

## Message from the Governor



A clean environment is vital to a good quality of life. Ohio EPA has a critical mission to keep our air, land and water healthy. That's not always an easy job. Environmental regulations are complex. Ecosystems are diverse. Public interests compete. In its day-to-day decision, Ohio EPA often finds itself between a rock and a hard place.

But the bottom line is that Ohio EPA employees care about the environment, and they care about making it better. They are helping carry out my vision for brownfield and scrap tire cleanups, stream restorations, a cleaner Lake Erie, safe drinking water and cleaner air.

More than 14 million scrap tires have been cleaned up in the last few years. Ohio EPA is leveraging funds and partnering with local groups to improve water quality. The Clean Ohio Fund is helping turn blighted properties into thriving businesses. We have a coordinated plan to secure federal funding for Lake Erie that would rival resources allocated to the Everglades. We're reducing emissions from power plants and industries.

I commend Ohio EPA for its efforts during the past year, and am grateful for the dedication of those employees who served the state for all of Ohio EPA's first 30 years.

Bob Taft, Governor

## Message from the Director



I grew up in the Boston area, but came to Ohio in the mid-1970s to attend college at Ohio Wesleyan University. Some of the nation's most significant environmental laws were adopted during and soon after my college years. When I graduated, Ohio EPA was not yet seven years old and the environmental challenges facing Ohio were significant. Back then, I didn't anticipate a career in environmental law, but for the past dozen years, that has been my focus. I've observed a couple of key things.

First, the environment is substantially cleaner. In a relatively short period of time, we have overcome the gross pollution associated with decades of unregulated activities. By all measures, the air, land and water are significantly improved. While this progress is satisfying, we are not yet satisfied. There is much work to be done, and the environmental issues we face today are much more challenging. This brings me to my second observation.

People who work in environmental protection are among the most dedicated you'll find anywhere. For many, it's not just a job, it's a cause. Many Ohio EPA employees started working here in 1972 when the Agency was formed, and they dedicated their entire career to public service. And so this year – the 30<sup>th</sup> anniversary of Ohio EPA – we said farewell to many colleagues who will enjoy retirement knowing they made a significant contribution to the development of environmental programs in Ohio.

In this annual report, we share some of Ohio EPA's activities and accomplishments from State Fiscal Year 2002. Even more important, we share stories from a few of our long-term employees who have witnessed major changes over the past 30 years. Their dedication and spirit of public service are representative of Ohio EPA employees, who take seriously our mission to protect Ohio's environment.

Christopher Jones, Director



## Division of Air Pollution Control



**T**he Division of Air Pollution Control's mission is: "To attain and maintain the air quality at a level that will protect the environment for the benefit of all." As partners, the division and nine local air agencies perform functions designed to attain and maintain ambient air quality and protect public health.

### National Air Quality Standards

U.S. EPA's national standards for ground level ozone (smog), carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide and lead were established to protect public health and the environment, to define an allowable concentration pollutants and to restrict the number of times the standard can be exceeded before it is considered a violation. To determine if the air quality meets those standards, Ohio EPA operates air quality monitors.



All Ohio counties are currently designated in attainment for carbon monoxide, particulate matter, nitrogen dioxide and lead. Two Ohio counties, Lucas and Cuyahoga, are designated non-attainment for sulfur dioxide levels, although they have not had a monitored violation of the sulfur dioxide standard in more than 20 years. Ohio EPA continues to work with U.S. EPA to redesignate these counties.

All of Ohio's counties are in attainment for the one-hour ozone standard except the four-county Cincinnati area. The Cincinnati area was designated attainment for ozone on July 5, 2000. However, following a lawsuit, the Sixth Circuit Court overturned U.S. EPA's redesignation of that area. While Ohio EPA had followed U.S. EPA's guidance to redesignate the area, the court ruled that Ohio EPA was required to adopt additional requirements to redesignate the area. Ohio EPA is working on the additional requirements.

Ohio EPA currently operates 50 ozone monitors in 32 counties. These monitors measure ozone levels for the one-hour ozone standard and the recently-adopted eight-hour ozone standard. In the 2001 ozone season (April through October), Ohio EPA measured two readings above the one-hour ozone standard and 250 readings above the eight-hour ozone standard. From April through June 2002, Ohio EPA measured six readings above the one-hour ozone standard and 251 readings above the eight-hour ozone standard.

### Air Toxics

The division continues to implement air toxic reduction programs required by the Clean Air Act of 1990. The Toxic Release Inventory is used to measure the effectiveness of the regulatory and voluntary efforts to reduce air toxics. Ohio facilities reduced toxic air emissions by 50 percent between 1992 and 2000.

Ohio EPA also implements the risk management planning program. The program requires industries to develop plans to prevent accidental releases to the air and to mitigate the consequences of releases that do occur. It focuses on prevention measures for chemicals that pose the greatest risk to the public and environment. Approximately 500 facilities have filed risk management plans with Ohio EPA. In State Fiscal Year 2002 (SFY'02), Ohio EPA conducted 66 compliance inspections to ensure that these plans are in place.

Ohio EPA also conducts specialized air toxics monitoring studies to determine the level of toxic pollution in the air. These can be specialized studies at a particular site, such as the River Valley School campus.

## Issuance of Permits

In SFY'02, the division issued 1,077 permits-to-install, 1,460 permits-to-operate, 56 draft Title V permits and 192 final Title V permits. The division has six internal process improvement groups and participates on an additional seven permitting process improvement groups with industry.

## Compliance Assistance to Small Businesses

The Small Business Assistance Program (SBAP) provides free and confidential technical assistance to small businesses to increase understanding and compliance with air pollution regulations. The SBAP provides information about regulations and permit requirements, conducts on-site audits upon request and assists in completing air permit applications. In SFY'02, the SBAP provided on-site assistance to 168 companies in 40 counties. In addition, the SBAP assisted small businesses in completing 398 air permit applications, saving them time, money and resources.

## E-Check

The Mobile Sources Section oversees the contractor-operated vehicle emissions inspection program, known as E-Check, in the Cleveland/Akron, Dayton and Cincinnati areas. The goal is to encourage motorists to routinely maintain the emission control equipment on their vehicles to reduce the release of pollutants that form ozone. In SFY'02, 1,906,952 vehicles were tested; the average pass rate was 93.43 percent.



**An air monitoring station overlooks a Cleveland-area neighborhood. All Ohio counties meet national air quality standards for carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide and lead.**

Ozone alerts consumed much of the news last summer, but smog as we know it today is nothing compared to when Ohio EPA began 30 years ago. Just ask **Al Franks**. Franks, chief of strategic management and quality, began his career with the Agency 27 years ago in media relations (after starting with the Ohio Department of Health in 1972). He remembers the air pollution alerts of the early 1970s well.

"Because of my media relations responsibility, I became directly involved in the many air pollution alerts declared in Steubenville, Youngstown and Cleveland. In 1972-73 we averaged one alert each month. During these alerts I learned that communicating the quality of air can be difficult." Franks became chief of the Public Interest Center in 1974. He left in the early 90s, but returned in 1994 to work in the director's office in industrial relations.

"Environmental improvements often take years to accomplish. Consequently, it is difficult for some people to realize the improvements that have been made. There have been dramatic reductions in air pollution, especially in the industrial areas like Steubenville, Cleveland and Youngstown. You could see it and you could smell it. In the mid-70s, my assistant, who was from Cleveland, told me that in school she would color the sky brown because that's what it was," Franks remembers. Thirty years have seen many noticeable environmental improvements. The Cuyahoga River improvement and the return of mayflies along Lake Erie are two visible improvements.



## Division of Drinking and Ground Waters



**T**he Division of Drinking and Ground Waters' (DDAGW) mission is to protect human health and the environment by characterizing and protecting ground water quality and ensuring Ohio's public water systems provide adequate quantities of safe drinking water.

### Monitoring Public Water Systems

DDAGW provides oversight and technical assistance to nearly 5,800 public water systems. In State Fiscal Year 2002 (SFY'02), DDAGW conducted almost 2,400 on-site inspections; reviewed and approved approximately 1,358 detailed plans for new and existing water systems; reviewed approximately 23,590 chemical and more than 150,000 microbiological water quality results; provided technical assistance; and assisted water systems during potential contamination incidences.

After the tragic events of September 11, 2001, efforts to increase public water system security at the local, state and federal levels is unprecedented. Public water systems serving more than 100,000 people received federal grant money to complete vulnerability assessments. DDAGW completed phone surveys of 110 large public water systems to identify their security concerns and determine any additional needs.

### Ground Water

To address ground water protection and remediation more consistently, DDAGW staff provides geologic and hydrogeologic support to Ohio EPA's waste management divisions. The staff reviews ground water-related permits and develops ground water-related guidance and rules. During SFY'02, 481 technical support projects were completed for the Division of Emergency and Remedial Response; 1,111 for the Division of Hazardous Waste Management; 174 for the Office of Federal Facilities Oversight; 1,503 for the Division of Solid and Infectious Waste Management; and 137 for the Division of Surface Water.

### Working Together

Workgroups continue to draft rules for Ohio's public water systems based on federally promulgated rules. These rules are required under the 1996 Safe Drinking Water Act Amendments.

The division continued its goal of improving public outreach by forming the Drinking Water Advisory Committee. This group provides input on the development of state and federal rules, recommends improvements to existing programs and identifies funding options.

