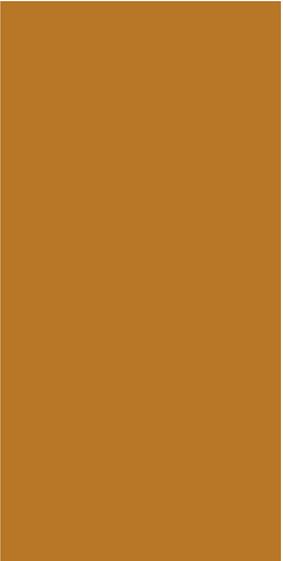
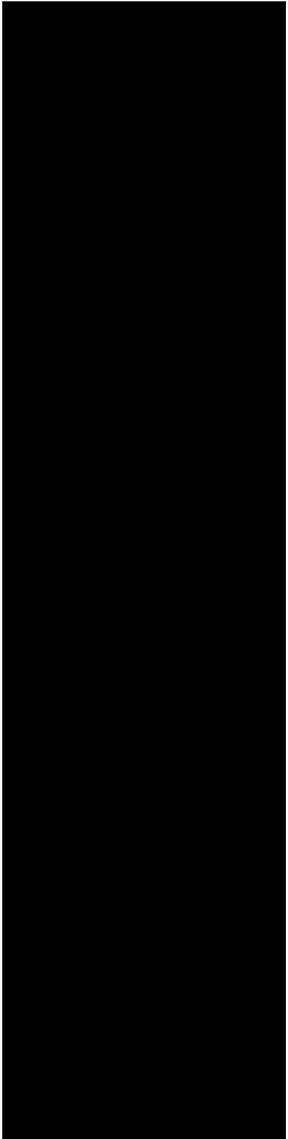


**2002
ENFORCEMENT
REPORT**
April 2003



OhioEPA



Introduction

This third annual enforcement report serves as an internal management document for reviewing the performance of the Agency's enforcement programs. By tracking performance across the Agency, we can identify trends or issues to address, as well as note achievements. In addition to tracking performance, this report provides information regarding strategic initiatives to improve enforcement. The focus of this report is on civil enforcement cases. Comments are welcomed on the future content of annual reports.

The U.S. EPA review of our enforcement programs in solid waste, hazardous waste, surface water and air was initiated in 2000. On February 10, 2003, U.S. EPA released its final report. U.S. EPA's overall finding was that there was no basis to initiate withdrawal proceedings for any of Ohio EPA's programs. Specifically on enforcement, U.S. EPA con-



cluded that "Ohio maintains an active environmental enforcement presence."

U.S. EPA also highlighted the recent improvement efforts Ohio EPA has undertaken, stating it was "pleased by the enforcement

achievements and efforts described in Ohio EPA's Summary of 2001 Enforcement Performance." U.S. EPA noted "among other things, that report indicates that Ohio EPA has significantly reduced the time it takes to resolve enforcement cases, is collecting significant penalties, and is now tracking environmental improvements achieved."

Although U.S. EPA's review has concluded and Ohio EPA's recent improvement efforts were praised by U.S. EPA, we can always improve the effectiveness and efficiency of our enforcement program. Our goal is not to rest on the improvements already made, but to build on those achievements in the coming years. This year's report highlights the continued improvement in performance that has been achieved, as well as new improvement initiatives that were undertaken.



2002 Enforcement Highlights

- Environmental improvements as a result of Ohio EPA enforcement actions in 2002 include: 7,956 tons of pollution removed from the air; cleaner drinking water for 9,208 customers; elimination of unsanitary sewage conditions for 1,229 lots; mitigation of 39 acres of wetlands; proper storm water controls for 512 acres of land under development; cleanup of 9,675 tons of solid waste and 5,070,632 scrap tires; treatment, disposal or removal of 37,405 tons of hazardous waste; and 526 acres of previously contaminated land returned to use.
- The surface water program secured judicial decrees with a number of major cities in Ohio that require in excess of \$2 billion dollars in improvements to wastewater treatment plants to eliminate sewer overflows. These will eliminate the illegal discharge of more than two billion gallons of untreated sewage annually.
- Ohio EPA issued 144 orders in 2002 – 30 percent higher than the goal of 110 orders.
- In the three years prior to establishment of Agency-wide enforcement goals, a total of 245 orders were issued. In the three years since goals have been set, the Agency has issued 393 orders – a 60 percent increase in overall productivity.
- The Agency assessed \$2,164,365 in administrative penalties, exceeding the \$2 million mark for the third year in a row.
- The Attorney General's Office filed 53 consent orders and assessed \$7,608,187 in penalties. This is the second highest total penalties assessed by the AGO since tracking of these totals began 13 years ago.
- At the start of 2002, Ohio EPA had 58 cases that needed to be resolved by the end of the year. By the end of 2002, 55 of those cases - or 95 percent - were resolved.
- From 2000 until 2002, the average case age at Ohio EPA has dropped from 475 days to 261 days.
- The Division of Surface Water issued 29 orders, exceeding its goal by four orders. The division assessed total penalties of \$2,968,524 (\$2,611,500 from the AGO and \$357,024 in administrative penalties), the third highest amount in the last 12 years.
- The Division of Hazardous Waste Management assessed \$1,863,619 in civil penalties (\$1,280,629 by the AGO and \$582,990 in administrative penalties). This is the highest civil penalty total assessed by the hazardous waste program in the last five years.
- The Division of Air Pollution Control resolved 119 enforcement cases, which is a record high number of non-AIM (automobile inspection and maintenance) cases in one year. The air program issued 63 orders, which far exceeded its goal of 40 orders and is a record high number of non-AIM orders in one year. The division assessed a total of \$3,940,437 in penalties in 2002 (\$2,833,256 from the AGO and \$1,107,181 in administrative penalties). This is the second highest total penalties assessed in the last 10 years by the air program.
- The Attorney General's Office obtained several significant resolutions on resource-intensive cases. The New Boston Coke enforcement case resulted in one of the largest court-issued penalties (\$2,568,000) in the history of the office. The Heritage Land Development case resulted in the largest (\$1,000,000) civil penalty assessed in the history of the state in a wetland enforcement case. In addition, the AGO resolved an enforcement case against Marion Steel Company that will result in a significant reduction in mercury emissions.
- Ohio EPA's criminal enforcement efforts resulted in 17 convictions that included \$79,375 in fines; \$180,533 in restitution; and sentencing that equated to 3,371 days in jail.

