

Kentucky Division of Environmental Program Support

Annual Report

Fiscal Year 2015

(July 2014 to June 2015)



September 2015

Energy and Environment Cabinet
Department for Environmental Protection

502-564-2150 and 502-564-6120 (Lab)
dep.ky.gov/deps



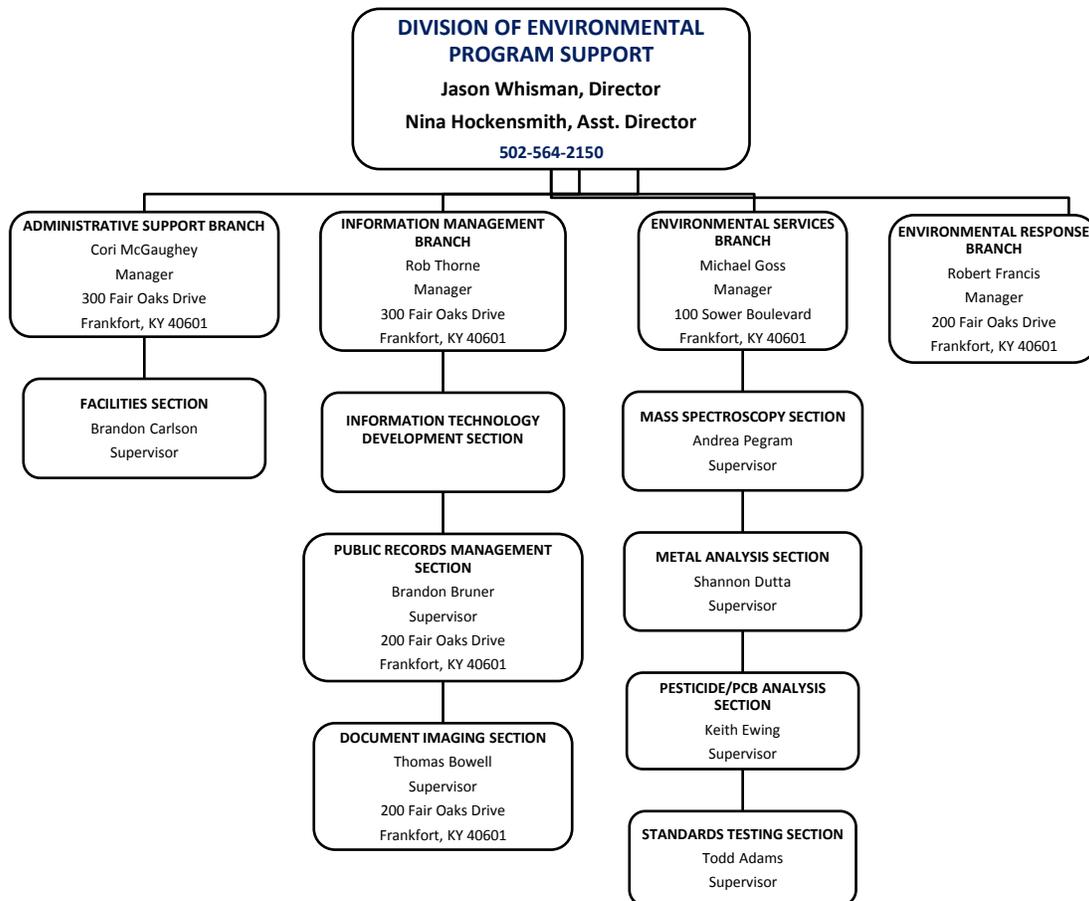
DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT

Introduction

The Division of Environmental Program Support (DEPS) was organized in 2009 (Executive Order 2009-538). The department consolidated internal support functions for the department into the new division to create necessary efficiencies and redundancies. These functions included departmental administrative services, environmental laboratory services, and environmental response team (ERT) coordination. In fiscal years 2015 and early 2016, these functions expanded to include information/public records management, application development human resources management, and departmental budgeting.

Division Structure

The Division of Environmental Program Support now is composed of four branches – Administrative Support Branch (ASB), Environmental Response Branch (ESB), Information Management Branch (IMB) and Environmental Services Branch (ESB). The Environmental Services Branch is located at 100 Sower Boulevard in Frankfort in the Central Laboratory Complex. The other three branches are located at the Fair Oaks campus in Frankfort. The reorganization to add the Information Management Branch was effective on January 16, 2014. The support services of the IMB include application development, public records management, digital imaging of departmental paper documents, and the paper elimination project.



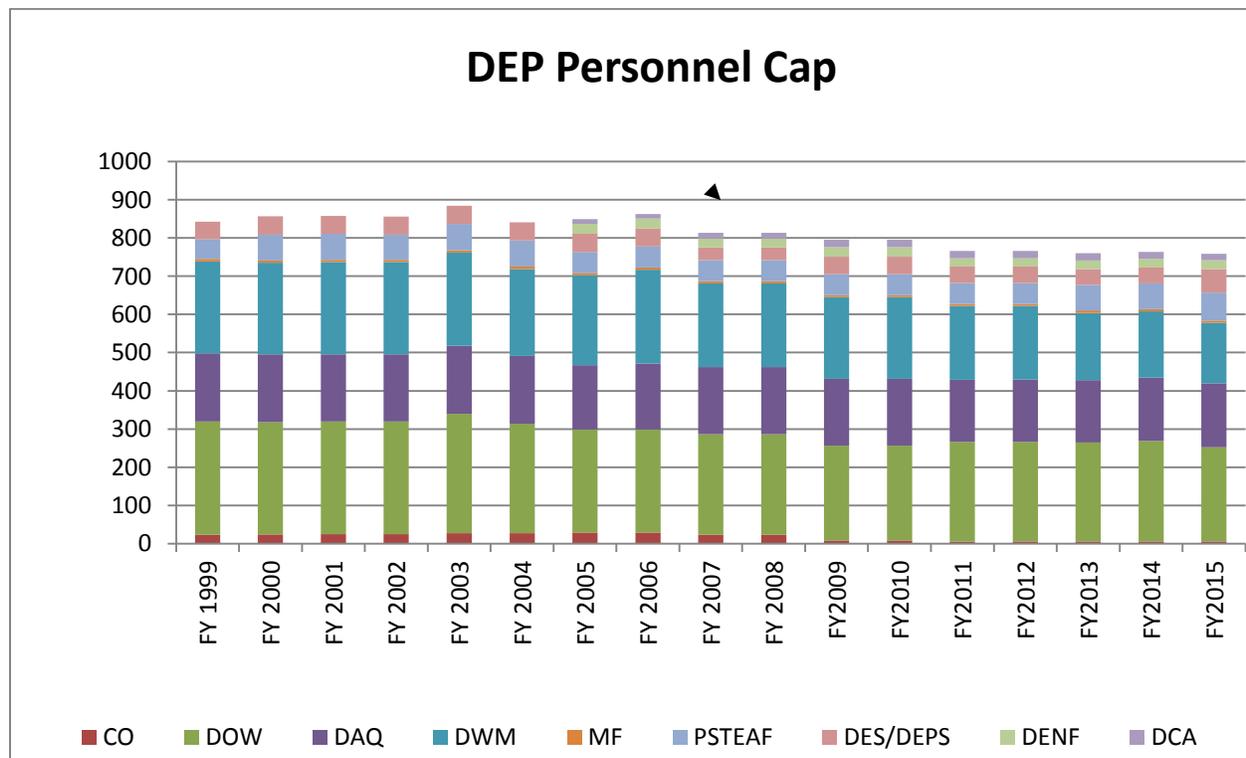
Administrative Support Branch – Activities and Accomplishments

The Administrative Support Branch is responsible for human resource management, budget execution, financial reporting, inventory coordination, facilities management, motor pool, mail processing, coordination of grant activities, and statutory and regulatory reporting functions.

Human Resource Management

Filled Positions

The current number of filled positions within DEP as of the beginning of July 2015 was 735. The FY2015 budgeted personnel cap was 759 positions, although the department averaged 709 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. The department overcame many personnel challenges during the fiscal year including a hiring freeze. DEP implemented the new Environmental Scientist Series with position description and grade alterations. In the fall of 2014, Office of State Budget Director (OSBD) reduced the department personnel capacity based on historically filled positions. Throughout the fiscal Human Resources (HR) staff worked extremely hard with division managers and supervisors to process actions that allowed DEP to fill critical positions. The department was able to work with OSBD and reinstate the department cap of 759. By tracking and prioritizing vacancies, and ensuring timely processing of Personnel Action Requests (PARS), HR played a vital role that enabled the department to be fully staffed by August 1, 2015.