DDAGW staff initiated 1,340 Source Water Assessment and Protection reports, completed 550 and forwarded them to public water system officials for review. Staff partnered with the Division of Surface Water in developing the Agency's *Integrated Water Quality Monitoring and Assessment Report* to fulfill the requirements of Sections 305(b) and 303(d) of the Clean Water Act. Staff also prepared a "Summary of State Methodologies for Surface Water Assessment of the Drinking Water Use Designation" to assist in the development of Ohio's methodology. The division continued to administer and participate in the State Coordinating Committee on Ground Water and contributed to the Ohio Water Resource Council Four-Year Strategic Plan, published in March 2002. *This report is available on-line at <http://www.dnr.state.oh.us/owrc/>*

*Congress passed the Public Health Security and Bioterrorism Preparedness and Response Act in response to the terrorist attacks on September 11, 2001. It requires community water systems serving more than 3,300 people to conduct a vulnerability assessment and update their emergency response from this information. The division secured funds from U.S. EPA to coordinate activities related to increasing security and counterterrorism.*

## Financial Assistance

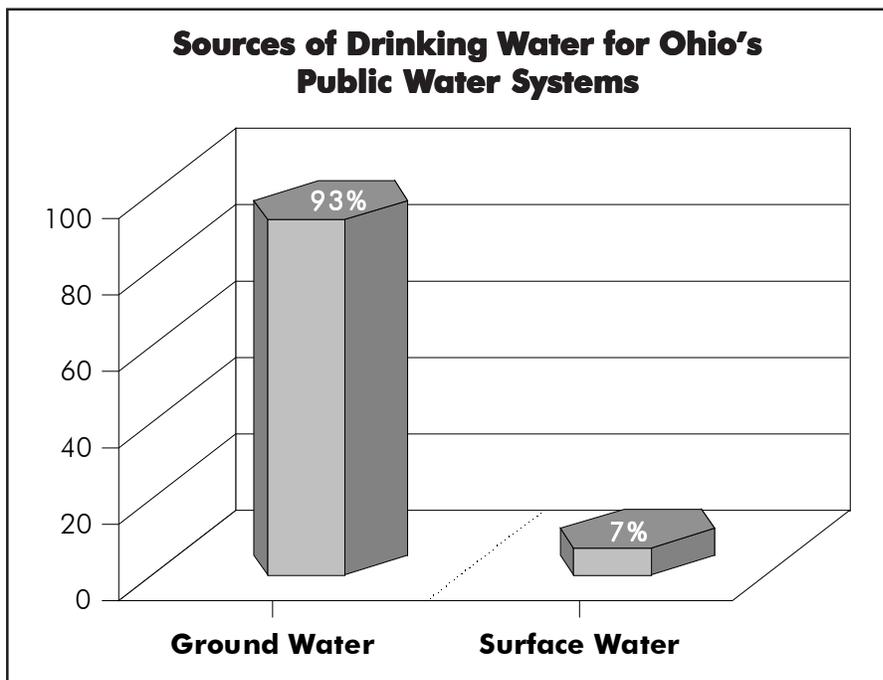
To assist public water systems with infrastructure needs, Ohio EPA issued 18 loans totaling approximately \$35.8 million. In addition, the Agency made a bond issuance which provided approximately \$12 million of state match money for nearly \$60 million in additional capitalization grants.

## Enforcement

DDAGW issued five negotiated final findings and orders with total penalties of \$30,500. The orders also contained \$34,500 in supplemental environmental projects. DDAGW issued two unilateral findings and orders with \$47,000 assessed under the administrative penalty rule. Other enforcement actions included 16 bilateral compliance agreements and three actions through the attorney general's office with \$136,000 in penalties assessed.

## Underground Injection Control

During SFY'02, the Underground Injection Control (UIC) program rules established a schedule for closure of motor vehicle waste disposal wells and large capacity cesspools. The program sent notices of the rule changes to 1,126 entities. UIC staff inspected all 12 of Ohio's Class I injection wells and 195 facilities potentially containing Class V injection wells. Class I wells inject waste 2,000 to 4,000 feet below any underground source of drinking water (USDW). Class V wells are used to inject non-hazardous fluids into or above a USDW. There are more than 12,500 Class V wells inventoried in Ohio, and tens of thousands more are suspected. UIC also observed 27 tests for mechanical integrity for the Class I injection wells, closed 12 Class V injection wells and sent notices of violation concerning 21 other Class V injection wells.



## Division of Environmental and Financial Assistance



The Division of Environmental and Financial Assistance (DEFA) provides incentive financing, supports the development of effective projects, and encourages environmentally proactive behaviors.

### Water Pollution Control Loan Fund

In State Fiscal Year 2002 (SFY'02), the Water Pollution Control Loan Fund (WPCLF) financed a number of nonpoint source pollution needs. Water quality activities undertaken through the WPCLF's Water Resource Restoration Sponsor Program (WRRSP) ranged from protection to full restoration of aquatic habitats. More than \$10.6 million was awarded for 10 WRRSP projects, including the design for modifications to the Kent dam to improve water quality in the middle portion of the Cuyahoga River, and toward the acquisition and protection of Bass Lake in the Chagrin River watershed.



The WPCLF was used to finance cleanup of abandoned hazardous waste sites. A \$361,000 loan was made to Harrison County toward developing closure and post-closure plans and capping a site to address contaminated soil residues and ground water contamination plumes under a federal consent agreement.

The WPCLF's linked deposit programs made five loans totaling \$65,637 for septic system improvements and 251 loans totaling \$7.4 million for agricultural best management practices in several watersheds.

Also, \$242 million in low-interest loans were made from the WPCLF for municipal treatment works improvements. This below-market financing saved Ohio communities more than \$59.6 million in interest costs. New interest rates of 0 percent and 1 percent were adopted for hardship communities.

### WPCLF Financial Assistance SFY 2002

Project Type	Number of Loans	Total Loan Amount \$	Percent of Total
<b>Municipal Wastewater:</b>			
- Standard Communities	36	234,182,120	89.92
- Small Communities	7	6,830,545	2.62
- Hardship Communities	2	963,560	0.37
<b>Nonpoint Source:</b>			
- Agriculture - cropland	242	6,665,886	2.56
- Agriculture - animals	9	713,225	0.27
- Urban(on-site system)	5	65,637	0.03
- Site Remediation	1	361,001	0.14
- WRRSP	*	10,655,800	4.09
<b>Totals</b>	<b>302</b>	<b>260,437,774</b>	<b>100</b>

\* 10 Water Resource Restoration Sponsor Projects are included in awards to municipal wastewater standard communities

## Village Capital Improvement Fund

Interest-free loans totaling \$515,948 were provided through the Village Capital Improvements Fund to 15 villages. These assist in planning and designing wastewater treatment and public water supply facilities.

## Ohio Power Siting Board

There was a significant increase in applications to the Ohio Power Siting Board over the last year in response to deregulation of the electric utility industry and increased demand for electricity. As a result, division staff reviewed more than 45 projects, including the protection of a perennial stream and major portions of a mature forest at the Rolling Hills generation site in Vinton County.

## Water Supply Revolving Loan Account

The Water Supply Revolving Loan Account, in its fourth year, awarded more than \$35 million for drinking water system improvements. The WSRLA made 18 loans, including a loan where DEFA staff worked closely with Cleveland's Division of Water to establish a long-range WSRLA funding strategy.



**Al Rupp** vividly recalls the extent of water pollution in Ohio in the Agency's early years. He has spent his entire career in Ohio EPA's Northwest District Office (NWDO) in the Division of Surface Water program, and currently manages the program in NWDO.

"Looking back, it is very gratifying to see what we have accomplished in 30 years. In the beginning, it seemed that water pollution was almost everywhere," he recalls. "Only the larger municipalities had treatment facilities and many were inadequate; industries routinely dumped toxic chemicals and food processing wastes into streams. Because of the hard work of many Agency people, it is now actually quite difficult to find a serious visible water pollution problem. There is still work to be done on combined sewer overflows, nonpoint sources and unsewered subdivisions, but point sources are greatly improved."

Like many original Agency employees, Rupp started with the Department of Health in its Division of Engineering, and transferred to Ohio EPA after the Agency was created in October 1972. The transition was smooth, he says, because he was already working in public and industrial wastewater and many of his coworkers transferred with him.

Among the notable accomplishments during his tenure are the pollution control efforts in the Maumee River basin and the requirement to install sanitary sewers around Grand Lake St. Marys.



## Division of Emergency and Remedial Response

### Emergency Response

**T**he emergency response (ER) program responds to sudden releases of hazardous materials, petroleum and radiation. ER partners with local and state emergency management officials to minimize and prevent releases to the environment.

ER received 12,072 calls during State Fiscal Year 2002 (SFY'02), fielded 4,520 incident reports and responded to 1,133 spills. Significant incidents included:

- 28,000 gallons of sodium hydroxide spilled from railcars involved in a train derailment on an elevated bridge over Cowan Creek in Clinton County.
- A large fish kill in Dry Fork Creek in Butler County Park caused by a spill of liquid ammonia fertilizer.
- Hundreds of hotline calls pertaining to anthrax scares and hoaxes.
- Numerous mercury-related incidents involving local communities and schools.



In the aftermath of September 11, ER has been very active in state and federal workgroups to address coordinated responses to terrorism and weapons of mass destruction incidents. ER received a grant from the U.S. Department of Justice for \$150,000 to purchase response field equipment.

### Clean Ohio Revitalization Fund

The first round of the Clean Ohio Revitalization Fund ended in July 2002. The 13-member Clean Ohio Council selected 16 projects across the state and provided \$39,759,923 for cleanup to occur over the next 2½ years. These cleanups will be accompanied by redevelopment at the properties, providing economic benefits to the local communities.

### Remedial Response

The remedial response program assesses contaminated sites and determines if they are safe for their intended use. The remedial response program provided oversight of investigations or cleanups at more than 155 state-led, Superfund and federal facility sites in SFY'02. Of particular note:

- A consensual agreement was reached with D.H. Holdings to delineate the nature and extent of contamination as well as to develop remedial alternatives at the former Fayette Tubular Products facility.
- A consensual agreement was reached with YSI Corp. to conduct an interim action at its facility in Yellow Springs.
- A consensual agreement was reached with Phillips Products Inc. to conduct a remedial design and remedial action at the Tomkins facility in Malta.
- Cost-recovery settlements were reached for the Old Mill Superfund site, the Allied-Signal/Ironton Coke site, the Granville Solvents site and the Hancock Manufacturing site.

- Construction of the interim action at the Phthalchem site was completed.
- Construction of the remedy at the Skinner Landfill Superfund site was completed.
- Investigations to identify sources of volatile organic chemical (VOC) contamination of municipal wellfields were conducted at the Troy, Miamisburg, Milford and Urbana-Mad River wellfields.

