergency declaration

Presently there are three cost recovery procedures.

- For non-enforcement actions expenditures are calculated and a letter is sent to the responsible party requesting payment. Failure to pay results in formal enforcement action.
- Cost recovery associated with formal enforcement action is included in an overall settlement calculation.
- If the preceding two procedures fail to recover ERT costs, reimbursement from the Federal OPA fund is sought.

Department Operations Center and Enhanced Communications

The Environmental Response Branch developed a Department Operations Center (DOC) over the last year and it is now complete. The DOC is located at 300 Fair Oaks Lane in Frankfort. The DOC will be used to coordinate Department emergency activities that result from a release at the Bluegrass Army Depot or any other large scale emergency activity.

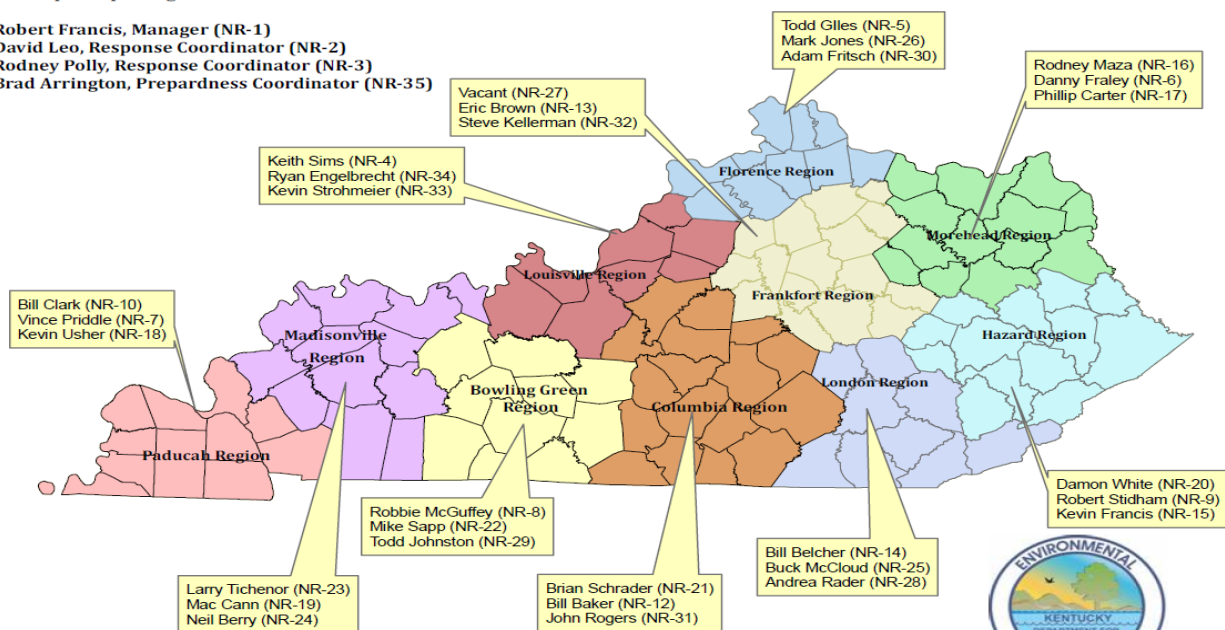
The Environmental Response Branch completed its Phase I purchase of satellite communications. Phones were distributed to five field offices and one phone was installed in the DOC. Phase II will involve purchasing four more satellite phones to equip all field offices with satellite capabilities. The Department Emergency Operations Plan is currently under development with projected completion during CY2010.

ERT Coverage Areas and Responders

The Environmental Response Team is composed of employees from the Department for Environmental Protection selected from interested applicants based on areas of expertise, and work area to assure statewide coverage and specialized training and experience. ERT members assume the additional responsibilities of ERT responder in addition to their regular work duties. ERT responders are assigned to eight geographic coverage areas with 3 responders in each region being on call in a three-week rotation (one per week) plus an alternate to fill in as needed.