Employee Awards

Due to budget constraints, ACE and ERA Awards continue to be suspended within EEC. On January 17, 2015, the Department held an Employee Awards Program to recognize outstanding employees and employee units (branch, section or program) for Calendar Year 2014.

Energy and Environment Cabinet Scholarships

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 within 6 months after graduation. To date, DEP has awarded scholarships to 68 students. In May 2015, DEP awarded 2 new students a scholarship. One student was sponsored by the Division of Water and one student was sponsored by the Division of Waste Management

Recruitment/Career Fairs

DEPS is responsible for coordinating attendance for career fair participation. DEPS has scheduled to participate in recruitment activities at the engineering career fair at both the University of Kentucky and University of Louisville for fiscal year 2016. Participating in events like these will provide an opportunity for the department to attract potential scholarship students as well as future employees.

Financial Management

FY15 Budgets

During fiscal year 2015, all divisions within the Department for Environmental Protection compiled FY2015 operating budgets. The FY15 budgets were monitored throughout the fiscal year and adjustments were made to maximize the use of funds. Some examples include, reallocating rents costs by updating cost allocation data, cash was transferred to capital projects, and equipment was purchased where adequate cash and allotment were available. During FY15, DEP started the consolidation of budget staff to be co-located between DEPS and their respective divisions. DEPS developed budget briefings for each division director, as well as a more detailed briefing for program planning managers within each division. These packets of information are presented each month and used as a means to inform management of programmatic policy decisions available to them through various options and funding sources. The reports provided to each director have been adapted based on the specific needs of each division. Overall, the process is growing each week with very positive feedback from the divisions.

Agency Expenditures FY90-15



Below are the actual expenditures for DEP in FY15 by division or program area.

Expenditures by Unit	FY15
Commissioner's Office	\$569,387
Water	\$25,529,466
Air Quality	\$14,301,453
Waste Management	\$27,635,824
Env Program Support/Env Services	\$6,728,773
Maxey Flats	\$496,700
PSTEAF	\$26,441,212
Enforcement	\$1,694,841
Compliance Assistance	\$1,394,681
Total Expenditures	\$104,792,336

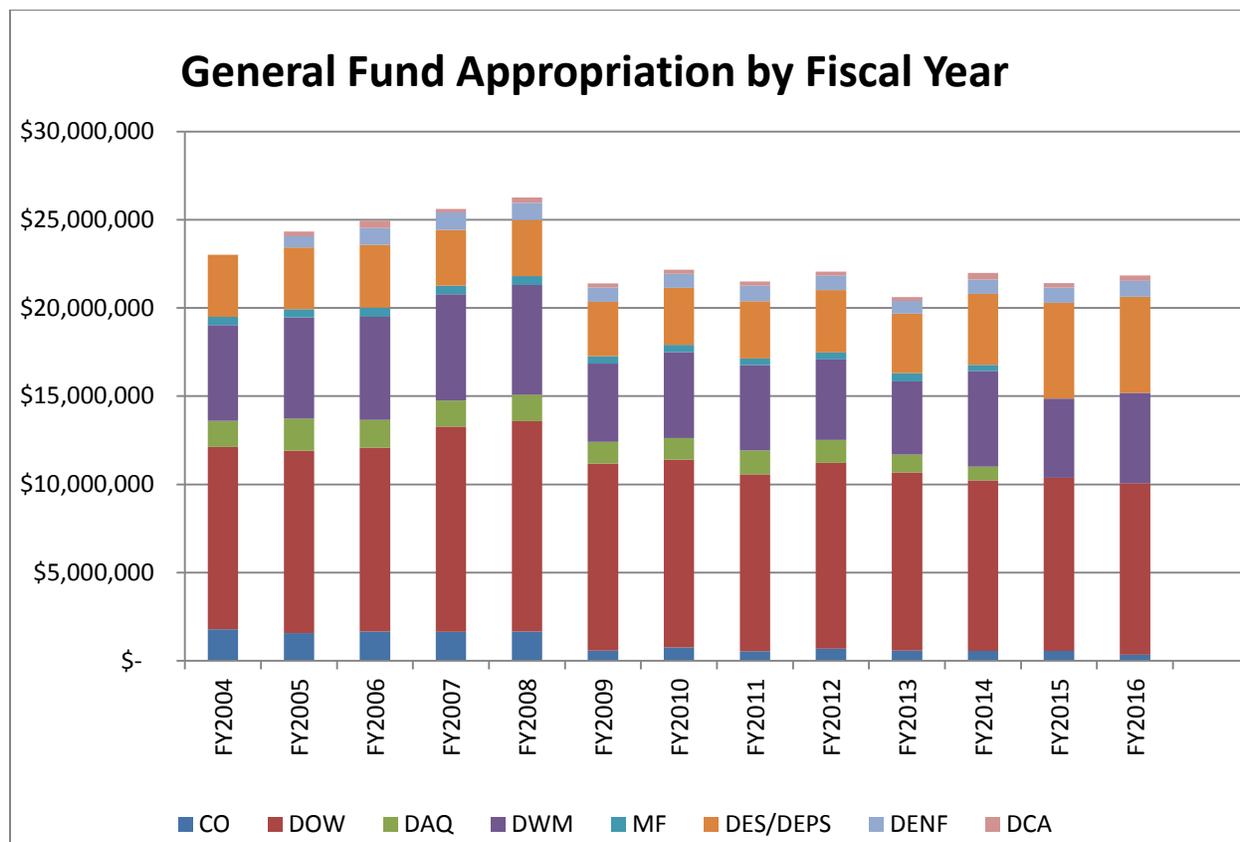
Toward the end of FY15, budget contacts worked with their respective divisions to start the process of compiling and submitting the FY16 operating budget. These budgets remained fairly consistent with FY15 expenditures with exception of a 1% salary increase and a 2% health

insurance increase. Other major increases included in the FY16 operating budgets including higher claims expenditures out of DWM/PSTEAF.

FY15 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 FY14, DEP’s general fund budget was \$21,982,000 and included unallotted general fund total payroll deferral of \$1,798,190.78 on June 30, 2014.



In an effort to offset a portion of the general fund reductions, DEP has been working for the past few years 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.

Other budget reductions:

The enacted 2014-2015 budget included a restricted fund transfer from Petroleum Storage Environmental Assurance Fund to the general fund in the amount of \$7,477,000; however during the 2015 legislative session HB510 was passed which increased the FY15 transfer to the general fund by \$3,000,000. Historically, the enacted budget includes transfers to the general fund from PSTEAF.

Buildings and Facilities Management

The Facilities Section of the ASB has maintained a central office motor pool that consists of 63 vehicles and has worked to coordinate and assist with the management of all 273 vehicles owned by the department. The DEP motor pool averages 65 trips and 11 maintenance events per week. The department continues to work towards our Green Fleets initiative goal in support of the Governor's Energy plan. In the Fall of 2010, DEP began participation in the "Green Fleets Initiative".

From 2013-2014 DEP added 4 Chevy Volt electric vehicles and their associated charging components to the departmental motor pool. In the last two years the department has logged over 110,000 miles on electric vehicles. We continue to downsize the fleet where applicable and to monitor vehicle size and usage for efficiency. The department plans to install 2 additional electric vehicle charging stations at the new building on Sower Boulevard to accompany the two current stations that will be relocated. In 2013, the department received the "*Greenest State Fleet Award*" from the Kentucky Clean Fuels Coalition (KCFC). The award recognizes the extraordinary efforts of the Department to reduce its fuel consumption and improve air quality. In 2015 DEP was recognized by the Kentucky Clean Fuels Coalition for *Leadership in the "Green Fleets Initiative"* program.

The miles per gallon of the entire fleet have increased by 3.7% from 19.0 to 19.79 MPG. The Department greatly increased its public outreach through articles in the Department's blog, the Cabinet's magazine *Land, Air, and Water*, and on the Department's webpage in regards to the Green Fleets Initiative. The Department continues to work with the Finance and Administration Cabinet on state-wide fleet improvement efforts, education and outreach. Both organizations will continue working together in the future in these regards.

The Division of Environmental Program (DEPS) provides daily maintenance operations that include addressing up to 20 work orders per day while distributing mail for the Frankfort facilities. The facilities section is also the incident lead in preparing for irregular business operations such as extreme weather events. This section also facilitates and compiles operational plans as it relates to the upcoming departmental move in the summer of 2016. The Facilities Section also coordinates and submits the Annual Fixed Assets Inventory Audit for the department.