## Voluntary Action Program

The Voluntary Action Program (VAP) provides tools to the private sector so they can voluntarily clean up and return land to productive use. Volunteers who seek state release from future liability must meet state cleanup standards and submit information to Ohio EPA documenting the standards have been met.

# VAP

During SFY'02, the VAP successfully completed two major projects: implementation of the Memorandum of Agreement Track of the VAP and revision of the investigation and cleanup rules for the program (also known as Wave 2 VAP rules).

When the Memorandum of Agreement between U.S. EPA and Ohio EPA for the VAP was signed on July 31, 2001, it officially provided federal liability comfort to volunteers who cleaned up properties using VAP regulations if additional oversight by Ohio EPA staff and additional opportunities for public involvement were added to the program. The VAP developed administrative procedures to include oversight and public notification and involvement. In April 2002, the VAP unveiled the MOA Track and by summer, three properties had entered the VAP MOA Track and three other properties were to enter the MOA Track.

The VAP had to review and, if needed, revise the rules pertaining to property assessment and cleanup under the five-year rule review process (H.B. 473). As done when the VAP rules were created, a multidisciplinary board assisted Ohio EPA in revising the rules. Ohio EPA achieved consensus on the rule revisions in nine months, a much shorter time than anticipated. The revised rules were approved and took effect on October 21, 2002.



before



after



## Division of Hazardous Waste Management

### Cleanups of Hazardous Waste Management Units

In State Fiscal Year 2002 (SFY'02), the Division of Hazardous Waste Management's (DHWM) closure program accepted 24 certifications of closure completions that resulted in approximately 1,500 tons of hazardous waste being removed and properly managed off site. These activities required the removal and proper management of more than 32,000 tons of contaminated material. In addition, the division approved 21 closure plans to implement closure and decontamination activities for other hazardous waste units.

### Closure Quality Committee

The Closure Quality Committee was set up to improve the quality of the division's review and processing of closure plans. Issues include: whether decisions are made with statewide consistency, whether decisions are technically or scientifically sound and whether the decision process meets regulatory performance standards. The committee discusses research and technical issues, disseminates closure-related information, develops technical guidance and recommends or conducts training.

In SFY'02, the committee completed and published two generic risk-based lead cleanup numbers: one for lead-contaminated ground water and one for lead-contaminated soil. Draft guidance was completed on technical areas related to risk-based closures and vadose zone modeling.

The group also developed three training events on vadose zone processes, human health risk assessment and data validation. The training will improve the quality of closure plan reviews.

### Permitting

DHWM's permitting program issued nine hazardous waste renewal permits and processed 130 minor permit modifications and 25 major permit modifications.

### Hazardous Waste Rules Update

Changes to 79 hazardous waste rules became effective in March 2002. These contained the division's last group of rules subject to the five-year rule review requirement.

The division also addressed a number changes to the federal Resource Conservation and Recovery Act rules. This rules package will contain more than 360 rules addressing 40 *Federal Registers*.

### Cessation of Regulated Operations Program

When certain businesses close, they must first remove hazardous chemicals from their property. During SFY '02, the Agency inspected 48 facilities that permanently ceased their regulated operations. Also, the Agency granted extensions to five facilities to allow them more time to complete removal activities.

### Pollution Prevention (P2) Activities

The division is conducting many P2-related activities to help industries reduce and prevent waste generation. Inspectors promote and identify P2 opportunities when they conduct hazardous waste inspections. P2 assessments are helping Ohio reduce waste generation. This service is provided with the assistance of the Office of Pollution Prevention and is a key strategy for achieving one of the division's long-term goals. In SFY '02, the division completed eight P2 assessments. In addition, DHWM provided more than 140 written P2 suggestions in inspection letters.

### Assuring Compliance

Two important components of the division's compliance assurance program are inspections and strong enforcement. Timely enforcement provides a deterrent to non-compliance and encourages allocation of the resources necessary to comply with the rules.



During SFY '02, the division thoroughly reviewed its inspection program to ensure all districts continued to provide high-quality inspections. The division formed an Inspection Quality Committee, made up of hazardous waste inspectors from each district office. This committee discusses inspection-related topics that may have statewide implications and allows district office staff to share inspection ideas, concerns and suggestions.

DHWM resolved 22 administrative enforcement actions resulting in more than \$456,000 in civil penalties. About \$64,000 of this was credited toward projects such as using less- or non-hazardous solvents and recycling. In addition, nine companies were referred to the state attorney general's office for enforcement, including one facility with six Ohio locations.

### Post-Closure Accomplishments

To comply with the federal Government Performance and Results Act (GPRA) and manage the post-closure program to produce results, U.S. EPA created the GPRA Baseline universe for safe waste management at post-closure facilities. The GPRA Post-Closure Baseline consists of treatment, storage or disposal facilities with at least one land disposal unit that ceased operating before Oct. 1, 1997, and did not clean close by that date. The goal is that by 2005, 80 percent of existing hazardous waste management facilities in the Post-Closure Baseline will have controls in place to prevent releases to air, soil and ground water. U.S. EPA required Ohio EPA to have controls in place for 71 percent of its post-closure facilities by the end of September 2002. The division met its goals by June 2002.

### Regulatory Services

During SFY'02 the Regulatory Services Unit gave eight presentations, reaching 400 people. These presentations were about the proper management of electronic equipment, fluorescent lamps, used oil and general compliance with hazardous waste regulations.



**Jim Irwin** credits the federal Resource Conservation and Recovery Act (RCRA) in 1976 and creation of the Division of Hazardous Waste Management for cleaning up acres of drums being used to store hazardous waste. It's one of the most significant environmental improvements in the last 30 years, he says.

"Before the creation of RCRA and the Division of Hazardous Waste, there were companies and disposal sites that were haphazardly stockpiling thousands of drums of waste," he recalls. "Shortly after their creation, there were some incredible incidents involving the clandestine dumping of drums of hazardous waste. Drums were being dumped in streams, left in warehouses and loaded into box trailers and left in shopping plaza parking lots. Due to the diligent work of the Division of Hazardous Waste and the Division of Emergency and Remedial Response's Special Investigations Unit, this problem has greatly diminished."

Irwin has spent nearly 30 years with Ohio EPA's emergency response program, transferring in 1975 to the Northeast District Office to be spill response coordinator. He had been an on-scene coordinator at Central District Office. He was involved in solving oil field brine problems in the 1970s and '80s, which stands out among his personal achievements.

"I witnessed and documented oil field brine getting dumped into rivers, woods, swamps, gravel pits, strip mines, car and truck washes and anywhere else you could possibly drive a brine truck. I had seen dogs, birds, cows and other animals die from ingested brine. I had seen people get sick from it because it was in their drinking water. I had four civil cases go to trial involving brine dumping and I went to Washington, D.C., to testify before the House environmental subcommittee on the problem." The efforts of Ohio EPA, the media and public interest groups eventually led to tougher laws and a change in the way the oil and gas industry dispose of their brine.



## Division of Solid and Infectious Waste Management

### Scrap Tire Abatement

**T**he state-funded scrap tire abatement program remained focused on the Kirby scrap tire site in Wyandot County for State Fiscal Year 2002 (SFY'02). In SFY'02, 2.78 million passenger tire equivalents (PTE) were removed from the site. A PTE equals 20 pounds of tire material. This brings the total tires removed from the Kirby site to more than six million PTEs since July 1999. A contract for removing an additional three million PTEs in SFY'03 has been initiated. A separate contract for SFY'02 and SFY'03 provides for water treatment and site security.

Additional funding, provided by a fee increase on tires sold in Ohio from 50 cents to \$1 per tire, allows the Kirby cleanup to be accelerated. The fee increase also allows other priority scrap tire cleanups to be pursued.

The first additional site, and seventh state-funded cleanup site overall, is Timco in Harrison County. There have been 299,121 PTEs removed from the site, with another 150,000 PTEs to be removed in SFY'03 to complete the cleanup. The eighth site is Kays in Portage County, where 137,920 PTEs have been removed with an additional 421,450 to be removed in SFY'03 to complete the cleanup.

The total number of PTEs cleaned up by Ohio in only five years exceeds 14.3 million with another 3 to 4 million tires to be removed in SFY'03.

### Rule Reviews

During the past year, the division proposed revisions to the regulation of composting, fees, licensing, waste characterization and several miscellaneous landfill rules. The Agency also completed the rulemaking process and adopted rules regulating construction and demolition debris, financial assurance and Ohio's scrap tire program.

### SIIMAN

Division staff put considerable work in over the past several years to develop SIIMAN (Solid and Infectious Waste Information Management System), a computer-based system designed to facilitate and track the daily work projects of staff and provide the regulated community and local health departments the opportunity for electronic submission of required reporting data and registration, permit and license applications. Data Entry Modules (DEMs) for regulated community and local health department use are complete and the modules are in the copying and marking process prior to distribution.

### Composting Program

Composting staff developed innovative disposal methods for organic materials that were previously disposed in landfills or rendered. Ohio EPA worked with the Ohio Department of Transportation to approve a composting facility for deer carcasses in Wayne County. Ohio EPA is also working with a custom butcher to develop an acceptable composting method for cow and pig raw rendering material.

### Revised State Solid Waste Management Plan

House Bill 592 requires Ohio EPA to develop and periodically update the state Solid Waste Management Plan (State Plan). An updated State Plan was adopted in 2001 with the input of state Solid Waste Management Advisory Council. The 2001 State Plan replaces the 1995 State Plan.



The State Plan contains information on the siting of solid waste facilities, the proper management of scrap tires and household hazardous waste and the development of markets for recyclable materials. The State Plan establishes state goals and strategies to reduce or recycle 25 percent of residential and commercial wastes and 66 percent of industrial wastes or to provide access to recycling services to at least 90 percent of residents by 2005.

