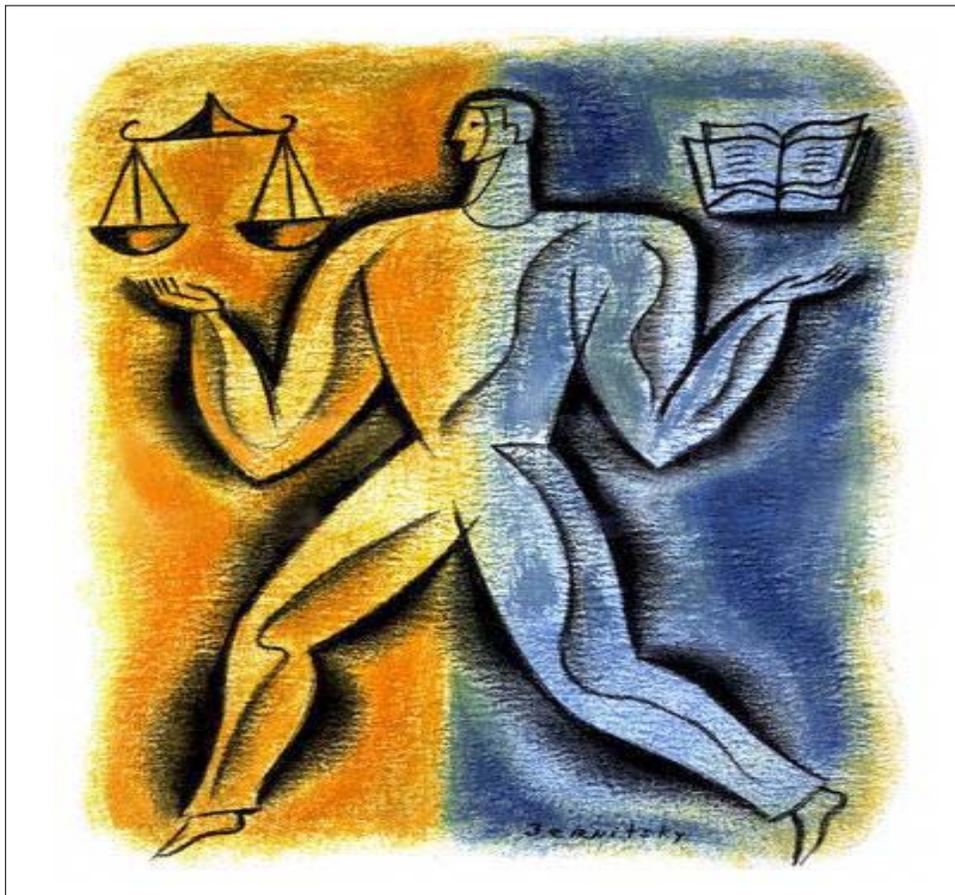


Office of the Director

2003 Enforcement Report



April 2004

Bob Taft, Governor
Christopher Jones, Director

Introduction

This is Ohio EPA's fourth annual enforcement report. Past reports have received praise from a wide variety of groups, including U.S. EPA. Each year, Ohio EPA has enhanced the report to highlight the achievements of its enforcement program both in terms of performance and environmental benefits. The report demonstrates that the Agency has continually improved the timeliness and effectiveness of its enforcement program, and describes measurable environmental benefits resulting from those enforcement efforts.

Improved Management of the Agency's Enforcement Program

In 1999, Ohio EPA began a significant and ongoing effort to improve its enforcement program. As part of that effort, the Agency has made a number of changes, which are documented in this and prior enforcement reports. The major changes include:

- Establishment of Agency-wide performance standards
- Full reviews of three of the six major enforcement programs
- Paperwork reductions
- Development of standard legal orders

- Clarification of enforcement roles and responsibilities
- Enhanced enforcement training in some programs
- Updated and streamlined enforcement protocols

Since Ohio EPA started this major initiative to improve its enforcement program, it has also experienced significant budget cuts that resulted in reduced staffing and resources. Although these improvements were implemented during a very difficult budget time for the Agency, they still resulted in significant increases in the efficiency and productivity of the enforcement program. Here are the major highlights that demonstrate improvements in the overall management of the Agency's enforcement program in the past four years:

- 57 percent increase in the Agency's productivity in taking administrative enforcement actions
- Doubled the amount of administrative penalties assessed
- 95 percent reduction in old cases (110 cases older than two years in 1999; two cases older than two years in 2003)

- Average administrative enforcement case is resolved in nine months
- 90 percent improvement in the timeliness of resolving formal citizen complaints (known as verified complaints)

Changes to This Year's Report

In prior years, the focus of the report was on the performance and success of the Agency's overall enforcement program. This year's report includes case studies that highlight noteworthy enforcement cases resolved in 2003.

There is also more information relating to the environmental benefits gained through Agency enforcement actions. Ohio EPA's goal is to continue to enhance this portion of the report because the most critical outcome of the Agency's enforcement program is the environmental benefit.

Ohio EPA's criminal enforcement program has received recognition as one of the best in the country. In this year's report, additional information is included on the significant accomplishments of this program.

2003 Enforcement Highlights

- Ohio EPA's enforcement actions in 2003 resulted in the following environmental improvements: 2,033.6 tons of air pollution eliminated per year; 8,947 customers with cleaner drinking water; 19 combined sewer overflows addressed; 56,500 gallons of wastewater now receiving treatment by a treatment plant; 3.5 million gallons per day of wastewater receiving enhanced treatment; 853 acres of land with improved storm water controls; 571 failing on-lot sewage systems corrected; 3,200 linear feet of stream mitigation; 30,064 tons of solid waste removed from open dumps; 5,030,485 abandoned scrap tires and 1,052 tons of construction and demolition debris cleaned up; 195 tons of waste removed and disposed through hazardous waste site closures; 46,000 cubic yards of hazardous waste properly closed; 2,044 gallons of hazardous liquid and sludge waste removed and properly disposed; and 995 gallons of non-hazardous liquid waste removed and properly disposed.
- Ohio EPA issued 140 orders in 2003, surpassing its goal of 120 orders by 15 percent.
- The Agency assessed \$2,543,874 in administrative penalties, exceeding the \$2 million mark for the fourth year in a row. This is the highest total amount of administrative penalties assessed in the last eight years.
- Civil penalties assessed by Ohio EPA and the Attorney's General's Office in 2003 totaled \$7,998,099.
- At the start of 2003, there were 40 cases that needed to be resolved by the end of the year. Of those, 38 cases – or 95 percent – were resolved by the end of the year.
- In the past three years, the average age of cases on Ohio EPA's administrative docket has dropped from 475 days to 280 days.
- The criminal environmental enforcement program secured 21 convictions or plea agreements with a total of 36 felonies and 13 misdemeanors. Penalties included jail time (2,790 days); home confinement (93 days); fines (\$63,400); restitution (\$88,317); and community service (580 hours).
- The Division of Surface Water issued 32 orders, exceeding its goal by 8 orders. The division assessed total penalties of \$1,830,768 (\$1,458,935 by the AGO and \$371,833 in administrative penalties).
- The Division of Hazardous Waste Management met its goal of issuing 25 orders and assessed \$1,325,698 in civil penalties (\$669,500 by the AGO and \$656,198 in administrative penalties).
- The Division of Air Pollution Control kept the average resolution time of administrative cases under nine months, despite having the Agency's largest enforcement caseload. The division issued 54 orders, exceeding its goal by nine, and assessed \$2,288,380 in penalties in 2003 (\$1,198,550 by the AGO and \$1,089,830 in administrative penalties).
- The Division of Solid and Infectious Waste Management issued 19 orders in 2003, exceeding its goal of 15. The division now has the second lowest average age of administrative cases on its docket – 225 days. The division assessed \$2,386,753 in civil penalties (\$2,007,440 by the AGO and \$379,313 in administrative penalties.)
- The Division of Drinking and Ground Waters issued seven orders in 2003, exceeding its goal by one. The division maintains the lowest average age for administrative cases of any program – 205 days. The division assessed \$166,500 in penalties (\$119,800 by the AGO and \$46,700 in administrative penalties).
- The Division of Emergency and Remedial Response's enforcement efforts resulted in two completed site cleanups in 2003 and selection of final cleanup remedies at four additional sites.

