

DIRECTOR'S FLEXIBLE PERFORMANCE AGREEMENT
JULY 1, 2009- JUNE 30, 2010

Name: Chris Korleski

Department: Ohio Environmental Protection Agency

Department Vision: Ohio EPA is a trusted leader and environmental steward using innovation, quality service, and public involvement to ensure a safe and healthy environment for all Ohioans.

Department Mission: To protect the environment and public health by ensuring compliance with environmental laws and demonstrating leadership in environmental stewardship.

Agency Description: The Ohio Environmental Protection Agency is a state agency whose goal is to protect the environment and public health by ensuring compliance with environmental laws. Those laws and related rules outline Ohio EPA's authority, what we can and can't do, and what things we can consider when making decisions about facility operations.

Ohio EPA establishes and enforces standards for air, water, waste management and cleanup of sites contaminated with hazardous substances. We also provide financial assistance to businesses and communities; environmental education programs for businesses and the public; and compliance and pollution prevention assistance to help businesses meet their regulatory obligations and minimize their waste at the source.

Part I. Guiding Principles of the Strickland/Fisher Administration:

All members of the Strickland/Fisher team are asked to abide by Governor Strickland's statements on public service. These include a commitment to:

- Share the burdens of others and work toward the common good.
- Recognize the greatness of Ohio and Ohioans and build on those strengths.
- Never be outworked.
- Celebrate the diversity of our great state.
- Uphold the sacred duty of telling the truth.
- With a Peace Corps spirit, humbly serve and empower our fellow Ohioans.

Part II. Results to be Achieved:

A. Ohio Leadership Agenda:

All Directors are responsible for achieving the goals of the leadership Agenda through department performance targets and special projects:

1. Raise Ohio's per capita income rate above the national average by 2014.
2. By 2017, increase the number of Ohioans enrolled in post-secondary education by 230,000 and raise Ohio's success rate by increasing the number of those who graduate with a 2- or 4-year degree by 20 percent.
3. Provide access to quality, affordable health insurance for every Ohio child and reduce the total number of uninsured Ohioans by 500,000 by 2011.

B. Key Departmental Goals, Measures and Targets:

Goal 1: Attain federal clean air standards in Ohio by applicable federal deadlines

1.1 Attain ozone standard in Cleveland, Columbus and Cincinnati areas by 2010 or by alternative deadline as approved by USEPA

The Cleveland area shall meet the 0.084 parts per million eight-hour ozone standard by the deadline June 15, 2010, and the Columbus and Cincinnati areas by June 15, 2009, or alternatively demonstrate sufficient progress towards meeting the standard such that the attainment deadline is extended by USEPA in accordance with the federal Clean Air Act.

This is a primary goal of the agency and Ohio EPA's Division of Air Pollution Control (DAPC). Failure to achieve this goal will have both environmental and economic development impacts. If Ohio fails to meet the applicable deadlines, the areas would be subject to the "bump-up" provisions under the Clean Air Act. In the Cleveland area, this would trigger additional permitting requirements for smaller sources, more mandatory industrial controls and a higher offset ratio for major new sources wanting to locate in the nonattainment area. If the area shows adequate progress towards meeting the standard, the Clean Air Act provides for two one-year extensions of the deadlines.

Sample Methods:

- Continue to develop a state implementation plan (SIP) for the Cleveland area that includes a comprehensive VOC and nitrogen oxides emission inventory, urban air shed modeling, and the control strategies needed to obtain emission reductions necessary to meet the standard.
- Adopt the rules to implement the necessary control strategies.
- Issue an RFP to continue a vehicle emission testing program for areas where the program is required, retaining legislative authority to do so.
- Continue to encourage voluntary programs to reduce emissions reductions.
- Continue to work with U.S. EPA to address any concerns regarding the ozone state implementation plans.

- Request that areas be redesignated once the air quality demonstrates that the national ambient air quality standard has been met.

Measure:

June 2009 -- Achieve attainment for all areas (except Cleveland)
 June 2010 – Achieve attainment of standard in Cleveland; request 1st one-year extension if needed for Columbus and Cincinnati.
 June 2011 – Request 2nd one-year extension if needed for Columbus and Cincinnati, and 1st one-year extension for Cleveland
 June 2012 – Request 2nd one-year extension if needed for Cleveland

July 2008 Baseline: Areas currently in nonattainment: Columbus, Cleveland and Cincinnati areas

Progress: **GOAL ACHIEVED**

- ✓ **As of December 15, 2009, the Columbus, Cleveland, and Cincinnati areas have achieved the 0.08 ppm ozone standard from 1997. Columbus, Cleveland, and most recently in the Spring of 2010, the Cincinnati area was redesignated to attainment by USEPA.**

1.2 Meet the current PM2.5 (fine particulate) standard in all areas designated nonattainment by April 2010 or by alternate deadline as approved by USEPA in accordance with the federal Clean Air Act.