Agency-wide Enforcement Goals for 2002

Ohio EPA instituted Agency-wide enforcement goals in 2000 to increase the overall efficiency of the enforcement program. We maintained the same goals in 2001 and 2002. By creating consistent goals for each of the major programs, we can apply the same standards and strive for a common level of productivity and effectiveness.

In creating the goals, two characteristics were fundamental: They had to be easily measurable and easily communicated. By meeting these two characteristics, we hope to ensure that the entire Agency is striving to attain the same level of performance. If the goals are easily measured, they can be tracked with little effort and performance can be measured on an annual basis. If the goals are easily communicated, managers, attorneys, enforcement coordinators and inspectors can all have a common priority.

The effort to keep the goals simple and measurable was successful. In a short time, the Agency's enforcement program staff and attorneys have become familiar with the goals and have invested significant effort to achieve them. Below is a summary of the Agency's four enforcement goals in 2002.

GOAL 1:

Measure environmental improvement achieved through enforcement.

Statistics such as the number of cases resolved, penalties assessed and the age of cases are important from the perspective of ensuring the

Agency's enforcement program is properly managed. However, the statistics that are most important in measuring the success of the enforcement program are those that quantify environmental improvements that have occurred as a result of the Agency's enforcement efforts.

Is the environment getting cleaner? Anecdotally, the Agency always knew the answer was "yes." Now, due to new tracking systems, we can provide data to back it up. Since 2001, the Agency has had a goal for all programs to measure the environmental improvements achieved through enforcement. In 2002, additional methods for

measuring those improvements were developed.

Below are the statistics that show the positive effect the Agency's enforcement efforts have had on the environment.

Cleaner Air

Each year the Agency takes a number of significant enforcement actions that reduce the amount of pollutants that are released into the air. In 2001, the Agency started to quantify the improvement gained through each air pollution enforcement action. Below are the statistics which show dramatic reductions in a variety of pollutants.

Tons of Air Pollution Reduced Due to Enforcement		
	2001	2002
Volatile organic compounds/ organic compounds	464 tons per year (TPY)	7,151 tons per year (TPY)
Particulates	82.6 TPY	569.4 TPY
Hydrochloric acid	43.8 TPY	0
Nitrogen oxide	11 TPY	73 TPY
Carbon monoxide	6.3 TPY	0
Mercury	0	0.19 TPY (384 lbs/year)
Sulfur dioxide	0	162 TPY
TOTAL	607.7 TPY	7,955.59 TPY

Cleaner Water

In 2002, the Division of Surface Water, in cooperation with the Attorney General's Office, resolved significant enforcement cases involving combined sewer overflows and separate sewer overflows with the cities of Columbus, Toledo, Youngstown and Bucyrus. The judicial decrees entered in these cases will result in more than \$2 billion dollars of new pollution controls to eliminate discharges of sewage into Ohio's waterways. The environmental benefits from these cases will be felt for many years to come.

It is estimated that Ohio's 2002 enforcement cases will result in elimination of more than two billion gallons per year of untreated sewage being discharged.

The Division of Surface Water takes enforcement actions to remove and prevent contamination of streams, lakes, rivers and wetlands in Ohio. These actions can be taken in a variety of regulatory areas: stormwater discharges, permit violations, illegal fills of wetlands, unsanitary conditions addressed, and more. The chart below shows the improvements gained through the division's enforcement efforts in 2002.

Cleaner Surface Water

1,229:	lots with failing septic systems
227:	points of sewer overflows
512:	acres of land under development with inadequate storm water controls
56.45:	acres of landfills causing surface water pollution
39.06:	acres of illegal fills of wetlands
1,618:	feet of improper fills to streams
188,000:	gallons per day of sewage not receiving centralized sewage treatment

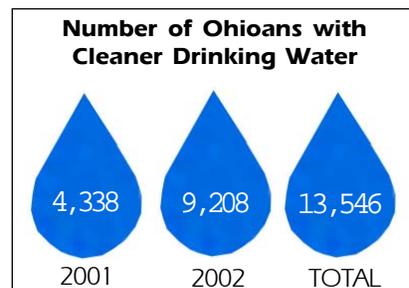
What are CSOs and SSOs?

Combined sewer overflows (CSOs) are discharges of untreated wastewater diluted by stormwater from older "combined" sewer systems. Sanitary sewer overflows (SSOs) are discharges of wastewater that contains untreated sewage from toilets, sinks, bathtubs, dishwashers and laundry. When sewage volume exceeds capacity, typically during periods of heavy rain, sewer overflows pollute rivers. Ohio's CSO/SSO enforcement cases in 2002 will result in elimination of more than **two billion** gallons of untreated sewage annually.