### Improving Compliance/Enforcement Program Capability

The division has committed to improving the timeliness of its enforcement actions. This included work on 35 tasks in 2002 intended to improve the timeliness and effectiveness of both compliance monitoring efforts and enforcement actions. Since January, staff completed 19 tasks involving management systems (SIIMAN) and use of resources. Work continues on 10 tasks relating to the development of new and revised compliance monitoring and enforcement procedures. A key ongoing effort is development of an inspection/enforcement reference manual for division and health district staffs.

Secretaries and office managers often find themselves in the thick of things when spills or controversial issues arise. For **Debbie Dunson**, whose “temporary” employment with the Agency has lasted 30 years, incidents such as landfill fires and a train derailment put a new spin on being a secretary – the job she was hired to do in the Southwest District Office (SWDO) through a temporary employment agency. “The chief of Waste Management and Engineering offered me a full-time permanent job on my first day. I decided this was a great place to work and 30 years later it still is,” she said. Dunson is now district administrator in SWDO.



“There have been numerous environmental changes and developments over the 30 years I’ve worked for the Agency. I will never forget taking phone calls from solid waste landfills and citizens concerning the sites being on fire. Due to lack of regulations, landfills were allowed to take household garbage, furniture, paints, chemicals – anything that was being thrown out – and the mixing of waste would cause spontaneous combustion. This was a daily occurrence with multiple landfills. I was appalled that we didn’t have any regulations for hazardous waste until the 1980s,” she says.

In July 1986, Dunson was on Interstate 75 going home from a meeting when she drove into a fog-like substance. “My eyes immediately started burning. I turned on the news when I got home and they were saying there had been a train derailment in Miamisburg over Bear Creek. The train was leaking phosphorus from one tanker and animal fat from another.” At work the next morning, she scheduled staff members to answer phones at the site. Thousands of residents in the area were evacuated. “I went to the site that afternoon, stayed and answered phones for 24 straight hours. I will never forget talking with CNN to set up an interview for Agency spokesman Al Franks.” The spill took more than a year to clean up. “It was incredible the teamwork that was displayed by Ohio EPA in accomplishing this coverage and cleanup,” Dunson says.



## Division of Surface Water

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### Rules

**T**he Division of Surface Water (DSW) completed work on four rulemaking initiatives in State Fiscal Year 2002 (SFY'02). Fifty-five water quality standard (WQS) and WQS implementation rules were amended. Significant changes included upgrading aquatic life uses such as the designation of the upper Great Miami River as an Exceptional Warmwater Habitat, updating aquatic life and human health water quality criteria in the Ohio River basin and including more protective mixing zone and toxic chemical regulations in the Ohio River basin. Seventeen rules were revised or created in the National Pollutant Discharge Elimination System (NPDES) and sewage sludge programs that clarify and strengthen the regulation of both wastewater and biosolids created in the sewage treatment process.

### Lake Erie

The division participated in the bi-national Lake Erie Lakewide Management Plan (LaMP) process. Work continued on community-based remedial action plans (RAPs) for the Maumee, Black, Cuyahoga and Ashtabula rivers. The Maumee RAP released a 10-year activities and accomplishments report; the Black RAP participated in a dissolved oxygen modeling project to determine the cause of low oxygen concentrations in the lower river; the Cuyahoga RAP held a State of the River Symposium; and the Ashtabula Partnership released the final Comprehensive Management Plan/Environmental Impact Statement for the dredging of contaminated sediments from the lower river.

### Sewage Sludge

In SFY'02, the division continued to work toward its long-term goal of receiving delegation of the federal sewage sludge program. Ohio's new sewage sludge rules became effective on April 8, 2002. As part of the application process for receiving program delegation, the division submitted various documents to U.S. EPA Region 5 for review and comment.

### Large Livestock Facilities

DSW received its first three applications for NPDES permits for Concentrated Animal Feeding Operations. The first permit of this kind drafted by Ohio EPA was issued in May.

### NPDES Permit Backlog Reduction

The division completed its third year of backlog reduction efforts. The division issued 62 major permits and 495 minor permits during SFY'02. This reduced the backlog of major permits from 36 percent to 22 percent. The backlog of all NPDES permits is at 19.5 percent. The division expects to meet the goal of 10 percent backlog or less by the end of SFY'03.

### Antidegradation & Section 401 Rules

Staff drafted a detailed rules package to address planned revisions to the antidegradation rules. The rule revisions were the result of operating experience and the need to revise the rule to clarify implementation and improve permitting efficiency. However, due to the expansiveness of the antidegradation rule applicability and recent legislation addressing isolated wetland review activities, the rules package was expanded significantly. The rules proposed were the original antidegradation rule, including recommended revisions to the Section 401 water quality certification rules; expanded wetland antidegradation rules to address all 401 certifications, not just those related to wetlands; and revised fee structures for section 401 certifications. Due to the number of comments received about the proposed rules, the Agency filed a notice of intent to refile the rules package to address concerns.



## TMDLs

The division began work on three additional Total Maximum Daily Loads (TMDLs); 20 are now underway. One was approved by U.S. EPA this year and several are nearing completion. DSW is seeking more sources of funding for TMDLs and more partners to work with to produce TMDLs and similar products.

## Wet Weather Issues

The wet weather program deals with combined sewer overflows (CSO) and sanitary sewer overflows (SSO). The focus during the past year has been the review and approval of long-term CSO control plans. About 10 plans are in various stages of review and negotiation. In addition, a number of plans for small communities that are pursuing sewer separation have been approved with implementation schedules placed in permits. In anticipation of upcoming regulations, DSW drafted a general permit for sanitary sewer overflows from satellite sewer systems.

## Storm Water Phase II Program

The division is preparing to implement Phase II of the federally-mandated storm water program. The division developed rules and two general permits addressing discharges from small municipal separate storm sewer systems. One of the general permits fast tracks permit requirements to protect endangered watersheds from rapid development. A renewal general permit was developed to address storm water from construction sites, including Phase II small construction sites.

**Linda Friedman** has truly been part of Ohio EPA's evolution. She has moved with the programs to a variety of divisions and offices as the Agency was reorganized time and again over the years. Today, she is chief of the Division of Environmental Services (the lab), but in 1973, she was part of the Division of Planning, which became the Office of Planning then the Office of the Planning Coordinator. She became assistant division chief of the Division of Water Quality Monitoring and Assessment – which is now part of the Division of Surface Water.

The numerous reorganizations of the Agency and its sizeable increase in staff and responsibility come to mind when Friedman reflects on the past 29 years. "When I started, Ohio EPA was organized functionally. This meant the Division of Planning was responsible for all planning – water, air, solid waste, etc. We also had a permit division, an enforcement division and a surveillance division, plus others which I don't remember any more! Programs have been split up and then later put back together, split again into a different combination and combined again. The current organizational structure has lasted longer than any other since the Agency started. Eventually, the Division of Environmental Services was created, and Friedman oversaw the lab's move into its current location on the Ohio State University campus.

While in the planning division, Friedman was involved in the development of the first water quality management plans under section 208 of the Clean Water Act, the first ground water protection strategy, the nonpoint water pollution control program and agency-wide strategic plan. In planning, Friedman set up the process to identify Target Water Bodies. "For the first time, data about a wide range of environmental factors were combined into one manually-compiled data base. Data could be overlaid to better identify either those watersheds that were, through a combination of activities, likely to have significant problems or significant resources that needed to be protected," she explains.



## Division of Environmental Services

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**T** The Division of Environmental Services (DES) provides quality biological and chemical data and technical assistance to other Ohio EPA divisions as well as other state and local agencies to help monitor and protect human health and the environment and to ensure a high quality of life in Ohio. In State Fiscal Year 2002 (SFY'02):

- DES received 8,332 samples covering a variety of matrices including water, drinking water, soil, sediment, air canister, air filter and fish tissue. Included were 152 rush samples some of which came from Buckeye Egg Farms, Gorham Fayette School in Fulton County and Chateau Estates Mobile Home Park in Clark County.
- DES reported 140,470 inorganic test results and 2,292 organic scan results. To improve the quality and efficiency of data processing, the majority of test results were provided both electronically and on paper.
- DES conducted 92 bioassays (toxicity tests).
- Five analytical methods were added or amended at the request of customer divisions.
- The lab received 490 samples from the Fish Tissue Consumption Program, bringing the total samples to date to more than 4,400. Samples are analyzed for arsenic, cadmium, lead, mercury, selenium, pesticides and PCBs.
- For the Voluntary Action Program (VAP) lab certification program, staff reviewed 75 laboratory documents, audited nine laboratories and issued 19 laboratory approvals.
- Staff conducted 475 chemistry and 175 microbiology lab surveys and reviewed 326 applications, 26 plans and 146 correction statements for the drinking water laboratory certification program. Three newsletters on drinking water laboratory policies and procedures were issued, each to approximately 425 laboratories.
- Staff responded to 4,120 technical assistance requests from individuals outside Ohio EPA and 2,610 technical assistance requests from Ohio EPA staff. Requests covered methods, data interpretations, sampling requirements, sample scheduling, other laboratories' performance and requirements for certification. Special assistance was provided to the Division of Emergency and Remedial Response which had eight technical documents reviewed, 15 policies developed or reviewed and many hours spent on existing contract management and development of a new contract.
- The governor's office recommended a new joint Ohio EPA/Ohio Department of Health lab facility be constructed. After reviewing 29 proposals and interviewing five firms, the Department of Administrative Services, Ohio EPA and Ohio Department of Health selected URS Columbus as the design team.