Environmental Improvements Achieved Through Enforcement in 2003

Typically, the success of a state or federal environmental enforcement program has been measured strictly in terms of the number of cases resolved, penalties assessed and the age of cases. While those statistics are useful in making sure an enforcement program is properly managed, the most critical information is whether the environment has benefitted as a result of the Agency's enforcement actions. The statistics below demonstrate that the environment has improved or been better protected as a result of the Ohio EPA's enforcement efforts.

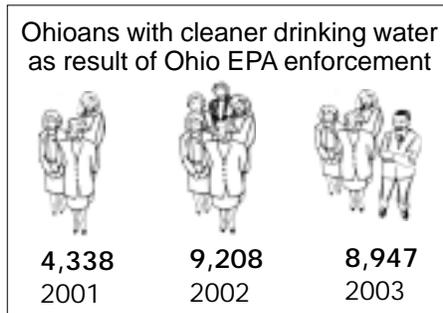
Cleaner Air

Each year, Ohio EPA takes a number of significant enforcement actions that reduce the amount of pollutants that are released into the air. The statistics below represent overall reductions in the annual amount of pollutants released into Ohio's air. Because each action resulted in the installation or proper operation of permanent controls, the reductions achieved this year and in prior years will benefit the environment for years to come. Here are the reductions associated with the 2003 enforcement actions:

TONS OF AIR POLLUTION REDUCED DUE TO ENFORCEMENT 2003	
Volatile organic compounds/ Organic compounds	291.4 tons per year
Particulates	121 tons per year
Nitrogen Oxide	940.7 tons per year
Sulfur dioxide	525.5 tons per year
Carbon monoxide	155 tons per year
TOTAL	2,033.6 tons per year

Cleaner Water

The Division of Drinking and Ground Waters addresses contamination and treatment of source water and finished drinking water provided to Ohioans. Enforcement actions are taken against a variety of drinking water providers, from major municipalities to small mobile home parks. Through its enforcement actions, Ohio EPA has immediate, positive effects on the health and welfare of Ohioans. The chart below shows the number of citizens who have cleaner drinking water as a result of Ohio EPA enforcement actions.



The Division of Surface Water takes a number of enforcement actions to remove and prevent contamination of streams, lakes, rivers and wetlands in Ohio.

Collectively, these actions greatly improve water quality in Ohio. Actions can be taken in a variety of regulatory areas including stormwater discharges, discharge permit violations, illegal fills of wetlands and unsanitary conditions. The statistics below demonstrate improvements to Ohio's waterways:

IMPROVEMENTS TO OHIO'S WATERWAYS

- 19**
Combined sewer overflows addressed
- 56,500 gallons per day**
Wastewater now receiving treatment by a treatment plant
- 3.5 million gallons per day**
Wastewater receiving enhanced treatment
- 853 acres**
Improved storm water controls
- 571 lots**
Failing on-lot systems addressed
- 3,200 linear feet**
Stream mitigation achieved

Cleaner Land

The Division of Solid and Infectious Waste Management cleans up open dumps and abandoned tires across the state and regulates composting, solid waste and infectious waste facilities. See page 5 for statistics regarding the amount of waste and tires removed from open dumps in Ohio in 2003.

Solid waste removed from open dumps



5,681 tons 2001

9,675 tons 2002

30,064 tons 2003

In 2003, Ohio EPA's enforcement efforts helped clean up 5,030,485 abandoned scrap tires and 1,052 tons of construction and demolition debris.

The Division of Hazardous Waste Management takes a number of enforcement actions each year to ensure the proper management, transportation and disposal of hazardous waste. Each year, the division certifies that closures of hazardous waste units have been properly completed. Statistics are provided below regarding the amount of hazardous waste addressed through closure certifications.