Cleaner Drinking Water

The Division of Drinking and Ground Waters addresses contamination and treatment of source water and finished drinking water

provided to Ohioans. The chart below shows how many Ohioans have cleaner drinking water as a result of Ohio EPA's enforcement actions.



provided to Ohioans. Enforcement actions are taken against a variety of drinking water providers, from major municipalities to small mobile home parks. Through these actions, the Agency has an immediate posi-

Cleaner Land

The divisions of Hazardous Waste Management, Emergency and Remedial Response and Solid and Infectious Waste Management each play important roles in ensuring cleaner and safer land in Ohio.

The Division of Solid and Infectious Waste Management ensures cleanups of open dumps and abandoned tires across the state, and regulates solid and infectious waste facilities. In 2002, 5,070,632 scrap tires were cleaned up. Below are statistics regarding the amount of solid waste removed from open dumps in the State.



The Division of Hazardous Waste Management takes enforcement actions each year to ensure the proper treatment, storage and disposal of hazardous waste. Each year, the division also certifies closures of hazardous waste units have been properly completed. To the right are statistics regarding the amount of hazardous waste addressed through closures.

In 2002, 526 acres of Ohio land were returned to use through cleanups that were completed as a result of prior enforcement actions.

The Division of Emergency and Remedial Response takes enforcement actions to clean up sites in Ohio where hazardous substances were disposed before many of the environmental regulations took effect. Many times these sites are the most complex or costly to clean up. The goal of the cleanup achieved through enforcement is to return previously polluted land to productive use.



GOAL 2:

All administrative enforcement cases older than two years must be resolved by the end of 2002.

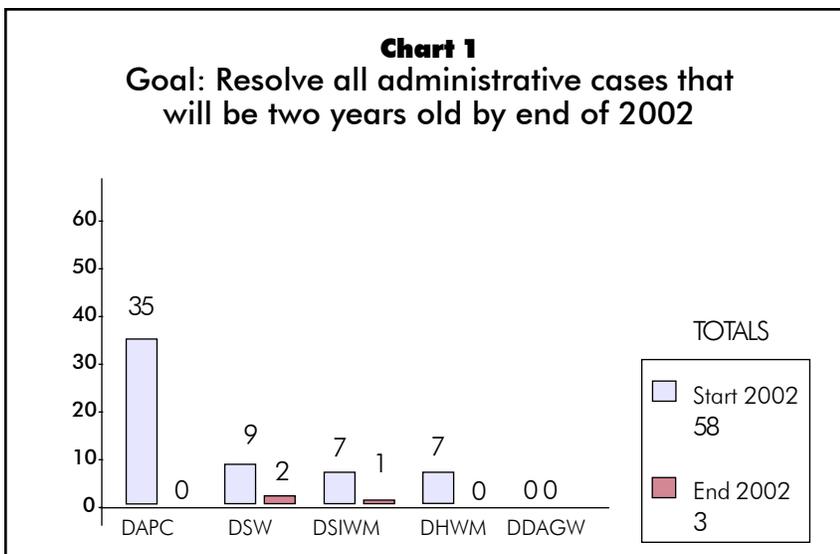
The intent of this goal was to address our overall efficiency in taking administrative enforcement actions. By establishing this goal and achieving it, the Agency would have no administrative case backlog. After eliminating the backlog, the goal would continue to exist as a performance standard to maintain the efficiency of enforcement process.

For purposes of this goal, a case is determined to be two years old if it will be two years old by the end of the year. We begin to measure case

age from the date the enforcement action referral ("EAR") is received from the district in Central Office. For example, any case on our docket that by December 31, 2002, would become two years old from the EAR date is included as needing to be resolved during the year.

At the start of calendar year 2000, we had a substantial backlog of administrative enforcement cases. There were 110 cases on the administrative enforcement docket that would become two years old by December 31, 2000. A large number of those cases were three to five or more years old. By the end of 2000, we had reduced the backlog to 29 cases. That was a one-year percentage drop in backlogged cases of 74 percent. At the start of 2001, 76 of those cases - or 94 percent - were resolved by the end of the year. In just two years, Ohio EPA was successful in nearly eliminating the backlog of administrative enforcement cases.

In 2002, the Agency maintained this performance standard to ensure a new backlog would not be created. At the start of 2002, there were 58 cases that needed to be resolved by the end of the year. By the end of 2002, 55 of those cases - or 95 percent - were resolved (**Chart 1**).



By maintaining this performance standard, Ohio EPA is ensuring that enforcement violations are being addressed in a timely manner. With the passage of Senate Bill 105, which establishes a five-year statute of limitations on environmental enforcement cases, the importance of staying timely is now greater.

Chart 2 demonstrates that the Agency, once again, did not eliminate the backlog by simply referring cases to the Attorney General's Office that were difficult to resolve administratively. There were 55 referrals in 2002, which is about average for the last five years and a decrease from 2001.