Safety

The Facilities Section of the ASB continues to coordinate safety guidelines and procedures across the department. During the last year, the section has ensured the successful certifications of 224 employees in the Initial 40 Hour HAZWOPER training and the 8 Hour refresher courses. The section has also held monthly safety meetings, ensured department wide compliance with Frankfort safety and fire codes, and planned and executed quarterly safety drills to ensure employees could successfully react to man-made and naturally caused disaster events.

Information Management

The Information Management Branch (IMB) was created in January 2014 within the Division of Environmental Program Support to consolidate all information technology and dissemination services into one centralized unit. The branch is divided into three sections and houses all staff responsible for application development and support, all staff responsible for scanning and conversion of paper-to-digital files, and all staff responsible for responding to open records requests under the Kentucky Open Records Act.

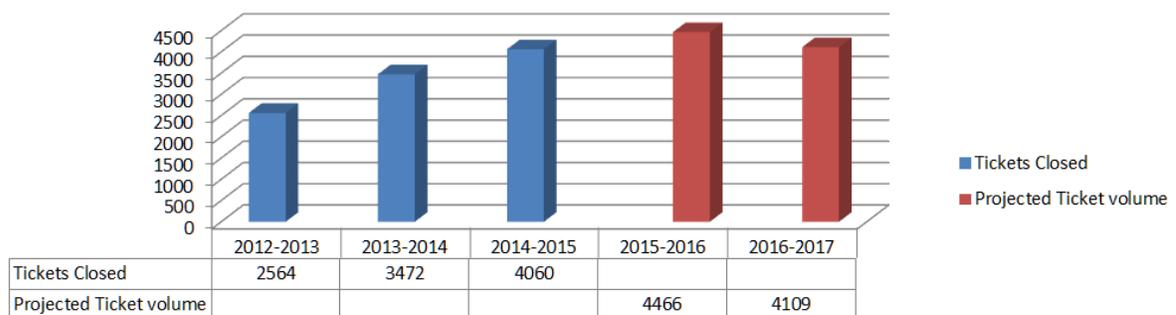
TEMPO360 Implementation

Most of the staff in the Information Management Branch's Information Technology Development Section (ITDS) spent a large portion of their time in FY15 testing and implementing TEMPO360, the newest version of the Department's enterprise-wide environmental regulatory database. TEMPO 360 is a web-based version of the legacy TEMPO database which has been utilized by DEP since 2002. Approximately eight other states are using some form of the TEMPO software. CGI, the vendor for TEMPO360, has worked for several years to develop software that will meet Kentucky's standards for implementation. IMB-ITDS began implementation of TEMPO360 in February, and by the end of the fiscal year, approximately 35% of the Department had been trained and implemented in TEMPO360.

TEMPO Support

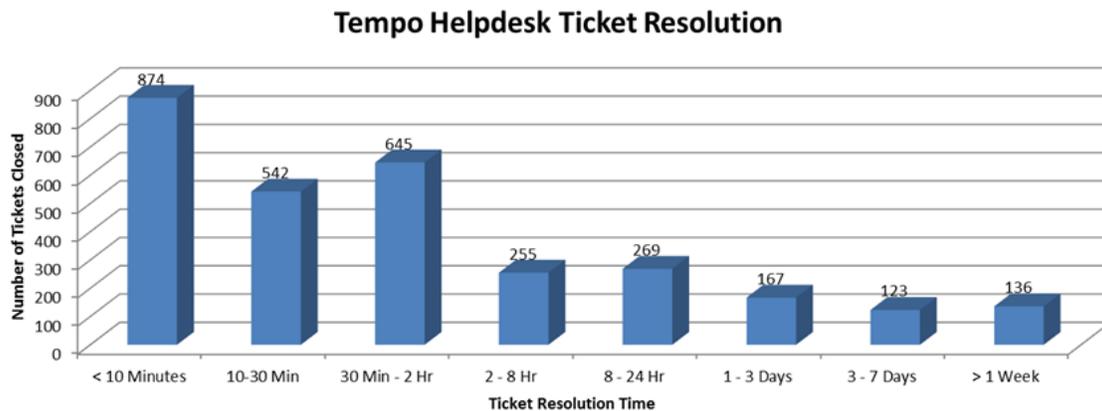
The implementation of TEMPO360 not only added workload to the IMB-ITDS staff, but it also increased the number of helpdesk requests received and processed. Over 4,000 helpdesk requests were processed by IMB staff in FY15, which was a substantial increase over the previous two years. IMB is projecting that the number of helpdesks requests will rise for one more fiscal year before declining.

**DEPS-IMB Help Desk Tickets
Fiscal Year over year**



Eighty-five percent (85%) of TEMPO Helpdesk Requests tickets were closed in less than 24 hours. Sixty-nine percent (69%) of these helpdesk tickets were closed within two hours of receipt. (Please note, calculation in graph below exclude requests for new reports, which are

time-consuming enhancement requests, and tickets that are processed by IMB-ITDS but passed on to other entities for closure.)



TEMPO360 Capital Project

IMB-ITDS was the recipient of a Capitol Project for the modernization of our Departmental database. TEMPO360 is a C# .NET web browser application being re-platformed from our existing PowerBuilder thick client (Legacy TEMPO). The Department for Environmental Protection made TEMPO our enterprise database for regulatory and environmental processes in 2002 and is fully implemented, with interfaces to eMars, ePay, electronic permitting, on-line reporting, and many methods of electronic submittals. DEPS estimates the implementation of TEMPO360 will eliminate \$797,282 in operating costs over a 5 year period. Part of this project includes upgrading staff to widescreen dual monitors, which we estimate will expedite reviews by key staff up to 20 to 30 percent.

CROMERR

DEP's formal Cross-Media Electronic Reporting Regulation (CROMERR) application was enhanced and re-written to produce a foundation software for incorporation into new identified projects: ePortal, Document-In and Document-Out (as part of a larger effort to support open records request). The NetDMR project has been completed which was the first application to use and support CROMERR. The ePortal project, in accordance with Federal EPA guidelines, is required to be CROMERR compliant. IMB-ITDS has a contractor dedicated to working on this project full time.

KWADE

Kentucky Water Assessment Data for Environmental Monitoring (K-WADE) is a system that is used to manage the Kentucky Division of Water monitoring data for lakes, rivers, streams, springs, and wells. These data are used to assess the quality of the Commonwealth's water. The system has a web-based front-end with an Oracle database back-end. DEPS IMB continues to provide technical support as the K-WADE system is replacing the Ecological Data Application System (EDAS). In FY2015, K-WADE production went live and the DOW Water Quality Branch is using K-WADE to manage all new water quality project data. In addition, IMB-ITDS migrated the following historic data into the production database:

- 2013 Ambient Biological Monitoring Program
- Ambient Surface Water Quality Monitoring 2009 – Salt/Licking

- Ambient Surface Water Quality Monitoring 2010 – Four Rivers
- Ambient Surface Water Quality Monitoring 2011 – Green/Tradewater
- Ambient Surface Water Quality Monitoring 2011 – Green/Tradewater ECOLI
- Ambient Surface Water Quality Monitoring 2012 - Big Sandy
- Ambient Surface Water Quality Monitoring 2012 - Big Sandy E COLI
- Ambient Surface Water Quality Monitoring 2013 - Kentucky
- Ambient Surface Water Quality Monitoring 2013 – Kentucky E COLI
- Clean Lakes 2008
- Clean Lakes 2009
- Clean Lakes 2011
- Clean Lakes 2012
- Clean Lakes 2013

As of May 2015, IMB-ITDS implemented the KWADE to WQX/STORET EPA data flow. The following project data has now flowed to EPA:

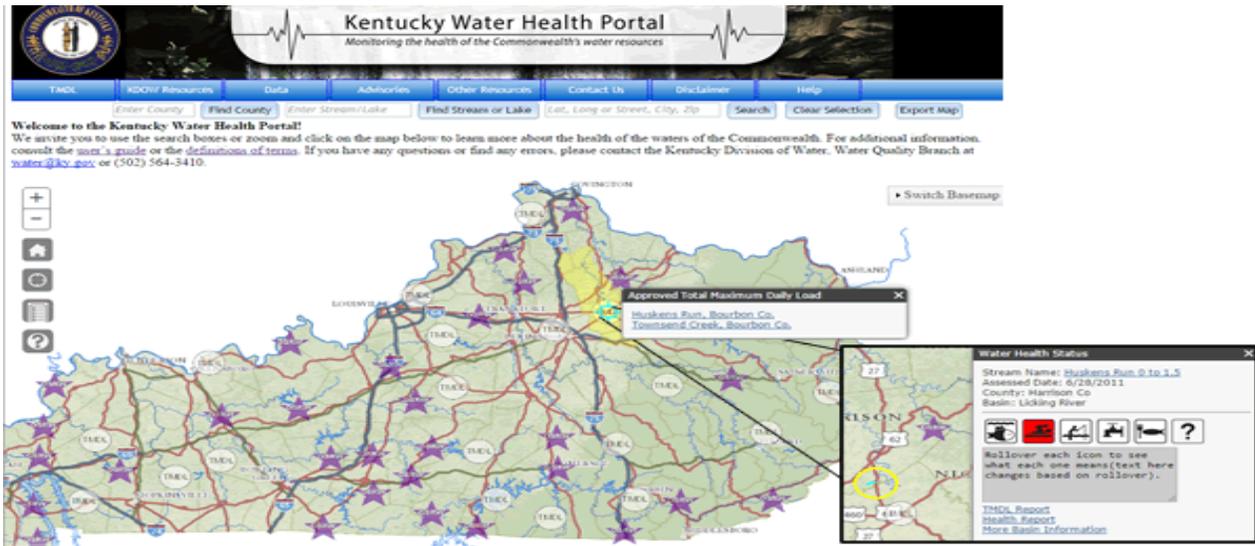
- AMBIENT SURFACE WATER QUALITY MONITORING 2013 - KENTUCKY
- CLEAN LAKES 2013
- AMB-SW 2012 E COLI
- AMB-SW 2011 E COLI
- AMB-SW 2013 E COLI

KPDES eForms Permits

eForms was upgraded to include KPDES General Coal Permit (KYE/W40), KPDES General Stormwater Construction Permit (KYR10), and KPDES eNOT (Notice of Termination) form. The permits include a new feature in eForms that supports workflow that includes the ability to complete on-line technical reviews and on-line notice of deficiency responses. In addition, KPDES General Non-Coal Mining and Processing (KYG84) Permit and KPDES General Construction Material Manufacturing Operations Permit (KYG11) were created, but don't provide full on-line workflow.

Water Health Portal

In accordance with KRS Chapter 224.70-150, DEP was charged with creating a web-based portal that would allow the public to easily find and determine the health of all the Commonwealth's waterways. In conjunction with URS and DOW, DEPS was able to manage this large project. The portal offers a GIS interface the public can easily navigate to find the status of lakes, streams, rivers and ponds throughout Kentucky. This increased transparency makes it easier for the public to make decisions on how they wish to utilize their local waterways. The Water Health Portal (WHP) was released to the public in May 2015. In conjunction with the WHP release, a water maps portal, <http://watermaps.ky.gov> , was also released.



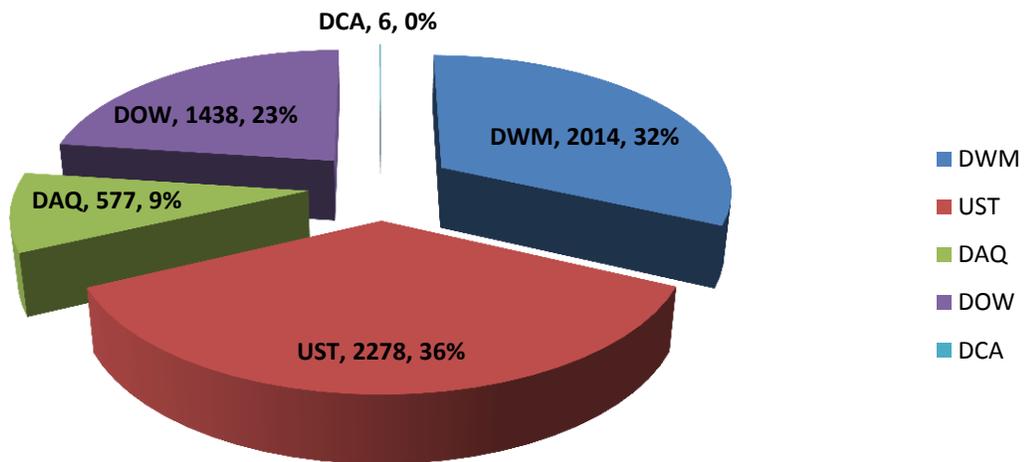
All KDOW public map applications will be available in this centralized location. Two new map applications called story maps were added to the water portal. Story Maps combine authoritative maps with narrative text, images, and multimedia content. They make it easy to harness the power of maps and geography to tell a compelling story. DEPS IMB worked with DOW to create a wetlands and wildriders story map. Both are available from the watermaps.ky.gov page under the story maps gallery:

(<http://kygis.maps.arcgis.com/apps/PublicGallery/index.html?appid=1f4266e090ec497c8da345b95c9396f7>).

Kentucky Open Records Act

The Information Management Branch, Public Records Management Section (PRMS) staff has responded to and completed six thousand 6,313 open records requests during the fiscal year 2015. That is an increase of thirty (30) open records request completed from the total in the 2014 fiscal year of 6,283. Of those requests, the Division of Waste Management has completed a total of 4,292 open records request, or 68% of all requests. The Division of Water has completed 1,438 open records request, or 23% of all requests. The Division for Air Quality has completed 577 open records request, or 9% of all requests. The Division of Compliance Assistance has completed six (6) open records request, or less than one percent (>1%) of all requests. Throughout the year, the staff size has averaged 5 employees devoted to Open Records. That equates to an average of on 1,262 open records requests completed per employee per fiscal year. That equates to approximately five (5) completed open records requests per employee per working day for the fiscal year. The Department has been involved in several high-profile cases this year. As a result, many complex requests have been received from attorneys and members of the media.