Kentucky Department for Environmental Protection
 Environmental Response Team
 300 Fair Oaks Lane
 Frankfort, KY 40601
 24 hr Spill Reporting Hotline 1-800-928-2380

Robert Francis, Manager (NR-1)
 David Leo, Response Coordinator (NR-2)
 Rodney Polly, Response Coordinator (NR-3)
 Brad Arrington, Preparedness Coordinator (NR-35)



ERT Responders (SFY 2010)

ERT CENTRAL OFFICE STAFF:

Robert Francis, Manager
David Leo, Response Coordinator
Rodney Polly, Response Coordinator
Brad Arrington, Preparedness Coordinator

ERT RESPONDERS BY AREA

Bowling Green: Robbie McGuffey (DWM-BOWLING GREEN)
Todd Johnston (DWM-BOWLING GREEN)
Mike Sapp (DWM-BOWLING GREEN)

Columbia: Bill Baker (DOW-BOWLING GREEN)
John Rogers (DWM-COLUMBIA)
Brian Schrader (DWM-COLUMBIA)

Florence: Todd Giles (DOW-FLORENCE)
Mark Jones (DOW-FLORENCE)
Adam Fritsch (DWM-FLORENCE)
VACANT – Alternate

Frankfort: VACANT
Steve Kellerman (DWM-FRANKFORT)
Eric Brown (DWM-COLUMBIA)
VACANT – Alternate

Hazard: Damon White (DOW-HAZARD)
Kevin Francis (DWM – HAZARD)
Robert Stidham (DWM – HAZARD)
Kelly Fugate (DOW-HAZARD) - Alternate
Steve Hall (DAQ-HAZARD) – Alternate

London: James McCloud (DOW-LONDON)
Bill Belcher (DWM-LONDON)
Andrea Rader (DWM-HAZARD)
Kim Farris - Alternate

Louisville: Keith Simms (DWM-LOUISVILLE)
Ryan Engelbrecht (DWM-FLORENCE)
Kevin Strohmeier (DWM-LOUISVILLE)
Rob Staley (DWM-FLORENCE) – Alternate

Madisonville: Neil Berry (DWM-MADISONVILLE)
Larry Tichenor (DWM-MADISONVILLE)
Mac Cann (DAQ-OWENSBORO)
VACANT - Alternate

Morehead: Rodney Maze (DWM-MOREHEAD)
Philip Carter (DWM-MOREHEAD)
Danny Fraley (DOW-MOREHEAD)
James Blevins (DOW-MOREHEAD) – Alternate
Ashley Markwell (DAQ-ASHLAND) – Alternate

Paducah: Kevin Usher (DAQ-PADUCAH)
Bill Clark (DAQ-PADUCAH)
Vince Priddle (DOW-PADUCAH)
Margie Williams (DWM-PADUCAH) - Alternate

BLUEGRASS ARMY DEPOT

Amy McCracken (DWM – FRANKFORT)

Environmental Incident Notifications

Year	Incidents	Incidents / day	Emergency Responses
2010 (Jan – June)	7152	39.1	272
2009 (July – Dec)	6698	36.7	240
2009 (Jan – June)	6058	33.2	253
2008	11753	32.2	475
2007	9719	26.62	460
2006	8254	22.61	663
2005	5720	15.67	327
2004	3650	10	242
2003	3130	8.57	132
2002	3265	8.94	96
2001	3029	8.30	152
2000	3066	8.41	201
1999	3654	10.01	221
1998	4327	11.44	219
1997	4102	11.24	199
1996	3976	10.86	255
1995	3749	10.24	218
1994	3499	9.59	227
1993	3071	8.74	118
1992	2478	6.77	144

All incidents and notifications received thru the ERT section are evaluated and responded to according to the established DEP business rules as follows:

- **Emergency** - on site response within 2 hours of notification
- **High Priority** - DEP staff will make site visit for follow-up within 2 working days of notification
- **Routine**- DEP staff will make site visit or contact notifier with 5 working days of notification

Several major incidents that occurred in the last state fiscal year are listed in the table below.

DATE	MAJOR INCIDENTS DURING SFY2010	COUNTY	IMPACTS
7/02/09	Emerson Power Transmission release	Mason	Surface Water
8/12/09	Richard Lacefield Whey Spill	Grayson	Surface Water
12/19/09	Snow Storm – State of Emergency, power outages in Eastern KY		Drinking Water, Wastewater
12/09/09 – 1/22/10	Hazard-Buckhorn water shortage emergency	Perry	Drinking Water
2/01-09/10	Nuplex Resins release	Jefferson	Air, Wastewater
5/1-2/10	Flooding in 66 counties that resulted in drinking water and wastewater issues for approximately 300,000 residents. ERT coordinated DEP's response with drinking water, wastewater, and debris disposal issues.		Drinking Water, Wastewater
6/01/10	CSX Train Derailment	Webster	Surface Water



**May
2010
Flooding**