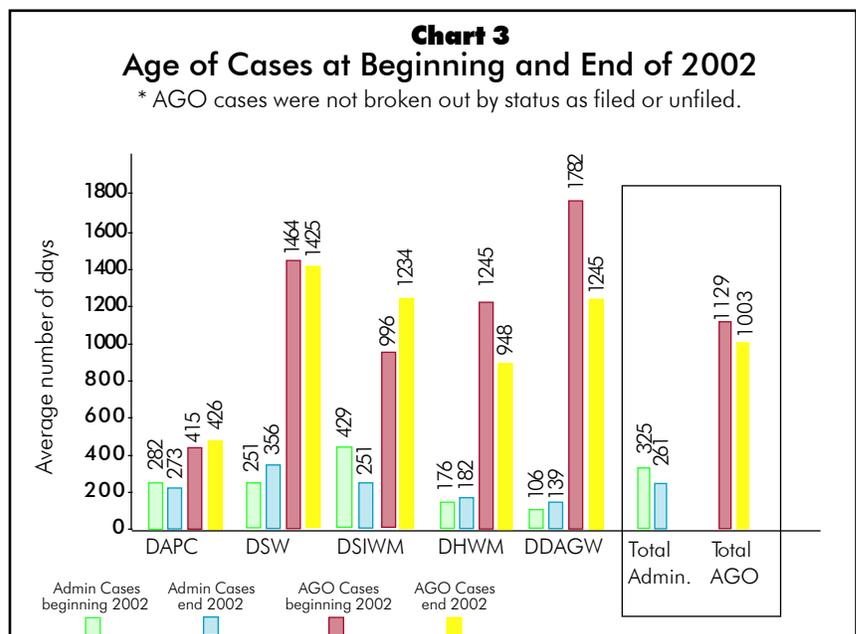
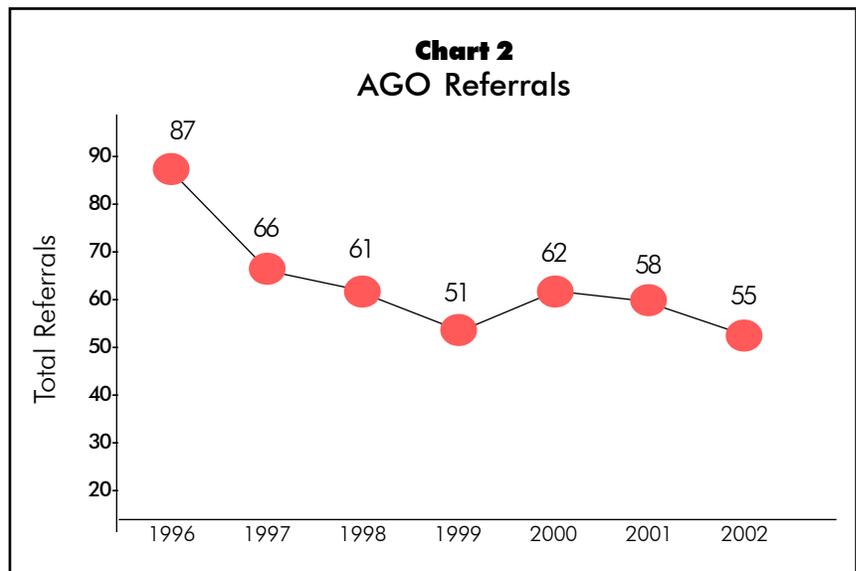
By maintaining the performance standard, we continue to have an overall positive effect of the age of the Agency's enforcement docket. From 2000 until 2002, the average case age has dropped from 475 days to 261 days (**Chart 3**). This demonstrates that this enforcement goal was successful in increasing the overall efficiency of Ohio EPA's enforcement program. Ohio EPA continues to process the vast majority of its cases in less than a year.

GOAL 3:

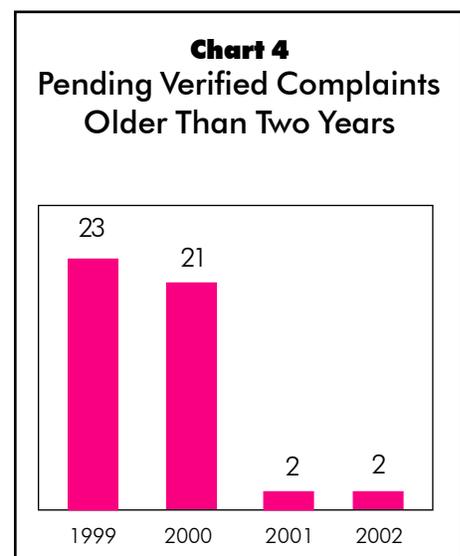
All verified complaints older than two years must be resolved by the end of 2002.

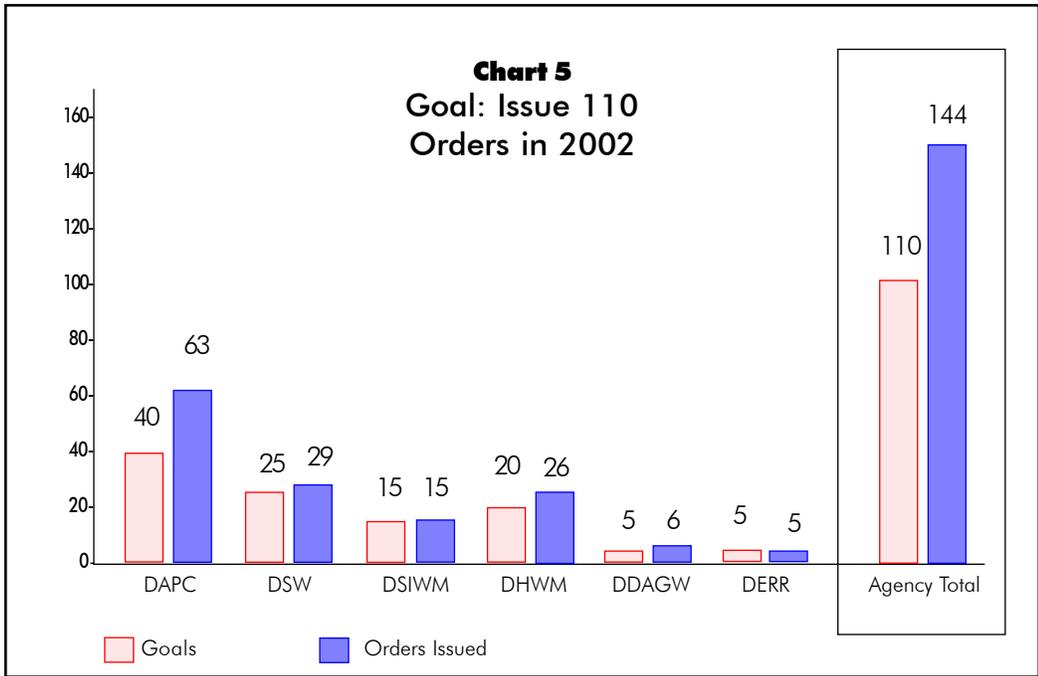
Verified complaints are a very visible function of this Agency. Filing such a complaint may be the only direct contact a citizen has with Ohio EPA, and our response can influence that citizen's opinion of Ohio EPA. If a citizen takes the time to file a verified complaint, it typically signifies a deep concern about a particular facility or situation in the environment. As a result, we established a performance standard that no verified complaint could go unresolved for more than two years.