FY2015 ORR Completed By Division



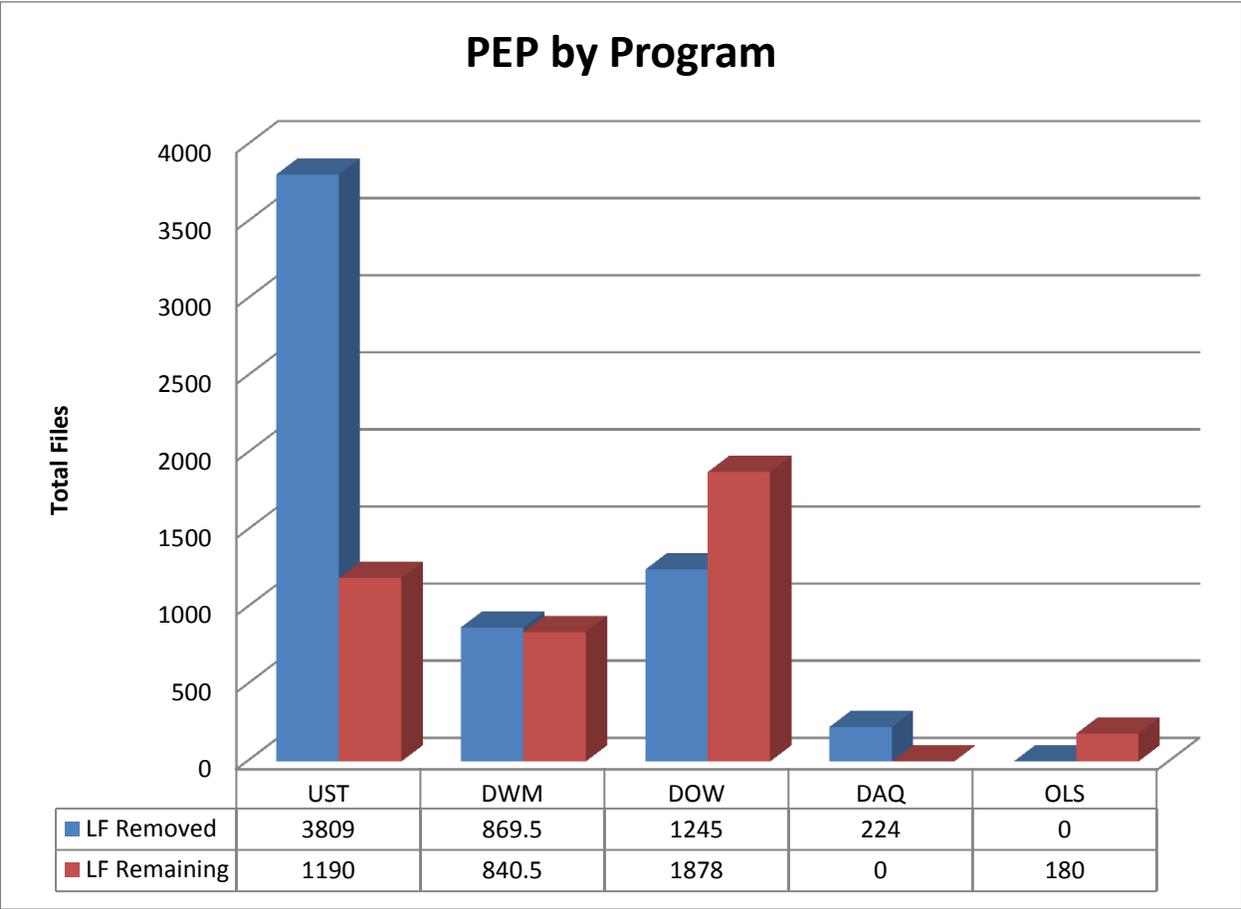
Digital Imaging

The DEPS IMB Document Imaging Section (DIS) scans nearly all documents that come into the agency. The DIS has eight full time employees to handle the high volume on incoming mail and to assist in the management of the file room. The DIS scanned 143,720 documents which equaled 1,777,824 pages in fiscal year ending June 30th, 2015. That's the equivalent of scanning and quality checking three stacks of paper as tall as the Capital Plaza Office Tower in Frankfort.



Paper Elimination Project

In an effort to reduce future storage and retrieval costs for the agency, DEPS IMB has been working on the Paper Elimination Project (PEP) project to reduce the amount of paper files stored in the file room. DEPS IMB currently has seven full time and twenty eight temp staff devoted to the PEP project. The PEP project began last August with a total of 10,142 linear feet (LF) of historical documents in the file room. That equaled 1.92 linear miles of historical documents that needed to be digitized. As of June 30th, 2015 the PEP project staff has processed 6,053 LF of historical documents. This translates into 1.15 linear miles since the PEP began August 2014. Our current target for December 15, 2015 is to remove the remaining 4,089 LF of historical documents (0.77 linear miles) from the file room. The accomplishments and end results are due to the dedicated and motivated staff of individuals who are currently working on the PEP project.



Environmental Services Branch – Activities and Accomplishments

The Environmental Services Branch (ESB) 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.”

It is the mission of the Environmental Services Branch to provide scientific data of known accuracy and precision in a timely manner to programs within the Department of Environmental Protection to enable those programs to make appropriate environmental decisions. The Branch maintains a technically skilled and properly trained staff and a fully equipped environmental laboratory to accomplish its mission.

The ESB has accomplished much over the past several years and expects to continue its reputation for high achievement. The branch attained national accreditation status under the

National Environmental Laboratory Accreditation Program (NELAP) in 2007. ESB lab was audited on-site by NELAP assessors in March of 2015 and has responded to all findings and recommendations that this prestigious accreditation required. The ESB lab was also audited in late April 2015 by the USEPA Region 4 SEDS (Drinking Water Laboratory Certification) staff. Responses to this audit are being finalized for submission in September 2015. The lab is currently “Certified” and in good standing with all accrediting entities.

Concurrent with these achievements, the Environmental Services Branch (ESB) has maintained a high level of analytical services to the Department. The testing activities of the branch support over 20 individual programs managed by the Division of Water (DOW) and several programs from the Division of Waste Management (DWM).

At the start of FY12, ESB laboratory signed a Memorandum of Agreement (MOA) with the Department for Natural Resources (DNR) to provide analytical support for their Cumulative Hydrologic Impact Assessment (CHIA) project. This MOA has recently been renewed and refined to continue testing into the 2018 fiscal year. In 2013, DNR’s Abandoned Mine Lands (AML) section followed the CHIA group’s lead and is now bringing samples to the lab for testing versus using other contract laboratories. In 2015, DNR’s Division of Mine Reclamation and Enforcement (DMRE) began discussions with ESB to do select analytical testing. This contract is in the process of being approved.

In CY2013 the DOW moved their grinding operations for fish tissue to the ESB laboratory. The preparation, analysis and storage of fish samples are now processed under one roof. This is more efficient and convenient for both ESB and DOW staff. The MERX mercury analyzer has been a great addition to ESB analytical capabilities and can produce both total and methyl mercury results on these important recreational fish tissue samples. These results are used to help make decisions related to fish (recreation and consumption) advisories. Over 360 fish samples were processed, analyzed and reported over the past 2 years.

In January of 2014, ESB was needed during an emergency response event involving a major spill of the compound 4-MCHM in West Virginia. This compound was so concentrated and of such a high volume that it was detectable in the Ohio River for hundreds of miles along the Kentucky border for a whole week. The 4-MCHM was not a substance on the list for routine monitoring. After acquiring, researching and developing a method to analyze this compound, ESB with the help of DOW field staff, monitored the Ohio River at various sampling points for 7 continuous days until both the plume and a detectable concentration had passed through Kentucky.

Replacing equipment with newer, more efficient instruments over the past 5 years has been critical to the lab’s ability to maintain productivity without additional staff. Since 2011, the laboratory has been able to acquire funding through various means for the purchase of much needed instrumentation. Examples include: Solid Phase Extractor (2011), Gas Chromatograph – Flame Ionization Detector (2011), Methyl Mercury Analyzer (2013), ICP-MS (2013), Buchi - Accelerated Solvent Extractor (2013), Dionex – High Pressure Liquid Chromatograph (2014), Ion Chromatograph (2014), Discrete Analyzer (2014), Gel Permeation Chromatograph (2015), Oil & Grease Extractor (2015), Nitrogen Generator (2015), GC MS/MS (2015), and LC MS/MS (2015).

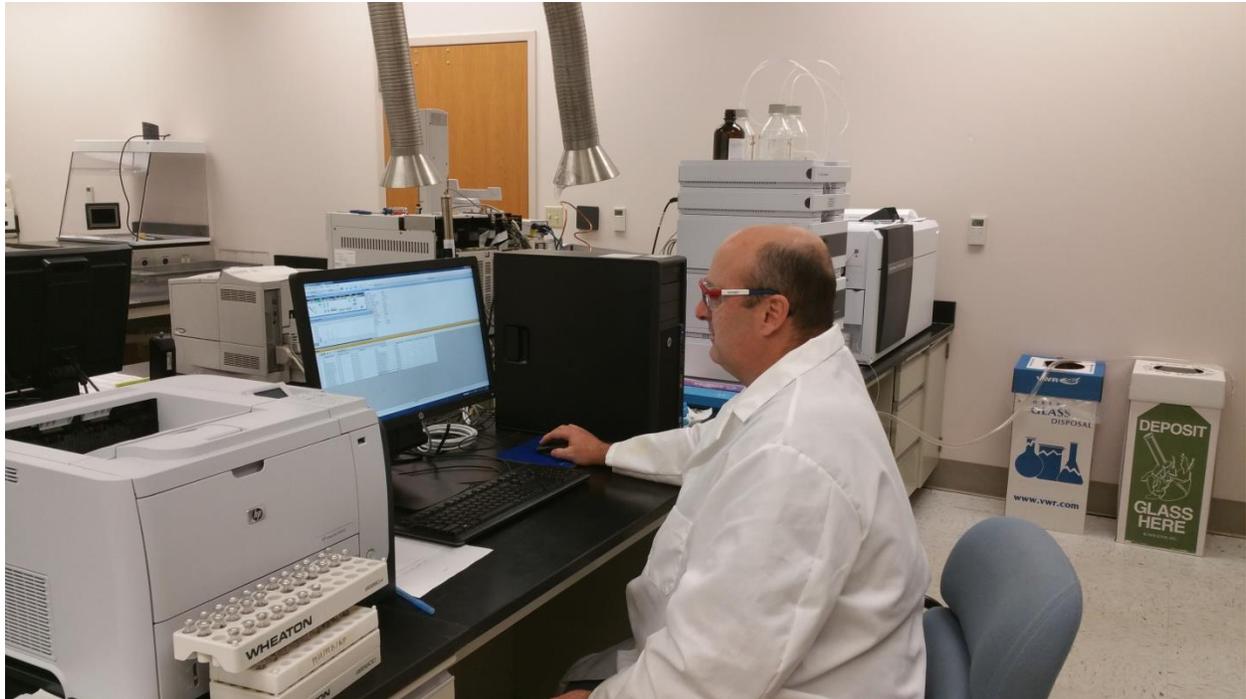
In 2015 the ESB lab acquired two state of the art analytical instruments. One of these instruments was a LC MS/MS (Liquid Chromatograph Triple Quad Mass Spectrometer) and the other was a GC MS/MS (Gas Chromatograph Triple Quad Mass Spectrometer). The LC instrument has been brought on line to run water samples for Harmful Algae Blooms (HABs) specific to Microcystin and Cylindrospermopsin. Coupled with the utilization of a newly developed, Abraxis ELISA (enzyme-linked immunosorbent assay) screening technique, ESB is now able to provide 1-2 day turnaround for this environmental and human health concern, toxin. The GC instrument, once brought on-line, will be utilized for the identification of pharmaceutical and household hazardous waste. It is currently being developed to detect and report Pesticides, Herbicides, PCBs, and the Semi-volatile ABNs at levels 10 times lower than current technology.