## Office of Environmental Education



The Ohio Environmental Education Fund (OEEF) celebrated its 11<sup>th</sup> year of supporting education programs targeting kindergarten through university students, teachers, the general public and the regulated community. In State Fiscal Year 2002 (SFY'02), the OEEF awarded 42 grants totalling \$850,764 for projects like these:

- A mercury education and thermometer exchange program targeting 2 million residents of 22 southeastern Ohio counties;
- Pre-school and after-school enrichment programs for low-income students in Lucas, Morrow and Perry counties;
- Watershed, wetland, and water quality monitoring programs for students in Cuyahoga, Fairfield, Geauga, Hamilton, Lake, Licking, Lorain, Medina, Montgomery, Morrow, Summit, Trumbull and Wayne counties;
- A new energy education program by COSI on Wheels to travel to schools statewide;
- A 30-minute documentary on water quality improvements in the Maumee River, updating the 1965 film on the Maumee's problems that helped persuade Congress to pass the Clean Water Act;
- Education on West Nile virus and mosquitos for residents of Clark County;
- Tri-assessments and workshops to improve energy efficiency, waste reduction and productivity for small- and medium-sized manufacturers in southwest Ohio;
- A video on best management practices for the motor vehicle salvage industry, and;
- Workshops on storm water management for municipal officials in Champaign, Clark, Greene and Montgomery counties, and on urban best management practices to prevent soil erosion for home builders and landscapers in Columbiana, Mahoning and Trumbull counties.



**The Ohio Environmental Education Fund sponsored a mercury education and thermometer exchange program targeting 2 million residents in 22 southeastern Ohio counties.**

Teacher professional development is offered through a multi-year partnership with the Environmental Education Council of Ohio (EECO), with 1,800 participating schools. For 2001-2003, the partnership has prioritized five underserved audiences to receive K-12 environmental education programming: urban/minority, language arts, social studies, early childhood and high school.

Environmental science and engineering scholarships were awarded to 18 students at 12 Ohio colleges and universities, completing a three-year pilot program that is being evaluated for possible continuation. The Office of Environmental Education's partnership with the Ohio Academy of Science also includes support for State Science Day and the Governor's Awards for Excellence in Environmental Protection Research.

Ohio EPA contributed many articles, photographs and other resources to EEOhio, a new virtual center for environmental education, launched in 2002 at [www.environmentaleducationohio.org](http://www.environmentaleducationohio.org).



## Office of Federal Facilities Oversight

**A**t the U.S. Department of Energy's (DOE) Fernald site, cell 1 of the on-site disposal facility was capped and waste placement continued in cells 2 and 3. A major milestone was reached in the southern waste units when excavation of more than 400,000 cubic yards of contaminated soil was completed. Plant 6, the former metals fabrication plant, represents the sixth of 10 major structures demolished since the site's mission changed to environmental remediation in the early 1990s. Natural resource restoration activities continued with trustees signing a Memorandum of Understanding in July 2001.

At Mound, radiologically contaminated soil was excavated and removed from Potential Release Site (PRS) 276 and began at PRS 421. Ground water treatment and soil vapor extraction continues with more than 4,000 pounds of solvent removed. Extensive soil and waste characterization continued at the radiological disposal area, PRS 66. A total of 57 buildings have been demolished. With assistance from Ohio EPA, Ohio Department of Health and Ohio Emergency Management Agency, Mound completed its first transuranic waste shipment.

Substantial progress toward cleanup of DOE's Portsmouth facility continued, including a slurry wall, phyto-remediation, capping of multiple waste cells and ground water remediation in Quadrants I and II. The enrichment facility remains in cold standby as DOE decides its future mission. Funding and cylinder transportation schedules present additional challenges for DOE, Ohio, Kentucky and Tennessee.

At the U.S. Department of Defense's (DOD) former Marion Engineer Depot (River Valley School site), the remedial investigation report was finalized and the feasibility study for Operable Unit 1 was issued. Field work to clear ordnance at Open Demolition Area 1 was completed at the Ravenna Army Ammunition Plant and investigations were conducted at Load Lines 2, 3, 4, the Central Burn Pits and Cobbs Pond. Ohio EPA and the Army worked toward consensus on the results of the ecological field truthing study. At Wright Patterson Air Force Base, repairs were completed on a landfill cap that was damaged when institutional controls failed last year. OFFO also provided technical and administrative support to other federal facility cleanups throughout the state.

Enforcement is necessary, but **Graham Mitchell** knows that educating and building good relationships with the regulated community can help them stay in compliance so enforcement actions won't be needed. "The most efficient way to make environmental improvements is building relationships with the regulated community and the public," he says.

Starting in 1977 as chief of surveillance in the Water Pollution Control Division, he says "a small event started me in a new career direction. In late 1984, Tom Winston (current Southwest District Office chief) asked me to review files and prepare a briefing on a little known area called Fernald. We were hearing reports about ground water contamination and other problems associated with the U.S. Department of Energy site and other industrial plants in the area. That started me on a nine-year process where I moved away from surface water issues and into the federal facility remediation field." Ohio was the first state to gain environmental oversight of federal facilities and require cleanup of contaminated sites. OFFO was created in 1994 and Mitchell has been its only chief.

The move to bring the federal facilities into compliance is only one of the developments Mitchell believes has made a big difference. The other is the 1979 decision to move from monthly ambient surface water monitoring to a program focused on conducting stream surveys during the summer and fall, which included a combination of chemical water quality samples, biological samples (fish and macroinvertebrates), habitat analyses and modeling studies. "This process has evolved into the TMDL (Total Maximum Daily Load) process that is used today. This single decision has resulted in us having a much better understanding of water quality in the state. Although I moved away from surface water work, I am still very proud to have been involved in this effort."



## Office of Pollution Prevention

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The Office of Pollution Prevention (OPP) helped more than 400 Ohio businesses and provided additional technical assistance to more than 350 companies, organizations and individuals in State Fiscal Year 2002 (SFY'02). This included 21 site visits to help Ohio companies implement pollution prevention projects and more than 40 presentations and training events to help educate Ohio businesses and organizations about pollution prevention.

OPP's section of Ohio EPA's Internet site receives more than 30,000 hits each month from external stakeholders and has been acknowledged by U.S. EPA and others as one of the better state agency sites to obtain practical pollution prevention information.

More than 3,000 Ohio businesses received OPP's newsletter, *Prevention Quarterly*. This newsletter highlights successful pollution prevention activities completed by Ohio businesses and provides information to help companies reduce waste.

OPP developed nearly 60 new publications to help companies prevent pollution. These include fact sheets on pollution prevention techniques, mercury reduction, technical assistance reports for specific businesses and case studies highlighting successful pollution prevention projects.

In SFY'02, OPP continued to integrate pollution prevention into Agency programs. Some examples of these activities include helping the Division of Hazardous Waste Management provide pollution prevention training on metal finishing and industrial parts cleaning for inspectors, coordinating the Ohio Materials Exchange with the Division of Solid and Infectious Waste Management and assisting the Southeast District Office on incorporating pollution prevention into inspections. OPP also coordinated the Ohio Mercury Reduction Group with the Division of Surface Water. The goal of the Ohio Mercury Reduction Group is to share information and help coordinate mercury reduction efforts in Ohio EPA and with other state agencies and organizations. Group activities include a collection and review of mercury data pertaining to Ohio, assistance with voluntary programs such as thermometer exchanges and assistance with coordinating mercury reduction activities that impact business throughout Ohio.

Ohio continues to be recognized as a national leader in incorporating pollution prevention into enforcement settlements, where a portion of an enforcement penalty is reduced in exchange for completing some type of pollution prevention activity. Ohio has incorporated pollution prevention into 101 enforcement settlements to date, including nine in SFY'02.



## Office of Strategic Management

**T** The Office of Strategic Management is responsible for strategic planning and management activities, accountability, quality and management training.

### Strategic Management/Planning

All divisions and offices have goals, work plans and standards to measure their performance and outputs. A series of key metrics or measures has been developed and will be posted in the central office to let everyone see how the Agency is performing in permitting, compliance, enforcement and other areas. Each program and district office is being encouraged to post its own set of metrics to provide more detail.

### Quality Improvement

A new program called "Waste Out" was rolled out Agency-wide. Created in the Southwest District Office, the program encourages employees to reduce waste and save time or money. In its first nine months, more than 100 Waste Outs were implemented, saving thousands of dollars.



A new set of customer service principles was unveiled. These "common sense" principles guide staff in responding to calls and letters, being good listeners and communicators and being helpful to all customers. The principles are on the Agency's Web page.

### Performance Evaluations

As part of the new statewide employee evaluation process, the Agency's senior managers (chiefs, deputies, assistant director and director) are being evaluated. The evaluation is performance-based and goals for quality improvement are developed.

Beginning this year, each senior manager will complete a "360" evaluation in addition to the standard one. This evaluation – completed by direct reports, peers and superiors – covers leadership, teamwork, communication and other "soft" skills necessary for senior managers. A special senior management training program is being developed to allow managers to improve or maintain these skills.

Southeast District Office Chief **Stuart Bruny** has witnessed many of the environmental improvements of the past 30 years first-hand. Asked to choose one thing that stands out in his individual career at Ohio EPA, Bruny recalls the people. "I've had great opportunities to work in so many different areas of the Agency. I've seen the many challenges our districts and divisions face and the significant progress we've made. It's been especially rewarding to meet and work with so many fantastic people."

Bruny isn't kidding when he says he's worked in many different areas of the Agency. In just over 29 years, Bruny has been chief of the Northeast District Office (1985), chief of the drinking water program (1987) and chief at SEDO (1990). But he also did "acting chief" stints in the Division of Solid and Infectious Waste Management (1995 and 2000), and the Division of Surface Water (1999) – all after starting in surface water in SEDO in 1973.

The biggest environmental developments of the Agency's first 30 years relate to the programs the Agency administers and implements, he says. "During the early 1970s, our environmental programs primarily consisted of sewage and drinking water. Our industrial wastewater, air and solid waste programs were almost non-existent. Today we have comprehensive air, surface water and solid waste programs. Over the years, we've developed and added several very important programs, including hazardous waste, ground water, remedial response, drinking water and wastewater loans, federal facilities oversight, pollution prevention, environmental education and the laboratory. With these programs and the help of many good employees, we've made tremendous progress in improving Ohio's public health and the environment."