Contaminated material treated, properly disposed or removed:

- **195 tons** of waste removed and disposed
- **46,000 cubic yards** of hazardous waste properly closed
- **2,044 gallons** of hazardous liquid and sludge waste removed and properly disposed
- **995 gallons** of non-hazardous liquid waste removed and properly disposed

The Division of Emergency and Remedial Response takes enforcement actions to clean up sites in Ohio where hazardous substances were disposed of prior to many of the environmental regulations taking 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 use. In 2003, 7.5 acres of Ohio land were returned to use through cleanups that were completed as a result of prior enforcement actions.

2003 Case Highlights - Protecting Public Health

BISON CORPORATION

The Bison Corporation, located in Canton, historically handled industrial solvents including trichloroethylene (TCE) and tetrachloroethylene (PCE). It is a source of contamination impacting ground water under nearby homes. In November 2002, a community meeting was held with residents to explain environmental investigation results and the need for indoor air sampling in their homes. This sampling was conducted in November 2002 by the Canton City Health Department and Ohio EPA. Concentrations of TCE and PCE exceeded acceptable risk levels. In January 2003, Ohio EPA initiated an enforcement action and finalized it in less than 30 days. The administrative orders required Bison to install ventilation systems in affected homes to reduce the risk to residents. By April 2003, nine ventilation systems were installed in the homes (eight single-family residences and one four-unit apartment building). Additional indoor air sampling conducted in May 2003 and November 2003 showed a significant reduction in TCE and PCE in the homes with ventilation systems. These ventilation systems will continue to operate and additional sampling will ensure that the systems remain protective. Additionally, Ohio EPA is pursuing a long-term cleanup solution for the site.

LOCKHART HARRISBURG PLAZA

Lockhart Harrisburg Plaza operated a small public water system that served approximately 135 people. The system had regular microbiological monitoring violations and a history of exceeding the safe level of nitrate. Infants younger than six months who drink water with excess nitrate could become seriously ill and, if untreated, may die. Pregnant women and others with specific medical conditions also may have risks associated with drinking water with high levels of nitrate. In ground water, nitrate is often associated with failing septic systems, other animal or human waste contamination or fertilizers. In January 2003, Ohio EPA issued enforcement orders requiring the owner to install a hauled water system and permanently abandon the existing drinking water well. The orders also included a civil penalty of \$7,200. The hauled water system was installed in September 2003 and the existing drinking water well was abandoned in October 2003. As a result of Ohio EPA's enforcement action, the potential threat to public health presented by this drinking water source was eliminated.

Agency-Wide Enforcement Goals for 2003

Ohio EPA instituted Agency-wide goals and performance standards to enhance the productivity and efficiency of the Agency's enforcement efforts. This section of the report details Ohio EPA's success in meeting its 2003 goals.

GOAL 1:

Increase the measures of environmental improvement achieved through enforcement.

Each division is now measuring the environmental benefit gained from the enforcement actions taken. More measures were added in 2003, signaling continued success with this effort. The actual environmental improvements are documented earlier in this report.

GOAL 2:

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

The intent of this performance standard is to address our overall efficiency in taking administrative enforcement actions. By establishing this standard and achieving it, the Agency would eliminate administrative case backlogs. Once the backlog was eliminated, the performance standard was maintained to ensure all administrative cases were processed in a timely manner.

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 by Central Office from the district office. For 2003, any case on our

docket that by December 31, 2003, would become two years old from the EAR date needed to be resolved during the year.

At the start of calendar year 2000, we had 110 backlogged administrative enforcement cases. A large number of those cases were three to five or more years old. By the end of 2000, that backlog had been reduced to 29 cases – a one-year drop in backlog cases of 74 percent. At the start of 2001, there were 81 cases that needed to be resolved by the end of the year. By the end 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 and 2003, the Agency maintained the performance standard to ensure all administrative cases were processed in a timely manner. At the start of 2003, there were 40 cases that needed to be resolved by the end of the year. Of those, 38 cases – or 95 percent – were resolved by the end of the year (Chart 1).