ESB continues to provide testing services for the Department in accordance with the allocated budget monies. In CY2013, the total number of samples analyzed was 4954 and the average turn-around time (TAT) was 28.0 days. In CY2014, the number of samples analyzed (4819) decreased slightly as well as the average TAT 27.8. As of August 2015, the total number of samples received (2909) is lower in comparison to last year's numbers by around 400 samples. This decrease can be attributed to the West Virginia Chemical spill in January 2014 and the fact that there has not been any ERT events of that magnitude in 2015. The lower numbers can also be attributed to extreme winter weather conditions during the first months of this calendar year.

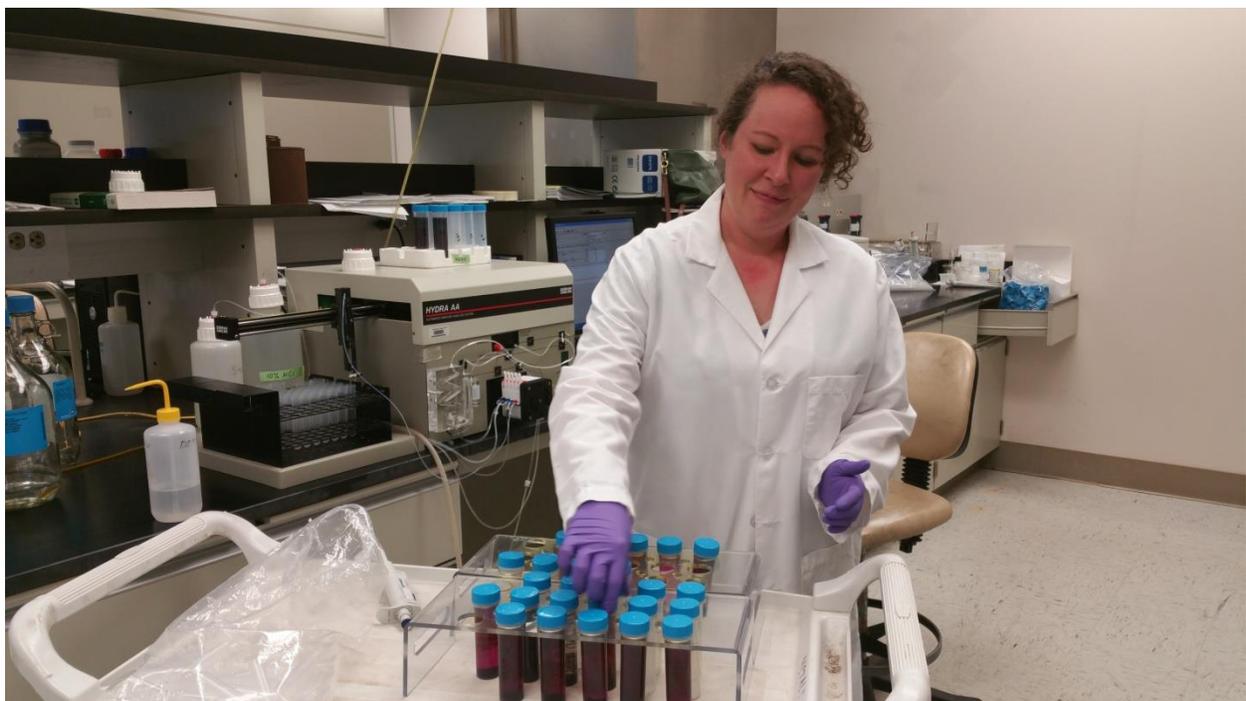
ESB continues to participate in a number of proficiency tests that are a requirement to maintain accreditation under USEPA and NELAP programs. In calendar year 2014, ESB submitted 1309 results to PT providers and received a passing grade of 96.8%. This is an outstanding achievement considering the number of samples that pass through the lab.



Eric Scott (Technical Services Section Supervisor) loads samples onto the Buchi Syncore Evaporator.



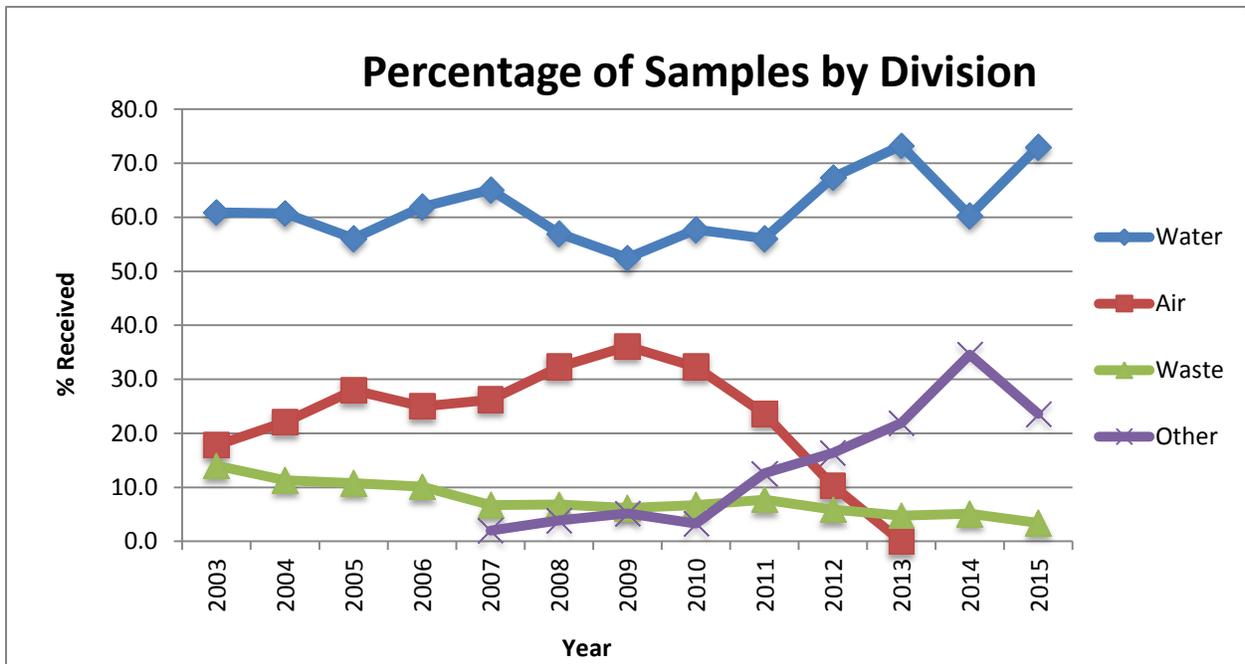
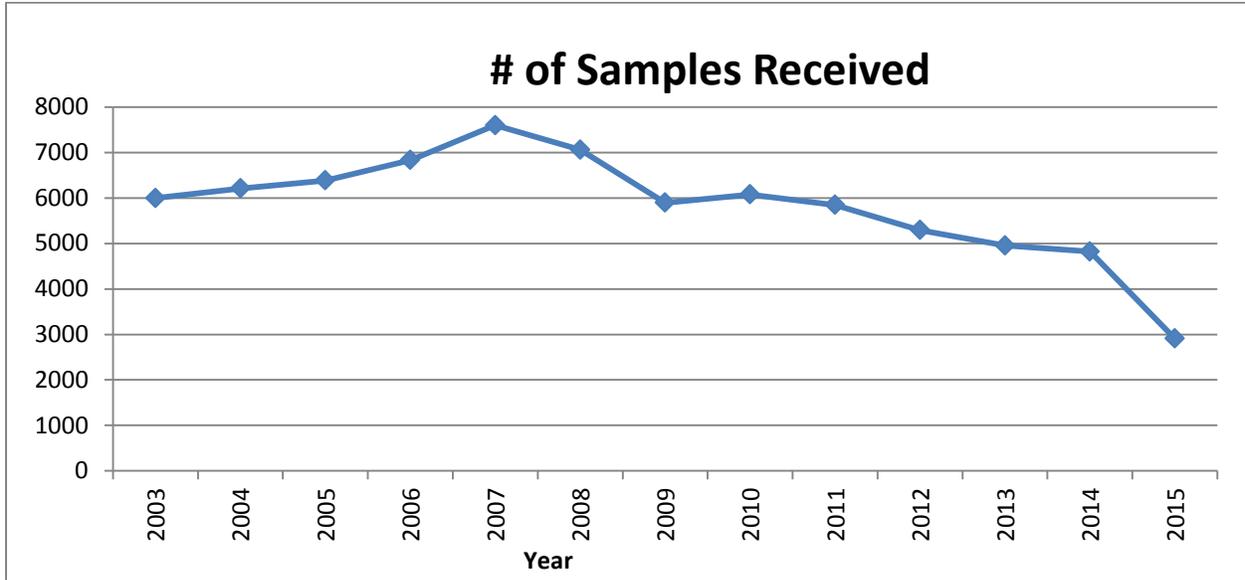
Keith Ewing (Pesticide/PCB Section Supervisor) reviews HAB Microcystin data on an Agilent LC/MS/MS.