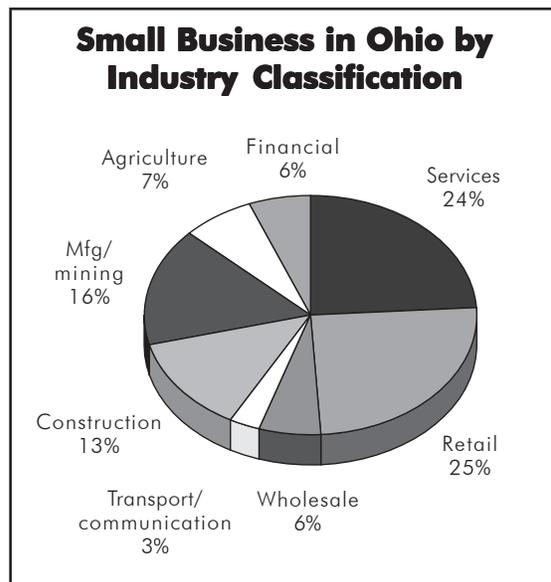
## Small Business Assistance Office



The Small Business Assistance Office (SBAO) had another successful year in State Fiscal Year (SFY'02). The office, started in 1996, serves small businesses in Central Ohio. Since opening, SBAO has responded to 3,600 compliance assistance requests; 754 of those in SFY'02. About 97 percent of the businesses in Ohio are classified as small businesses. This totals more than 250,000 small business establishments, the majority of which have fewer than 20 employees. Given the scope of environmental regulations, it is not surprising that many of these small businesses are subject to some environmental regulations. And, although small business owners want to comply with environmental laws, they are often not aware of the rules that apply to them and how to comply. Small business owners have multiple priorities and sometimes limited resources to devote to environmental compliance. It can be difficult for them to keep up with changes in the regulations.

The services of the SBAO are currently available to small businesses in Central Ohio with fewer than 100 employees. The main activities of the SBAO include:

- Providing telephone and on-site assistance to help small business owners understand environmental requirements.
- Conducting workshops to help increase awareness of environmental regulations.
- Developing and distributing compliance assistance resources (e.g., factsheets, brochures) that help explain the regulations in easy-to-understand language.



For small businesses to feel comfortable seeking assistance, confidentiality remains a key component of the SBAO's operations. The SBAO's written confidentiality procedures specify that information provided to the office will not be turned over to Ohio EPA's inspection or enforcement staff.

SBAO's telephone hotline remains its most widely used service. Many calls reflect the unique challenges small business owners face in understanding and keeping up with environmental regulations. Requests for assistance came from a diverse group of small businesses, including contractors, auto service companies, dry cleaners, printers and manufacturing companies.

The office also distributed thousands of compliance assistance publications. Approximately 3,500 small businesses in Central Ohio received SBAO's quarterly newsletter, *The Small Business Resource*. SBAO also published other compliance resources during the year. Highlights included the development of compliance guidebooks for auto body shops and motor vehicle salvage yards. The office compiled a comprehensive publications catalogue with other helpful resources for small businesses and converted this to a Web-based format with online ordering capabilities.

To date, SBAO has hosted 32 compliance workshops for small businesses, with seven in SFY'02. Current workshop topics include an overview of hazardous waste regulations for small businesses and Ohio's used motor oil regulations.



## Public Interest Center

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**T** The Public Interest Center educates the public about environmental issues and Ohio EPA's activities, and encourages public participation in the Agency's decision-making processes. In State Fiscal Year 2002 (SFY'02), the public involvement section sent information to more than 23,000 citizens about Ohio EPA activities. The staff also conducted 142 public meetings attended by more than 7,000 citizens and provided highly-regarded community relations training to about 60 employees in the air pollution control program.

The media relations section issued 286 news releases to inform the media about Ohio EPA activities, and Agency employees responded to 2,449 media calls. The publications staff produced dozens of brochures, newsletters and educational displays. The brochure *Public Participation at Ohio EPA* was significantly enhanced and a new publication, *Getting to Know Ohio EPA*, was created.

A considerable amount of time was spent redesigning the Public Interest Center Web page to make it easier for citizens, educators and reporters to find the information they need. The Agency publications policy was updated and work began to develop uniform graphics standards for Agency publications. In addition, the Public Interest Center established a speech library to encourage sharing of resources and to promote consistency among employees who give public presentations.

## Office of Fiscal Administration

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**T** The Office of Fiscal Administration coordinates purchasing, accounts payable, Controlling Board representation, retention of fiscal documents, accounts receivable, payroll, grants administration, budgeting, economic analysis and internal accounting control review.

During the past year, Fiscal Administration worked with the Ohio Department of Health and the Ohio EPA Office of Information Technology Services to implement a database of information downloaded from the Central Accounting System. This Agency Reporting Database uses budget and expenditure information from the Central Accounting System and generates fiscal reports that were not previously available. The Agency Reporting Database will eliminate the manual entry of accounting data that in the past has been required to generate specialized fiscal reports.

Fiscal Administration also continued to expand the use of electronic purchase requisitions and invoices to additional offices and divisions during State Fiscal Year 2002 (SFY'02) and made improvements in the processing of accounts receivable.

More than 35,000 remittances were deposited during the fiscal year. Ohio EPA is one of two agencies required by law to submit a zero-based budget request for the SFY 2004 -2005 biennium. Fiscal Administration began working with Office of Budget and Management on the zero-based budget process in the second half of SFY'02. This work will continue into SFY'03.

## Labor, Safety and Ethics

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**T** The Office of Labor, Safety and Ethics provided a variety of services to Agency employees in the past year. The Labor Office worked with the union to decrease and resolve grievances at the lowest possible level to reduce the need for third party intervention. The Statewide Health and Safety Committee, which consists of bargaining unit and management employees, worked toward developing a more proactive approach to employee safety issues.



The Agency Safety Office coordinated a comprehensive occupational safety and health program for its employees who perform a wide variety of field activities in support of the Agency's mission. This combined effort resulted in only four OSHA recordable injuries during all of 2001 for a workforce of almost 1,300 employees. A nationwide emphasis on safety and security over the past year led to many improvements in emergency action planning for all of the Ohio EPA facilities.

The Agency's ethics counsel answered numerous questions regarding potential conflicts of interest, private employment, nepotism and post-employment restrictions. All employees received a copy of Ohio's ethics law and ethics training was conducted for all new employees.

## Information Technology Services

**T**he delivery of information technology services at Ohio EPA is in transition to better meet Agency needs. An increased focus is being placed on customer service. In addition, new emphasis is being placed on project management to improve the quality and timeliness of system delivery. To reflect this renewed commitment to service, the office name was changed from Data and Systems to Information Technology Services.

Work continued toward fully realizing Ohio EPA's information management vision of coordinated and integrated place-based data across environmental programs. The Enterprise-aligned systems have been implemented, but work continues to improve performance and meet changing needs. A project is underway to better coordinate and integrate the application of a geographic information system (GIS) with Enterprise data. A new system was built for the operator certification program that allows each operator's continuing education credits to be accurately tracked. Looking to the future, the decision was made to move away from client-server applications and adopt a Web-based thin client architecture for future development.

Infrastructure improvements were made with an emphasis on improving the security of systems and information. To meet the growing need for staff remote access to Agency systems, a secure and high performance method of gaining access was added through the installation of a remote access server. Upgrades were made to network file servers at the five district offices to accommodate growing performance and storage needs. An authentication server was added to the network to provide an additional layer of security when accessing the Internet.

Computer technology has revolutionized the way government business is conducted, and **Sandy Kemper** has been in on data processing developments since the Agency's earliest years. Starting her career at Ohio EPA in March 1973, she has spent all but six months of that time in the wastewater program; the other six months were in legal.

She has held a number of positions, all related to the National Pollutant Discharge Elimination System (NPDES) program. She says the most notable changes in her work have been "with the databases used to track status and determine compliance with the NPDES permits, processing the monthly operating reports, software that allowed capture and modem submission of monthly operating reports and an interface between our state mainframe database and the federal mainframe database." She has also participated in gathering information and working with several teams in preparation for development of the Surface Water Information Management System (SWIMS).

"Ohio has always been in the lead in data processing. Consequently, we have been invited to share our successes with other states during several national meetings." She also fondly recalls the number of Agency staff, U.S. EPA staff and people in the regulated community she has worked with over the years.



## Legal Office

**T**he Legal Office provides general counsel to Ohio EPA's divisions and districts and evaluates, prepares and negotiates administrative enforcement actions. In addition, Agency attorneys prepare trade secret claim determinations, prepare and review contracts and address public records request issues. The attorneys also assist in the development or review of legislation and rules. In State Fiscal Year 2002 (SFY'02), the office provided significant legal support on the Statute of Limitations (civil and administrative penalties), Incorporation by Reference (rulemaking) legislative initiatives and numerous rulemaking efforts, including the Agency's five-year rule review requirement.

The Legal Office provided significant support to the divisions in their efforts to meet the Agency-wide enforcement goals for calendar year 2001. Specifically, a lot of time was spent working on Ohio EPA's short-term goals of issuing 100 administrative orders, resolving all two-year-old administrative enforcement cases and resolving all verified complaints older than two years. In calendar year 2001, the Agency issued 146 administrative orders and reduced its backlog of enforcement cases by 94 percent. In addition, at the end of 2001, there were only nine verified complaints pending and only two of those complaints were older than two years. In the first half of 2002, the Legal Office assisted the divisions in their enforcement efforts to the degree where Ohio EPA is on track to surpass the enforcement goals achieved in 2001.

During calendar year 2001, the Legal Office generated 67 formal general counsel opinions to the divisions. The attorneys also presented a training seminar on public records and privileges to each central office division. The Legal Office also assisted the Agency in the timely implementation of the state's new Clean Ohio Fund program.

Sometimes you have to hit polluters in the wallet. In Ohio EPA's first decade of existence, there were numerous environmental improvements, but some polluters ignored the rules, even after being issued administrative findings and orders. In the 1980s, monetary penalties were added and things began to change, recalls Legal Office Chief Hearing Examiner **Alan Lapp**.