Since initiating this goal two years ago, the Agency has renewed



its emphasis on timely response to these complaints. In 1999, prior to initiating the goal, 59 complaints were pending in the agency and 23 were older than two years. Some were five to seven years old. From 2000 to 2002, Ohio EPA successfully completed investigations of 89 verified complaints. In 2002, Ohio EPA processed 25 verified complaints and only had two that were older than two years. **Chart 4** shows the decrease in the number of pending verified complaints at Ohio EPA that are older than two years.





GOAL 4:

Issue 110 Findings and Orders in 2002.

Our third enforcement goal was directed at the Agency's productivity in our enforcement programs. Each of the divisions' historical performance, as it related to issuance of final orders, was reviewed. We selected a number in 2000 that was in line (on the higher end) with that historical performance. Each program also reviewed the number of administrative cases on their dockets to ensure sufficient cases were already in central office to meet our targets. When the six divisions' targets were compiled, we set a goal for 100 orders in 2000 and 2001. In 2002, we increased the goal to 110 orders due to an increased influx of new cases on the enforcement docket coupled with the improvement in efficiency in processing cases. The individual program targets for 2002 were as follows: DAPC (40); DSW (25); DHWM (20); DSIWM (15); DDAGW (5); and DERR (5).

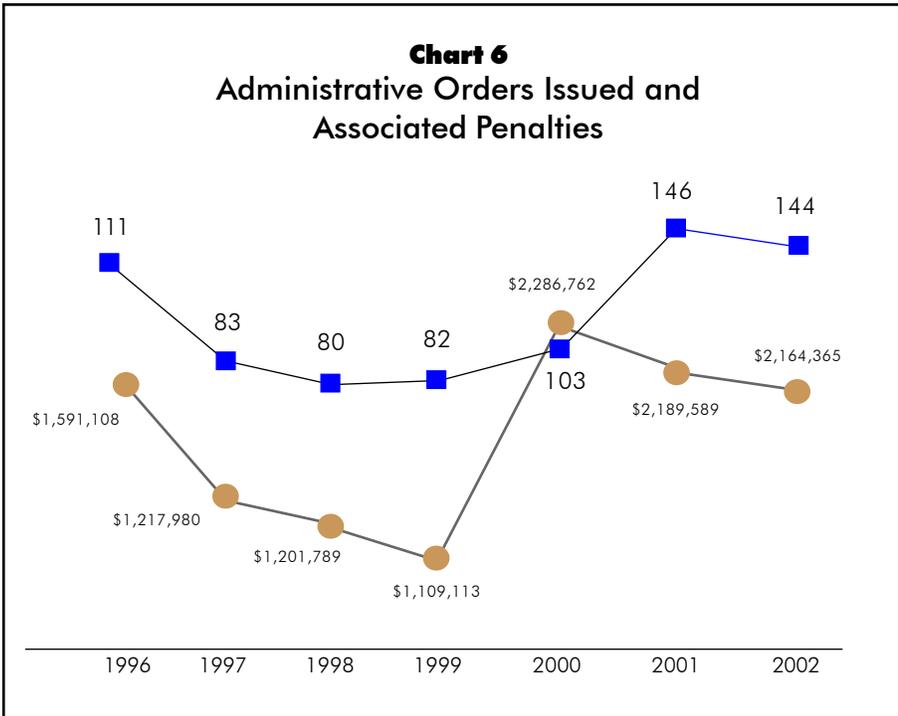


Chart 5 breaks down each of the targets set for the divisions and their performance in 2002. The Agency surpassed the goal of 110 orders by issuing 144 orders in 2002 – 30 percent higher than the goal.

In the three years prior to establishment of Agency-wide enforcement goals, a total of 245 orders were issued. In the three years since goals

have been set, the Agency has issued 393 orders – a 60 percent increase in overall productivity. **Chart 6** demonstrates that the Agency is maintaining the high level of efficiency and productivity achieved through its ongoing improvement efforts.