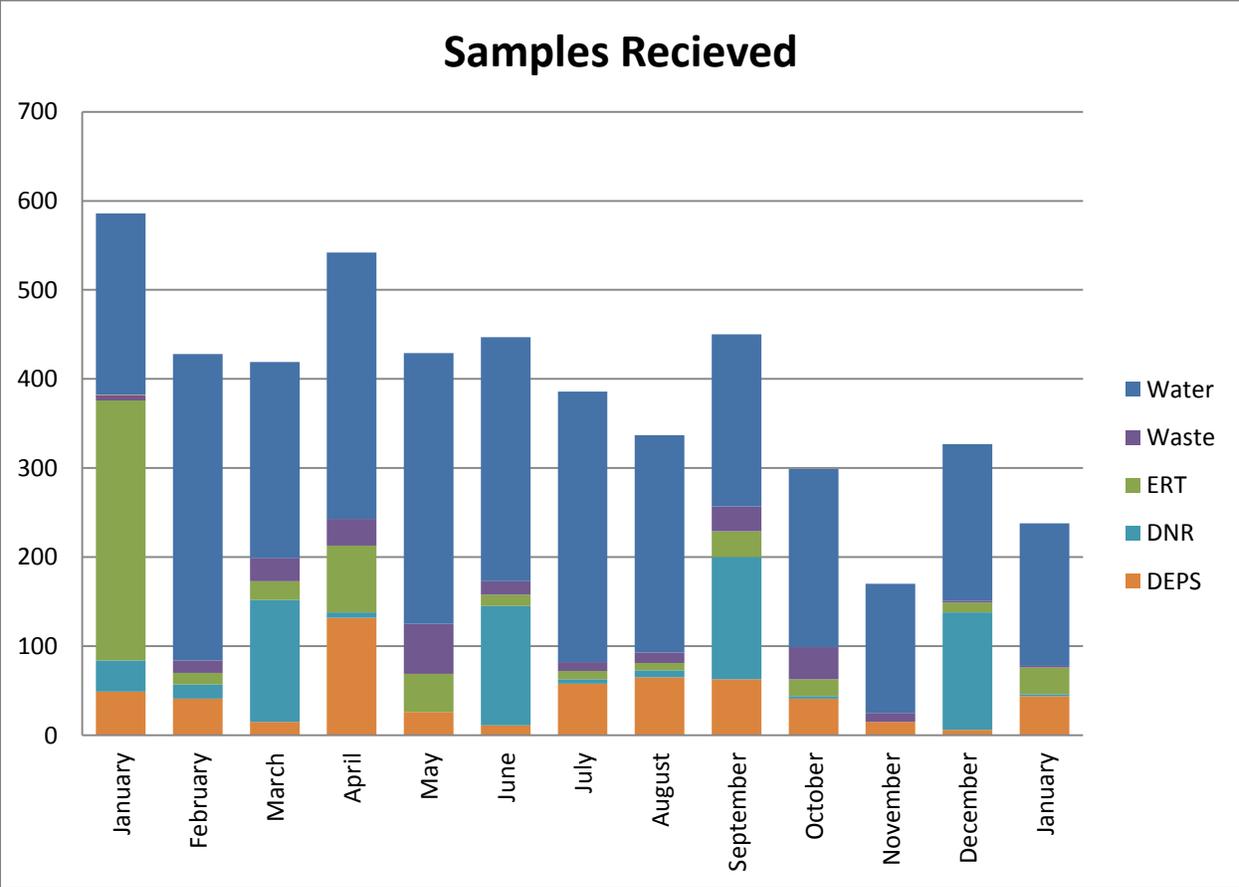
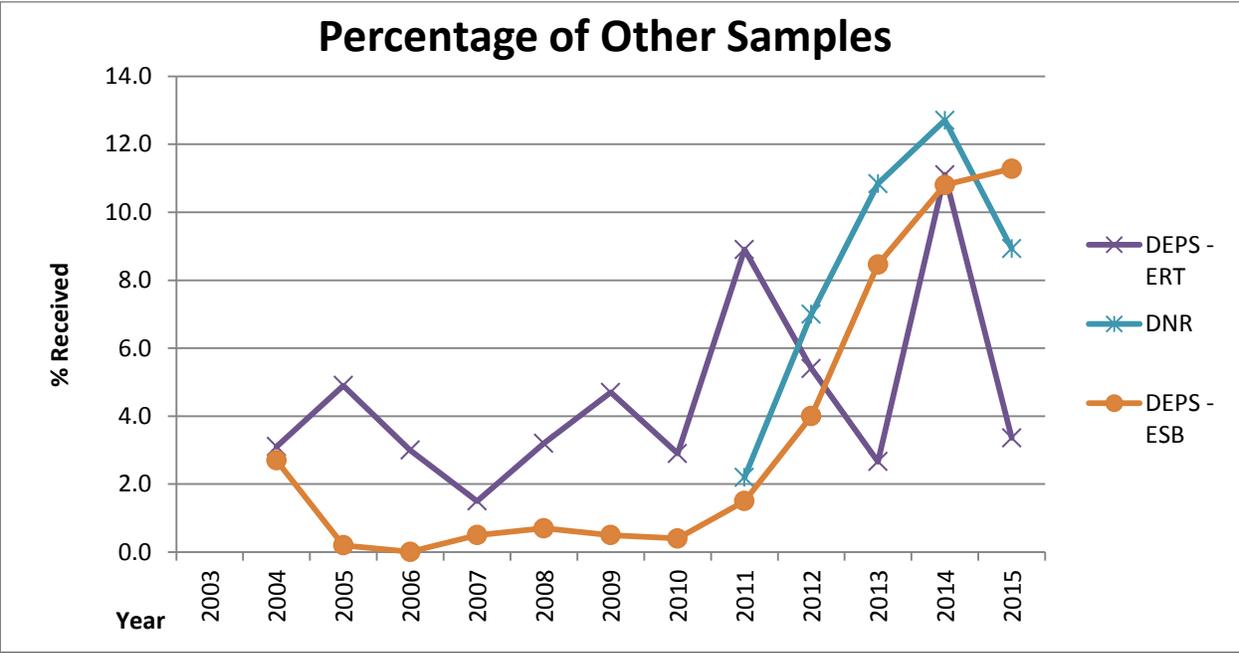