"I think one of the Agency's important innovations was ... the development of an enforcement strategy utilizing the issuance of administrative orders with monetary penalties. It had always seemed clear that an effective general response to significant violations of environmental statutes and regulations needed to include the elimination of any economic incentive to operate in noncompliance. However, until that time, monetary penalties had been obtained only through court cases. I think the practice of negotiating and issuing administrative orders containing penalty assessments rather than initiating judicial proceedings allowed the Agency and the Attorney General's Office together to pursue more numerous and more effective enforcement actions. This practice continues to be a cornerstone of the Agency's enforcement policy," he said.

Lapp has been with the Agency from the beginning. "I started working for the State of Ohio on Oct. 2, 1972 and for three weeks I was with the Air Pollution Control Board of the Department of Health until Ohio EPA formed on Oct. 23, 1972." He has been in the Legal Office since then, also serving as counsel to the air and hazardous waste divisions and as acting legal adviser under directors Robert Maynard and Warren Tyler.

Lapp said an experience as a hearing examiner involving air permits and variance applications for electric utilities left its mark on the young attorney in 1974. "Aside from the specific issues that applied to the various individual permit and variance applications, the parties to the hearing raised very broad questions as to the reasonableness of Ohio's sulfur dioxide control program and the technological and economic availability of control technology. The hearing lasted three months. The 400-page Report and Recommendation of the panel submitted to the director was the subject of front page newspaper articles. This was pretty heady stuff for someone just a couple of years out of law school. More than that, though, the experience made clear to me the importance and the reach of the work being done by the Agency, and the substantial public interest in that work."



## Library



The Ohio EPA library is working with several other groups to inventory Ohio EPA's kindergarten through 12<sup>th</sup> grade environmental education resources, while continuing to serve as a resource for consultants, regulated entities, students and employees.

The library collection includes many technical documents on topics such as Ohio water quality sampling research and methodology that are not available in other libraries. The library can also provide copies of all Ohio EPA policies and guidance documents. The library is open to visitors from 8 a.m. to 5 p.m. Library staff can also answer questions by phone at (614) 644-2862 or e-mail ([ruth.evans@epa.state.oh.us](mailto:ruth.evans@epa.state.oh.us)).

## Operations and Facilities



Operations and Facilities' primary goal during State Fiscal Year 2002 was cutting costs while increasing services to its customers. Working daily with nine office buildings, Operations strived to meet the growing needs of the Agency's employees from purchasing office supplies in bulk to addressing building improvements with local landlords.

The motor pool did not purchase any new vehicles last year and instead salvaged six vehicles and rotated its remaining fleet more aggressively. Vehicles were placed on a very tight maintenance schedule to ensure their road safety.

Mail room operations were broadened to meet the needs of the central office staff and staff reviewed all outgoing mail for the most cost-efficient carrier and postage rates available.

## Employee Services



The Office of Employee Services (OES) has six staff members who provide complete employment services to more than 1,000 employees. The office processes all employment activities and position descriptions internally, conducts skills assessments to identify qualified applicants, develops proposals for classification plan changes and ensures that background checks are completed.

OES also administers proficiency tests, recruits employees and interns and develops and coordinates Agency events such as Bring Your Child to Work Day. OES administers employee benefits, including disability, FMLA and health care, dental and vision insurance.

## Office of Equal Employment Opportunity



The Office of Equal Employment Opportunity (EEO), as an advocate of equality, is committed to maintaining optimum professional service performed at the highest standards possible. The office pursues fair and equal treatment for all individuals employed by or seeking employment with Ohio EPA, regardless of race, color, sex (including sexual harassment and sexual orientation), age, national origin, religion, veteran status or disability. EEO also monitors the Agency's compliance with all applicable federal, state and local laws, rules and regulations governing nondiscrimination in employment.

The agency has an EEO training program that was first conducted for all employees in State Fiscal Year 2000 and now is conducted for every new employee. The training consists of EEO policies and procedures and sexual harassment prevention training. The agency stays at or just below the 100 percent level for EEO training.



## Central District Office

**D** Drinking water staff worked diligently to surpass their sanitary survey goals. They completed 103 of 171 community surveys (141 percent of the goal). In addition, 145 of the 162 non-transient, non-community surveys were completed (264 percent of the goal). And 193 of 318 transient, non-community surveys were completed (271 percent of the goal).

The district's priority was to process approximately 19 Title V air permits by July 1, 2002. All 19 were processed.

Staff worked with communities and facilities to assure commitment to the assessment, cleanup and redevelopment of noteworthy sites in the district. These include:

- Construction of the remedial actions at Granville Solvents, Inc. and completion of the Ramp Creek cleanup.
- Voluntary Action Plan (VAP) covenants not to sue for three sites (Berry Brothers property, Miranova property commercial portion and Summit Properties) and seven technical assistance requests (J. Texas Howard Org. Landfill, Liebert Corp., Summit Properties, Swan Cleaners Lane Ave., Livingston Court property, Federal Industrial Park property and Handwell Co. Property).
- Review of Clean Ohio Fund applications for four sites (two for CDO sites and two for Southwest District sites). One of the two CDO sites received funding; Jeffrey Mining received \$3.
- Emergency response staff response to 349 of 1,083 incident reports.

District surface water staff are working on the Mill Creek and Bokes Creek Total Maximum Daily Load (TMDL) water quality assessment reports, which are being reviewed by U.S. EPA. Preliminary review of data was conducted for development of Big Darby Creek and Big Walnut Creek TMDL reports.

## Northeast District Office

**T** Tire cleanups were performed at several sites in Northeast Ohio, removing almost 1.5 million scrap tires, under the direction of the Solid Waste staff.

Performance of the Cleveland Bureau of Air Pollution Control has improved due to NEDO's technical assistance program. Air Pollution Control staff assisted the St. Clair/Superior Neighborhood Development Association and the Cleveland Air Toxics pilot project. The unit is completing its commitment to eliminate the backlog of Title V permits.

Hazardous Waste staff helped the Office of Pollution Prevention (P2) complete two formal P2 assessments at ALCOA and Premium Services. Staff completed 141 formal inspections and 134 complaint investigations. Twenty hazardous waste generating facilities found in violation were referred for escalated enforcement. In addition, 28 facilities were investigated under the Cessation of Regulated Operations (CRO) program.

Drinking Water staff helped nine public water systems apply for State Revolving Loan Fund monies and helped large water plants implement the new surface water treatment and disinfection byproducts rules. Ground Water staff implemented backlog reduction programs for technical plan reviews for solid and hazardous waste projects, eliminating the backlog for the voluntary cleanup program. Staff also completed 172 Source Water Assessment Plans for protecting community water supplies.



Surface Water staff helped central office create procedures for establishing water quality criteria to protect primary headwater streams. DSW continued to develop and implement four Total Maximum Daily Load (TMDL) reports for the Upper, Middle and Lower Cuyahoga River and Sugar Creek. Long-term control plans (LTCP) to address combined sewer overflows were developed for Akron and Northeast Ohio Regional Sewer District.

Emergency Response staff responded to 411 of the 1,155 spills reported, including numerous mercury releases, and provided oversight of investigations or cleanups at more than 45 state-led, Superfund and federal facility sites. Staff also obtained a cost-recovery settlement for the Old Mill Superfund site.

## Northwest District Office

**P** Permit and hazardous waste closure plan backlogs were significantly reduced during State Fiscal Year 2002 (SFY'02) in the Northwest District Office (NWDO). NWDO reduced its wastewater discharge permit backlog by 4.6 percent. The air program issued 85 Title V permits, 60 percent of the total required. NWDO exceeded expectations in this area while continuing to meet requirements for review and issuance of permits-to-install. The hazardous waste program approved three backlogged closure plans, including EnviroSAFE's Wynn Road Landfarm.

Remedial projects are planned or are underway at several district locations, including the old Tiffin, Fulton and Hardin County landfills, the Little Scioto River (Marion County) and an on-site hazardous waste landfill at General Motors' Defiance facility. These projects are producing substantial improvements to area surface water quality. Meanwhile, an investigation of the rate and extent of contamination at the former Fayette Tubular Products (Fulton County) is being conducted by a responsible party. A significant soil vapor extraction project is operating at the Hamilton Standard site in Richland County.

Total Maximum Daily Load (TMDL) projects were begun in a portion of the Huron River and in the entire Vermilion River watershed in addition to ongoing data analysis for the Auglaize and Sandusky rivers. The Division of Surface Water continues to work with watershed partnerships such as the Maumee Remedial Action Plan (RAP), Sandusky River Watershed Coalition, Duck and Otter Creek Partnership and Portage River. The district is also involved in planning new partnerships.

## Southeast District Office

**O** One hundred percent of Southeast District Office counties are classified as "attainment" for ambient air standards. The Gavin Power Plant in Gallia County, Ohio's largest coal fired power plant, installed several mitigation measures to correct the "blue haze" problems that resulted from operation of a nitrogen oxide control system.

More than 90 percent of wastewater facilities in the district are in compliance with their discharge limits. Three unsewered communities either started or completed construction of sewerage systems. Six source water assessment and protection plans and the TMDL report for Upper Raccoon Creek in Vinton County were completed.

More than 98 percent of drinking water facilities in SEDO are in compliance. Ammonium perfluorooctanoate (C8) was detected at low levels in several water systems along the Ohio River in Washington County. An acceptable human health level for C8 was established with a plan to treat or replace any water system over the level. Currently, no Ohio systems exceed the human health level.



About 92 percent of the solid waste facilities in SEDO are in compliance. Several open dump and scrap tire cleanups were conducted, including the removal of a quarter million tires from the Timco tire dump in Harrison County. Enforcement efforts included the closure of the Pine Hollow Landfill in Jefferson County.

More than 92 percent of the hazardous waste facilities in the district are in compliance. Several hazardous waste cleanups were conducted, including the cleanup of two industrial landfills in Washington County that dated back to 1915 and contained DDT from the 1940s. This cleanup should eliminate any additional discharges of DDT to Duck Creek.

More than 600 incidents were reported to the Ohio EPA spill hotline from SEDO counties, requiring 149 emergency responses from on-scene coordinators. Forty-five active sites contaminated by past practices are under formal investigation or cleanup. Cleanups were completed at five sites including the Tomkins Industrial site in Morgan County. Cleanup progress continues at the 3,000-acre site of the former U.S. Department of Energy uranium enrichment plant near Piketon.