Once again this achievement also carried over to other areas. The

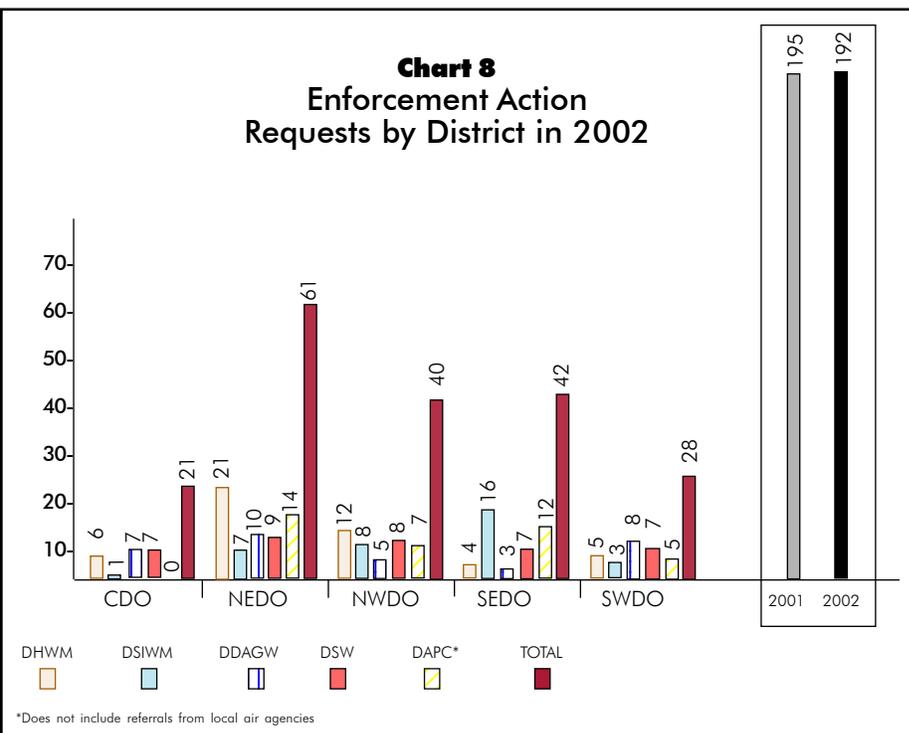
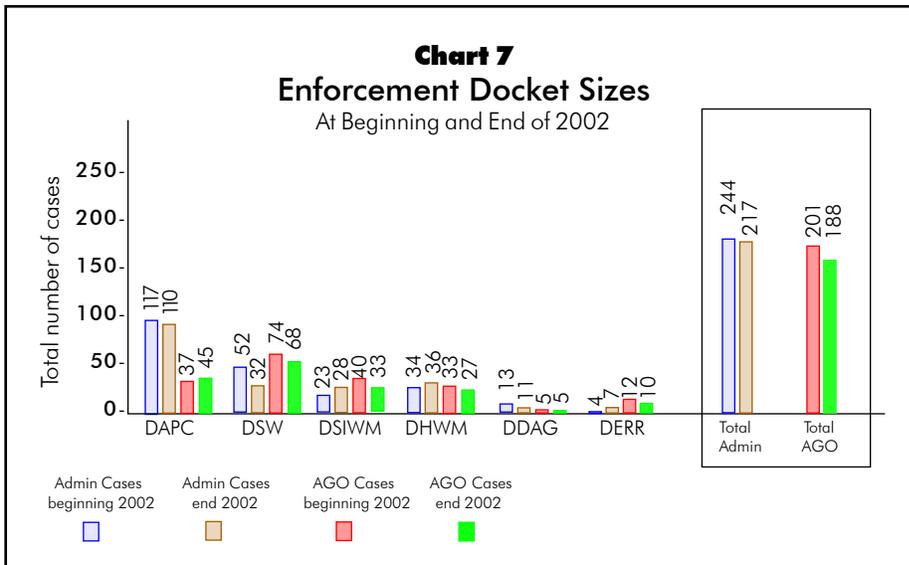
Agency assessed \$2,164,365 in administrative penalties, exceeding the \$2 million mark for the third year in a row. Again, this is a very significant achievement for the Agency since signature of the Memorandum of Understanding with the Attorney General's Office.

The Agency's docket size continued to decrease in 2002 as a

result of the increases in productivity and efficiency. In 2002, there was a substantial decrease in overall docket size, from 244 cases to 217 cases – an 11 percent decrease. This decrease was achieved despite a high number of new enforcement cases arriving at central office for enforcement (195 new cases in 2001 and 180 new cases in 2002).

Chart 7 shows the enforcement docket size at both Ohio EPA and the Attorney General's Office.

Chart 8 shows the number of enforcement action requests by district with an overall comparison between 2001 and 2002.



Other Enforcement Improvements Made in 2002

Agency-wide Improvements

We continued to review opportunities to improve the Agency's effectiveness, efficiency and communication regarding enforcement. In 2002, significant changes were made. They include:

▪ **Revamped Multi-Media Enforcement Protocol**

A committee was formed to review the outdated 1996 Multi-Media Enforcement Protocol. Lack of clear guidance in this area slowed down the processing of cases that involved multiple programs. The team created a protocol that will lead to better communication among programs and increased efficiency in processing these types of cases.

▪ **Developed Boilerplate Administrative Orders**

The Legal Office identified the need to develop standard legal language to be used in all administrative enforcement orders. A significant amount of time is wasted negotiating with private attorneys the standard language that appears in all administrative orders. The Agency began to use the boilerplate administrative enforcement orders in 2002.

▪ **Developed Protocol for Processing Verified Complaints**

In the past, inefficiencies in coordination and communication on the status of investigations relating to verified complaints slowed the Agency response time. It was determined that the Agency would be more efficient in processing verified complaints if it

developed a standard method. A cross-sectional team was formed in 2002 and a draft protocol was circulated for comment. A final version will be distributed internally in 2003.

▪ **Updated Protocol for Responding to Audit Privilege Requests**

Under a 1998 protocol, gaps were identified in the processing of privilege requests that needed to be filled. In addition, communication and coordination on the status of reviews of privilege requests needed to be improved. A modified and updated protocol was distributed to Agency personnel involved in processing privilege requests.