Along with meeting the ozone standard, attainment of the PM2.5 standard is a critical goal for DAPC. The Cleveland, Cincinnati, Dayton and Steubenville areas will remain a challenge in meeting the PM2.5 standard. As long as progress is being made, extensions up until 2015 are possible to achieve attainment.

Sample Methods:

- Continue to operate the PM2.5 monitors at the locations included in the U.S. EPA approved monitoring plan.
- Continue to conduct analyses of the PM2.5 filters to determine possible sources of emissions of PM2.5.
- Continue to work with the Midwest Regional Planning Organization to develop the appropriate technical analysis and tools to evaluate various control options for PM2.5.
- Develop a comprehensive inventory of sources of PM2.5 and its precursors.
- Conduct urban air shed modeling.

- Identify the control strategies needed to obtain emission reductions necessary to meet the standard.
- Adopt the rules to implement the control strategies.
- Develop and submit the state implementation plan (SIP).
- Request that areas be redesignated once the air quality demonstrates that the national ambient air quality standard has been met.

Measure:

April 2010: Attain PM2.5 standard

Baseline: Counties Currently nonattainment: Butler, Clermont, Hamilton, Warren (the Cincinnati area); Ashtabula (P*), Cuyahoga, Lake, Lorain, Medina, Portage, Summit (the Cleveland/Akron area) Coshocton (P*), Delaware, Fairfield, Franklin, Licking (the Columbus area), Clark, Greene, Montgomery, (the Dayton area), Adams (P*), Gallia (P*) Lawrence, Scioto, Washington, Jefferson, and Belmont. * P – “Partial County” non-attainment.

Progress: **By January 1, 2009, Montgomery, Greene, Clark, Delaware, Fairfield, Franklin, Licking, Washington, Belmont, and Stark Counties achieved the annual PM2.5 standard of 15 ug/m3. By January 1, 2010, all of the monitors in the state were measuring attainment of the standard, although the three year average may still be above the standard. U.S. EPA is not processing redesignation requests for PM2.5 until a CAIR replacement rule is issued by U.S EPA.**

Goal 2: Reduce the number of air permit-to-install applications simultaneously under review from 290 to 200 by 2011.

Ohio EPA’s Division of Air Pollution Control is working to reduce processing time for permits-to-install. Coupled with that, however, is the need to reduce the number of permits pending in the system at any point in time so less time will be needed to process those that are remaining.

Sample Methods:

- Expand the categories of sources of air pollution eligible for the standardized permits offered in the permit by rule program and the general permit program
- Continuously track the permits in the system, and allocate Central Office resources to assist the District Offices and Local Air Agencies to address any backlog of permits that may occur.

- Continue to implement programs to streamline permit process including: (1) the permit to install/operate (PTIO) program; and (2) incorporation of federal requirements (e.g. New Source Performance Standards.)
- Reduce permit preparation time by including federal New Source Performance Standards (NSPS) and Maximum Achievable Control Technology (MACT)) by reference.
- Continue to enhance the technology used for permit submission and processing through the implementation of the web-based air services program.

Measure: Number of Air Permit Applications Under Review
 250 by January 1, 2009
 225 by January 1, 2010
 200 by January 1, 2011

Baseline: 290 air permit applications simultaneously under review on average as of January 1, 2008.

Progress: **On February 2, 2010, the U.S. District Court for the Southern District of Ohio issued a ruling in Sierra Club v. Christopher Korleski, Director of Ohio EPA. As a result of this ruling, Ohio EPA ceased the issuance of installation permits for over two weeks in order to analyze the ruling and to develop guidance concerning the processing of permits such that the ruling could be met. Ohio EPA issued guidance concerning this ruling on February 19 such that permits could again be processed. However, the new approach required additional work on the permit writer's part. The combination of the permit stoppage, the additional work needed to process the permits and the confusion associated with the court ruling and revised procedure caused delays in processing many permits and caused the permit workload to increase. The average number of permits under review at any one time in 2010 (January through June) was 241.**

Goal 3: State Targeted Brownfield Assessments

Complete 6-8 state targeted brownfield assessments funded by Ohio EPA's Division of Emergency and Remedial Response (DERR) each year.