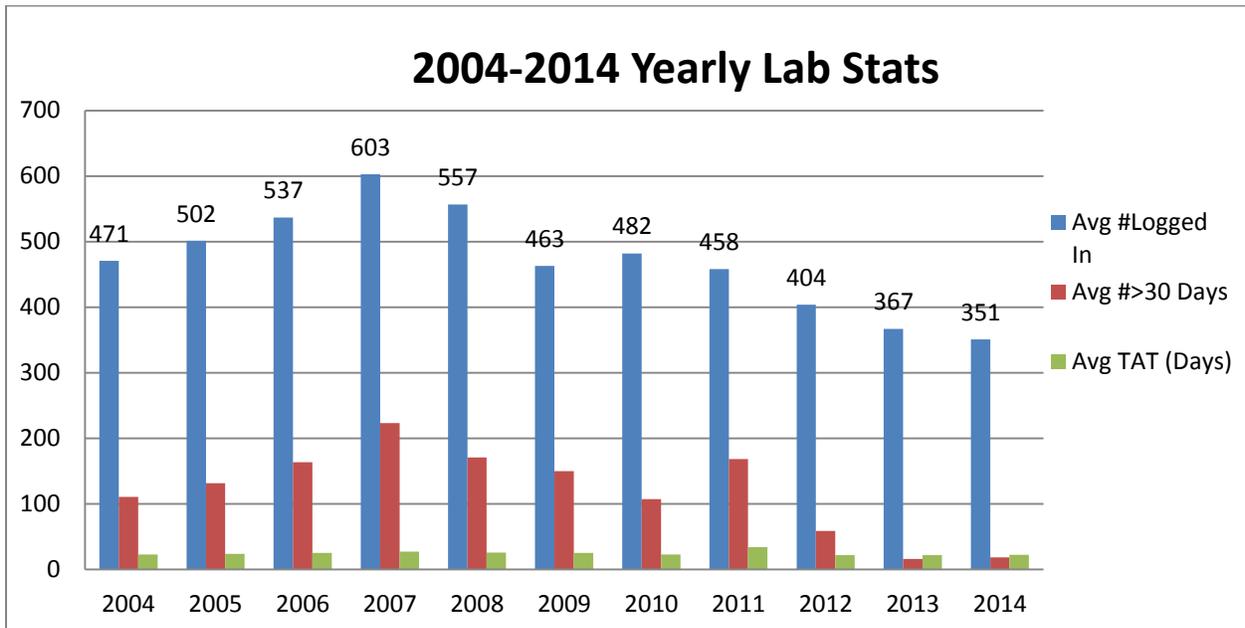
Amanda Evans (Metals Section) loads DOW water mercury samples on a Leeman Hydra AA instrument.

Environmental Services Branch – Samples Received from 1/01/03 to 8/25/15

*2015 total samples are expected to reach 2014 numbers







The rise in the percentage of other samples received can be attributed to three events and/or changes. 1) The DNR CHIA program recently doubled its request in sample testing. 2) There was a large number of emergency response samples received during the West Virginia chemical spill in January. 3) Changes in the ESB Quality Control/Quality Assurance program required an increase in the number of internal audit-related testing. See graph below for more details related to those percentage changes over time.

Environmental Response Branch – Activities and Accomplishments

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 the 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 224.1-400 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 224.1-400.

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 three full time staff, 30 part-time responders (365 days per year, 24 hours a day), and 2 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, US EPA, 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

**EEC/DEP ENVIRONMENTAL RESPONSE TEAM
KY EMERGENCY OPERATIONS PLAN RESPONSIBILITIES
ERT SUPPORT ROLES FOR KY EOC**

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 effected by releases
- Coordinate with US Environmental Protection Agency, Federal Region IV Regional Response Team, US Army Corps of Engineers, US Coast Guard, and other federal agencies

KRS 224.1-400 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 KYEM'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 Control Branch). They are also in communication with several other agencies such as KSP, KYTC, Fish and Wildlife, KVE, KY National Guard, and the regional and local KYEM emergency managers.

COORDINATION/COMMUNICATION

The present notification/communication structure 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/cleanup releases. The past procedure for these situations has 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.

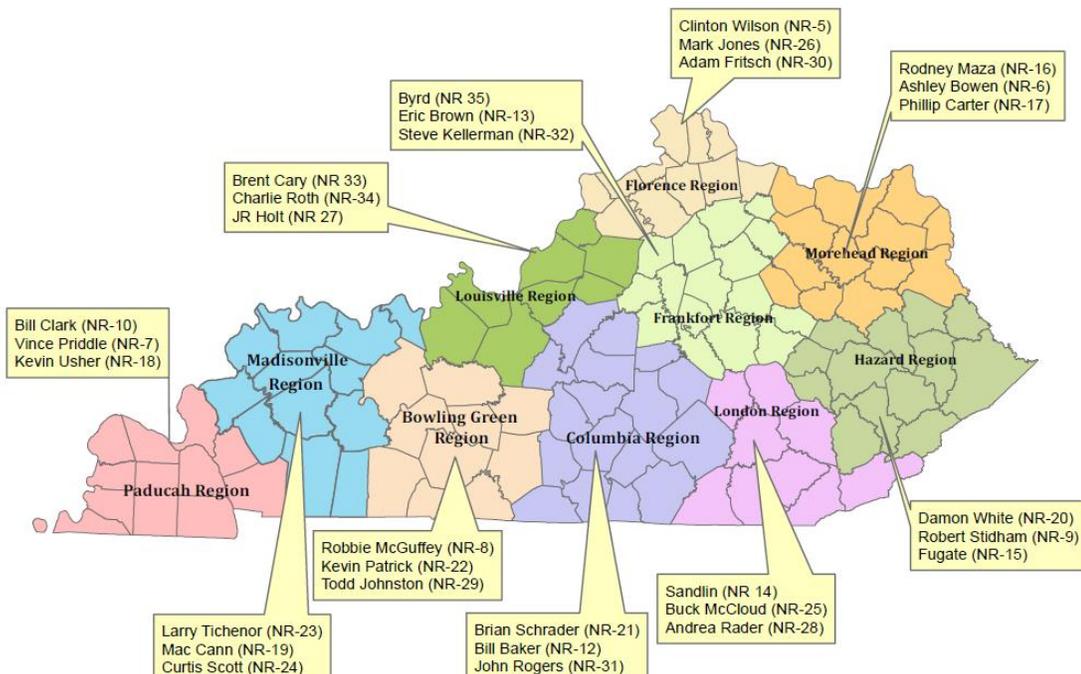
ERT Coverage Areas and Responders

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
 200 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)
 Kevin Strohmeier, Response Coordinator (NR-3)



ERT Central Office Staff

Robert Francis, Manager
 David Leo, Coordinator
 Kevin Strohmeier, Response Coordinator

ERT Responders by Area

<u>Madisonville:</u>	Curtis Scott (DWM-Madisonville) Larry Tichenor (DWM -Madisonville) Mac Cann (DAQ-Owensboro)
<u>Bowling Green</u>	Robbie McGuffey (DWM -Bowling Green) Todd Johnston (DWM -Bowling Green) Kevin Patrick (DWM -Bowling Green)
<u>Columbia</u>	John Rogers (DWM -Columbia) Bill Baker (DOW -Bowling Green) Brian Schrader (DWM -Columbia)
<u>Frankfort:</u>	Eric Brown (DWM -Frankfort) Wes Byrd (DOW -Frankfort) Steve Kellerman - (DWM -Frankfort)
<u>Hazard:</u>	Damon White (DOW -Hazard) Robert Stidham (DWM – Hazard) Kelly Fugate (DOW -Hazard)
<u>Florence:</u>	Clinton Wilson (DWW -Florence) Mark Jones (DOW -Florence) Adam Fritch (DWM -Florence)
<u>Louisville:</u>	JR Holt (DWM -Louisville) Charlie Roth (DOW -Louisville) Brent Cary (DWM –Louisville)
<u>Morehead:</u>	Rodney Maze (DWM -Morehead) Philip Carter (DWM -Morehead) Ashley Markwell (DOW-Ashland) James Blevins (Dow-Morehead) – Alternate
<u>London:</u>	James McCloud (DOW -London) Alex Sandlin (DWM –London) Andrea Rader (DWM -London)
<u>Paducah:</u>	Kevin Usher (DAQ -Paducah) Bill Clark (DAQ -Paducah) Vince Priddle (DOW-Paducah) Margie Williams (DWM -Paducah) - Alternate



Photo on left: ERT Staff conduct internal training
Photo on Right: ERT participating in a planning meeting with local and state governments

ENVIRONMENTAL INCIDENT NOTIFICATIONS

All incidents and notifications received through 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 within 5 working days of notification

Several major incidents with severe or potentially catastrophic impacts to human health or the environment occurred in the last eleven fiscal years. A summary of events follows.



- Photo on left- Fire Department putting water on a fire at Liberty Tire
- Photo on right- GE Appliance Park fire that occurred on April 3, 2015

DATE	INCIDENT	COUNTY	IMPACTS
4-3-15	GE Appliance Park had a fire at a warehouse/office building that contained several large amounts of chemicals. The fire caused concern for local residents for inhalation hazards.	Jefferson	Air, Soil
11-03-14	Liberty Tire and tire recycler with approximately 1,000,000 PTE Tires caught fire and caused concern for local residents for inhalation hazards.	Jefferson	Air, Soil, Water