Enforcement Program Reviews

In 2001, we began top-to-bottom reviews of each division's enforcement program. These reviews are directed at maximizing the efficiency and effectiveness of each division's limited resources. In 2001, the Division of Surface Water completed its review and has since implemented a number of changes to improve efficiency, effectiveness and communication on enforcement. In 2002, the Agency began in-depth reviews of two other divisions

Division of Solid and Infectious Waste Management

A number of improvements have already been instituted and others are in development. The division has reviewed the use of available resources to address solid and

infectious waste violations, and is implementing a strategy to increase the use of local health departments and prosecutors to address violations. Better utilization of all available resources will increase the efficiency of the state in addressing violations.

Inspection and Enforcement Manuals were revised, updated and distributed. A workgroup was formed to develop a new civil penalty policy to increase consistency and reduce subjectivity in the calculation of civil penalties. New enforcement initiatives were undertaken to address similar violations at multiple facilities across the state.

Division of Air Pollution Control

The division created an improvement team that included representatives from the Director's Office, division, local air agencies, Legal Office and the Attorney General's Office. The team guided the process to identify areas for improvement and establish plans for finalizing improvements. Ideas were solicited from every district office, central office enforcement personnel, all local air agencies, the Legal Office, and the Attorney General's Office. The core improvement team then initiated the second phase of developing and implementing specific improvements. Areas targeted for improvement include: better communication, defined roles of enforcement staff, better utilization of all available enforcement resources, improved enforcement training and streamlining the process for taking enforcement actions.

Overall Status of Ohio EPA's Enforcement Programs

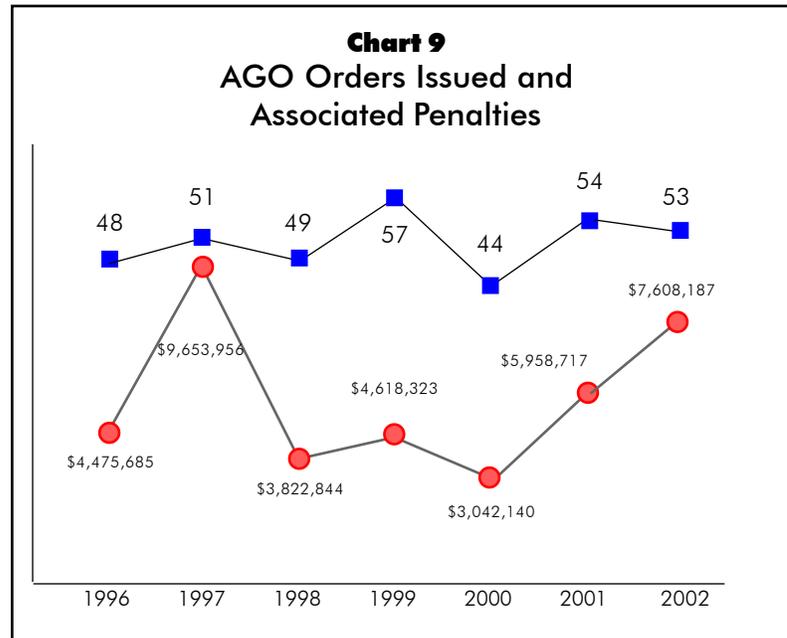
Attorney General's Office

Chart 9 shows that the Attorney General's Office filed 53 consent orders and assessed \$7,608,187 in penalties. This is the second highest total penalties assessed by the AGO since tracking of these totals began 13 years ago. The AGO also recovered \$1,369,038 in costs and \$763,000 in other monetary recoveries.

These achievements came in a year when the Attorney General's Office obtained several significant resolutions on resource-intensive cases. For example, the AGO litigated the New Boston Coke enforcement cases, which resulted in one of the largest court-issued penalties (\$2,568,000) in the history of the office. The AGO also resolved a case involving Heritage Land Development that resulted in the largest (\$1,000,000) civil penalty assessed in the history of the state in a wetland enforcement case. In addition, the AGO resolved an enforcement case against Marion Steel Company that will result in a significant reduction in mercury emissions.

Administrative Enforcement

As discussed in more detail above, 2002 was a very successful year for administrative enforcement actions. Ohio EPA issued 144 orders and assessed \$2,164,365 in penalties (cash plus supplemental environmental projects). We met or exceeded our performance standards. The average age of pending administrative enforcement cases is now down to 261 days.



Division of Surface Water

The division maintained its high productivity in 2002. It issued 29 orders, exceeding its goal by four orders. The division assessed total penalties of \$2,968,524 (\$2,611,500 from the AGO and \$357,024 in administrative penalties), the third highest amount in the last 12 years.

The surface water program secured judicial decrees with a number of major cities in Ohio that require in excess of \$2 billion dollars in improvements to wastewater treatment plants. Each one of these cases was complicated and presented significant challenges to resolve. The fact that three major settlements were achieved in one year (Columbus, Toledo and Youngstown) is a compliment to the enforcement staff at the Agency and the Attorney General's Office. In addition, even with the demands placed on

resources by these sewer overflow cases, the division also secured the largest civil penalty in the history of Ohio in a wetlands case.

Division of Hazardous Waste Management

The hazardous waste enforcement program had significant achievements as well. The division has consistently met or exceeded the Agency-wide performance standards, which has prevented the creation of a new backlog of administrative cases. The division issued 26 orders in 2002, exceeding its goal of 20. The division assessed \$1,863,619 in civil penalties (\$1,280,629 by the AGO and \$582,990 in administrative penalties). This is the highest civil penalty total assessed by the hazardous waste program in the last five years.