Sample Methods:

- Work with local governments to identify sites that need assessment in order to qualify for cleanup grants from either the Clean Ohio fund or federal brownfield grant programs.
- Target projects that did not qualify for federal brownfield assessment grants or replace the phase I grant program under Clean Ohio at DOD that is now defunct.

- Ohio EPA will either do the assessment work or contract it out at far lower transaction costs to the taxpayers.
- At a cost of approximately \$100,000/year, Ohio EPA's transaction costs for providing these grant dollars to local communities will be lower than that of DOD in the past.

Measure: Complete 6-8 assessments/year.

Baseline/Progress:

- ✓ **During SFY 2009, 8 state assessments were conducted to achieve the goal.**
- ✓ **During SFY 2010, we completed 4 STBA projects and another is in the works but not completed. This is less than SFY 2009's total of 8 assessments. STBA money in '10 was used for Phase II projects that needed a quick turn around for Clean Ohio. These sites are generally more complex and require larger budgets than those projects done in '09.**

Goal 4: Achieve a cumulative total of 92 scrap tire cleanups involving the removal of 37.4 million passenger tire equivalents by the end of SFY 09.

Accomplishing this goal will improve Ohio's landscape by continuing to cleanup scrap tire dumps with the associated environmental and public health and safety benefits of removing these fire risks and mosquito breeding sites.

Sample Methods:

- Track enforcement actions through the current monthly Case Update process.
- Track scrap tire site cleanup progress through current weekly reports.
- Track number of tires cleaned up through invoices submitted by state-funded cleanup contractors.

Status: GOAL ACHIEVED

- ✓ **By the end of SFY 09, Ohio EPA achieved a cumulative total of 188 scrap tire cleanups involving the removal of 37.9 million passenger tire equivalents.**
- ✓ **By the end of SFY 10, Ohio EPA achieved a cumulative total of 275 scrap tire cleanups involving the removal of 38.2 million passenger tire equivalents.**

Baseline	Start of SFY08	During SFY08	Beginning of SFY09	Goal During SFY 09 (Actual)	Goal by end of FY09 (actual)
	46 Scrap tire sites cleaned up 35.1 Million passenger tire equivalents removed.		70 Scrap tire sites cleaned up 36.4 Million passenger tire equivalents removed.		92 Scrap tire sites cleaned up (188 actual)(275 by end of SFY10) 37.4 Million passenger tire equivalents removed. (37.9 Million actual) (38.2 by end of SFY 10)
Measures		1.3 Million passenger tire equivalents removed from the 24 sites cleaned up during FY 08.		7 (12) Enforcement cases being completed 15 (105) consensual agreement sites completed. 1 million (1.2 million) passenger tire equivalents removed.	

Goal 5: Improve Compliance with Drinking Water Monitoring and Reporting Requirements to 90% by SFY 2011.

Ohio's public water systems are largely in compliance with maximum contaminant level (MCL) requirements (greater than 95% for community public water systems and greater than 90% for transient public water systems). However, that percentage compliance is based only on those systems that actually report monitoring results. Therefore, our critical goal is to increase

monitoring and reporting compliance so we can be sure that overall compliance with the MCL is accurate.

Sample Methods:

- Establish statewide and district office improvement goals.
- Implement several internal program activities to increase monitoring compliance at community water systems such as having district office compliance coordinators; establishing a program to send postcards reminding water systems of their requirement to monitor; and conducting outreach to develop and deliver educational material to water systems
- Quarterly determine on a statewide and district office basis the percent of compliance at community water systems.
- Correct data errors identified by U.S. EPA in quarterly submissions.

Measures:

- By SFY 2010, increase monitoring and reporting compliance to achieve **88%** for community water systems.
- By SFY 2010, increase monitoring and reporting compliance to **80%** for transient non-community water systems.
- By SFY 2011, achieve **90%** monitoring compliance (goal shared by USEPA).

Baseline: At the end of SFY 07, approximately 68% of transient public water systems and 89% of community water systems met all monitoring and reporting requirements.

Progress/Status:

- ✓ **For community water systems, EXCEEDED SFY 2010 GOAL with greater than 90% monitoring and reporting compliance.**
- ✓ **For transient non-community water systems, EXCEEDED SFY 2010 GOAL with 84% (up from 81% at the end of SFY 09) monitoring and reporting compliance.**

7/28/10 Update