## Southwest District Office

**S**outhwest District Office staff began work on a pilot Environmental Management System (EMS) project. An EMS is a continual cycle of planning, implementing, reviewing and improving the processes and actions an organization undertakes to meet its business and environmental goals. The project focuses on how activities and outputs of the Source Water Assessment Program can be used by other Ohio EPA divisions, ultimately improving the protection of drinking water and improving coordination and communication between divisions. Also in the quality arena, district staff submitted 20 waste reduction and improvement ideas through the Waste Out program.

In addition to their spill response activities, district emergency response staff participated in homeland security exercises in Dayton and related planning activities in many district communities. Employees provided extensive outreach on the threats of mercury spills and contamination and participated in numerous mercury recycling and thermometer exchange programs. Emergency response and other district staff helped host the 25<sup>th</sup> Inland Spills Conference near Cincinnati.

A major consent decree was filed between the Metropolitan Sewer District of Greater Cincinnati, the State of Ohio and the federal government on correction of sanitary sewer overflows. Enforcement actions were initiated across the district for violations of requirements for hazardous and solid waste management, asbestos abatement, sewage treatment, past environmental releases, contaminated public drinking water and falsification of records. An investigation in the Urbana area helped to identify two additional sources of ground water contamination moving toward the local well field. Investigations were conducted around several other threatened well fields, also. In permitting, program goals were met for both quantity and timeliness.



**The Office of Federal Facilities Oversight staff helped students at Southwest District's adopted school, Eastmont Elementary, plant donated native grasses and wild flowers in May 2002.**

## District Activities

To manage Ohio EPA's programs at the local level, the state is served by five district offices: Northwest, Northeast, Southwest, Southeast and Central. District personnel review permit applications, evaluate sites for proposed facilities, investigate complaints, inspect facilities, identify environmental violations and prepare recommendations for enforcement, provide technical assistance, and maintain contact with the public.

This chart summarizes the output for some of the main district activities in State Fiscal Year 2002.

### Permitting

#### Operating

Major air sources (Draft Title V) . . . . .	145
Wastewater discharge (NPDES) . . . . .	751

#### Installation and Plan Approvals

Air PTIs . . . . .	572
Wastewater PTIs . . . . .	2,251
Drinking water plan reviews . . . . .	1,578
Ground water reviews . . . . .	3,387
Solid waste PTIs, certifications, closure plans . . . . .	281
Hazardous waste permit modifications, certifications, closure plans . . . . .	225

### Inspections

Air . . . . .	989
Wastewater and storm water . . . . .	3,684
Drinking water . . . . .	2,550
Solid waste . . . . .	1,238
Hazardous waste . . . . .	1,545
Spill prevention & control . . . . .	145

### Monitoring

Air monitors checked . . . . .	96
Surface water ambient sites checked . . . . .	138
Surface water survey samples collected . . . . .	3,842
Ground water ambient wells sampled . . . . .	267

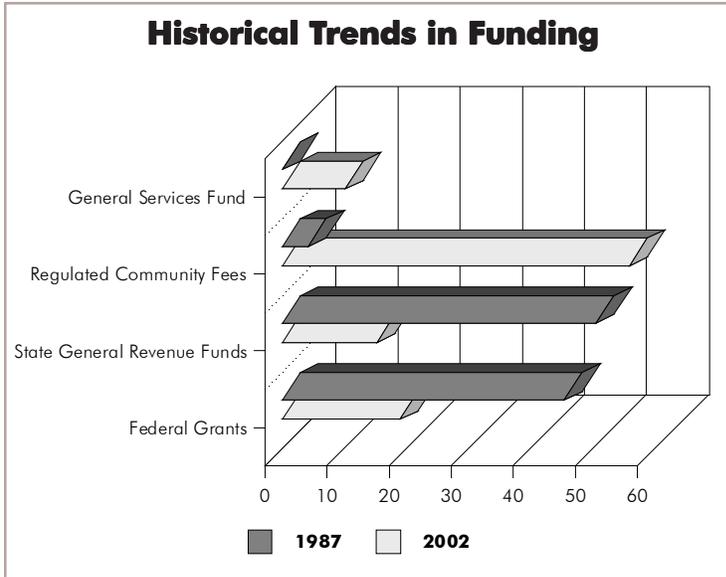
### Cleanups

Active sites . . . . .	299
Spill responses . . . . .	1,631



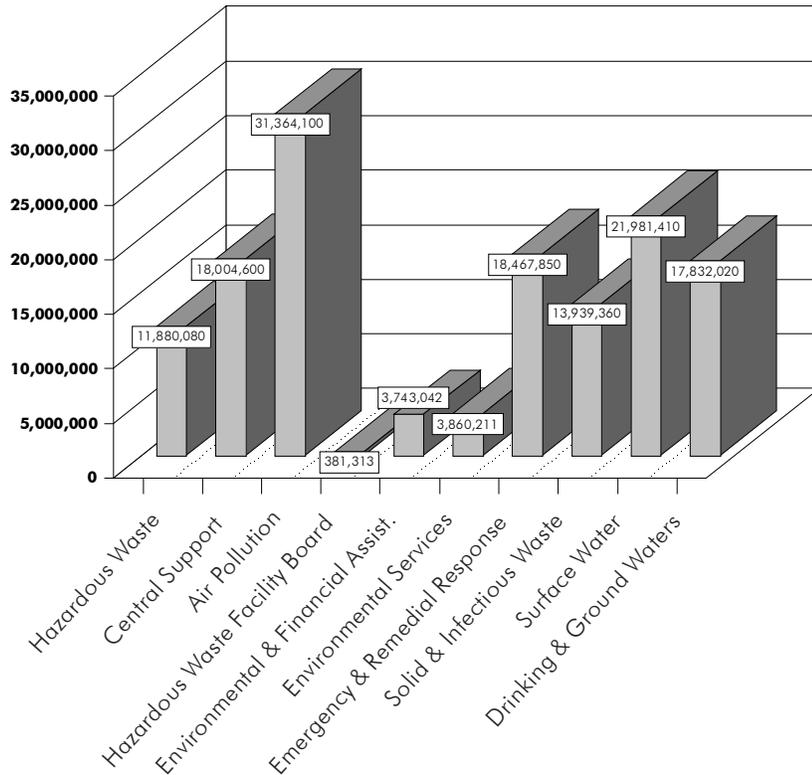
## State Fiscal Year 2002 (July 1, 2001 - June 30, 2002)

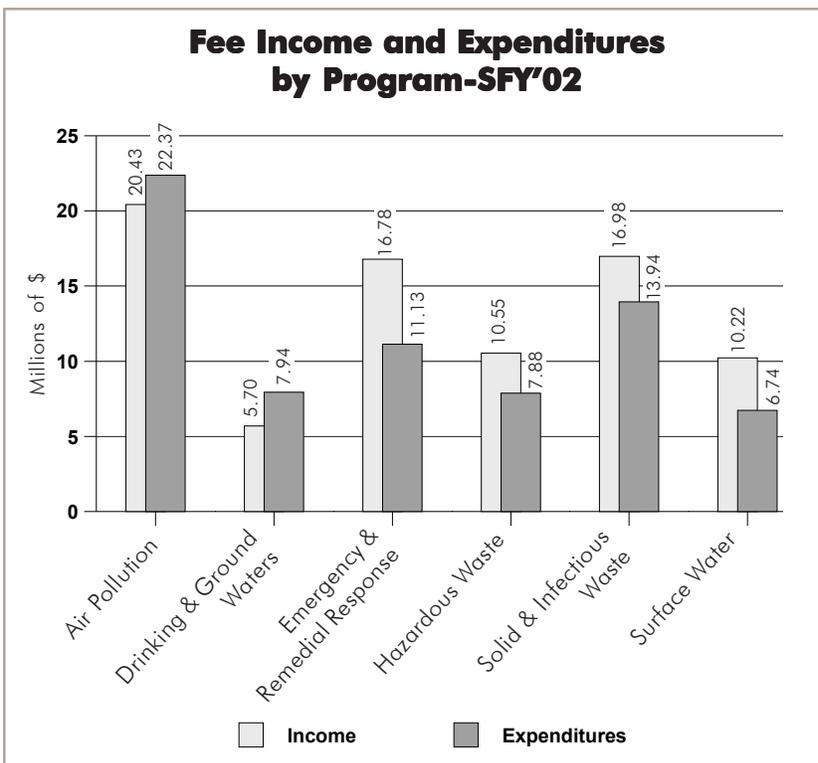
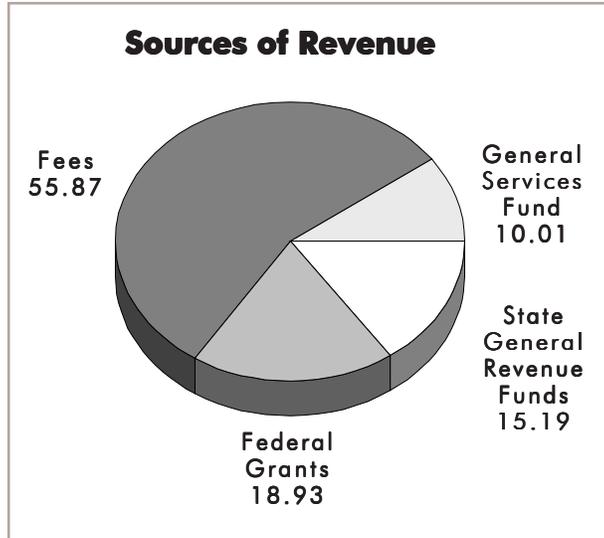
### Historical Trends in Funding



This chart shows how the sources of Ohio EPA's funding have changed significantly over the last 15 years. In 1987, nearly all of the Agency's funding came from state and federal sources. Now, more than half comes from fees charged to the regulated community.

### Ohio EPA Total Expenditures-SFY'02 (All Funding Sources \$141,453,977)







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