The average age of administrative cases on the docket is the second lowest in the Agency. In addition, the district office enforcement staff has done an excellent job getting timely referrals to central office for escalated enforcement. Most violations are being resolved within two to three years of discovery. The fact that the division's current administrative docket is comprised of cases, on average, less than six months old is a tremendous achievement.

Division of Air Pollution Control

The air program has historically had one of the busiest enforcement programs. The division currently has 110 pending enforcement actions, or half of all the pending administrative enforcement actions in the Agency. Despite this very large number of enforcement actions, the division kept the average resolution time of administrative cases under a year.

There were 35 administrative cases that would be two years old by the end of 2002; by the end of the year, that number was reduced to zero. The division resolved 119 enforcement cases, which is a record high number of non-AIM (automobile inspection and maintenance) cases in one year. The air program issued 63 orders, which far exceeded its

goal of 40 orders and is a record high number of non-AIM orders in one year. The division assessed a total of \$3,940,437 in penalties in 2002 (\$2,833,256 from the AGO and \$1,107,181 in administrative penalties). This is the second highest total penalties assessed in the last 10 years by the air program.

Division of Solid and Infectious Waste Management

Of the seven cases in the solid waste program that would be two years old by the end of 2002, all but one were resolved. There was a corresponding drop in the average age of pending cases by 178 days. The division now averages administrative resolutions in less than a year. The solid waste program met its goal to issue 15 orders in 2002. The division assessed \$863,347 in civil penalties (\$819,027 by the AGO and \$44,320 in administrative penalties).

Division of Drinking and Ground Waters

By consistently meeting performance standards, the division maintains the lowest average age for administrative cases of any program – 139 days. The division issued six orders in 2002, exceeding its goal by one, and assessed \$136,625 in penalties (\$63,775 from the AGO and

\$72,850 in administrative penalties). The drinking water program maintains the smallest docket size in the Agency.

Division of Emergency and Remedial Response

Over the last two years, this division has critically reviewed its enforcement program. A criticism of the program has been that cleanup is not completed because sites simply get stuck in the lengthy regulatory process dictated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The strategic decision was made to focus on a select number of priority sites in order to move them toward cleanup and final resolution. This has been a successful effort for the division. In 2002, 11 cleanups of contaminated sites were completed. The division also met its goal to issue five new enforcement orders.

Criminal Enforcement

The State's criminal environmental enforcement efforts led to 17 convictions in 2002, resulting in \$79,375 in fines; \$180,533 in restitution; and sentences equating to 3,371 days in jail.



Ohio EPA Enforcement Goals for 2003

Due to the success of our improvement efforts, we are continuing our Agency-wide enforcement goals in 2003. By maintaining consistent goals, we can firmly establish a benchmark for our annual performance.

GOAL 1:

Increase the measurements of environmental improvement achieved through enforcement.

Each division is now required to measure the overall environmental improvement achieved through our enforcement efforts. For example, on all air cases, we have calculated the reduction in the amount of pollutants achieved through the enforcement action. In hazardous waste, we quantify the amount of contaminated soil either removed or addressed through closure.

By gathering this information, we have better data to use when communicating the environmental gains made through our enforcement efforts. This information should be provided to the Public Interest Center so it can be disseminated to the public through enforcement news releases and other communications tools.

U.S. EPA and the public have praised Ohio EPA's recent efforts to communicate the improvements gained for the environment through enforcement. In 2003, each program will be asked to continue to develop ways of measuring and communicating these improvements.

GOAL 2:

All administrative enforcement cases older than two years must be resolved by the end of 2003.

Once again, all administrative enforcement cases that will become two years old by December 31, 2003, must be resolved by the end of the year. By maintaining this goal, we can ensure that no backlog is created in the future. During 2003, we will review this goal to determine if the time period needs to be reduced in light of the statute of limitations bill recently enacted by the Legislature.

GOAL 3:

All verified complaints must be resolved within two years of receipt.

We must stay focused on investigating and resolving all verified complaints received in a timely manner. By the end of 2001, we achieved the goal of eliminating the backlog of verified complaints. We have now turned the goal into a performance standard to ensure the Agency maintains a level of performance that citizens deserve.

GOAL 4:

Issue 120 Findings and Orders in 2003.

In 2002, the Agency maintained a very high level of productivity in resolving existing enforcement cases. In light of the increased demands to be efficient resulting from the statute of limitations legislation, the Agency increased the goal for issuance of orders to 120 in 2003. We have

adjusted the program targets based on workloads and the recent increase in the number of new enforcement cases. This year, the targets are as follows: DAPC (45); DHWM (25); DSW (24); DSIWM (15); DDAGW (6); and DERR (5).

GOAL 5:

Establish performance standards in order to meet the statute of limitations on enforcement cases.

In 2003, the Agency will finalize performance standards for developing and processing enforcement cases to ensure the statute of limitations requirements established by the General Assembly in S.B. 105 are met. Three standards are contemplated: 1) the amount of time a inspector has to refer a violation to central office for escalated enforcement; 2) the amount of time given to resolve administrative enforcement cases (currently the standard is two years from referral); and 3) the amount of time the Attorney General's Office has to file an enforcement case once violations have been referred to that office.

GOAL 6:

Complete the enforcement program reviews in DAPC and DSIWM.

In 2003, the Agency will complete the intensive reviews of the enforcement programs in the Division of Solid and Infectious Waste Management and the Division of Air Pollution Control. The Agency will then implement the recommended improvements.