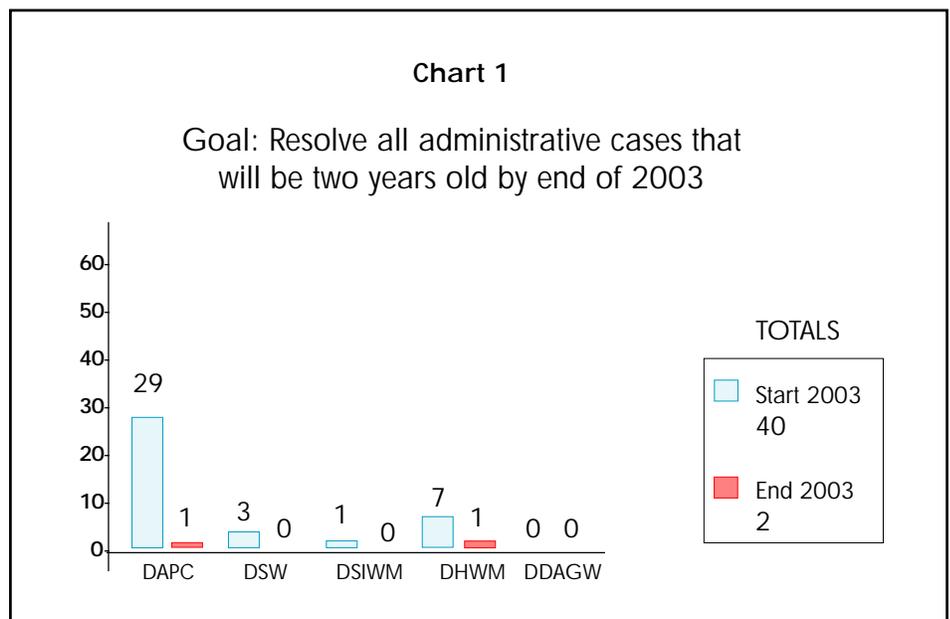
Chart 2 demonstrates that the Agency, once again, did not eliminate the backlog simply by referring cases to the Attorney General's Office that were difficult to resolve administratively. There were 42 referrals in 2003, which is a significant drop in the number of referrals compared to the average over the last eight years.

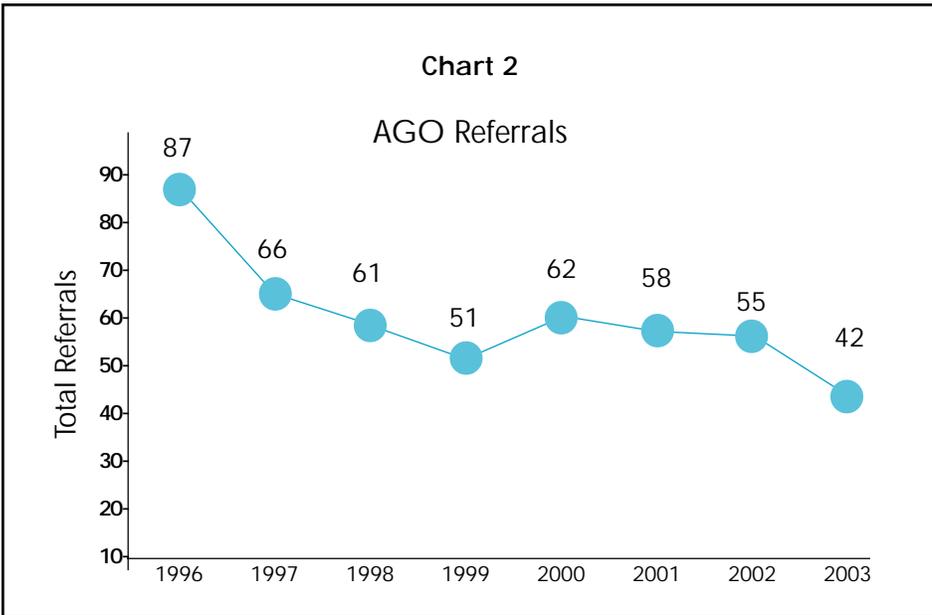
By maintaining the performance standard, we continue to have an overall positive effect on the age of the Agency's enforcement docket. In three years, the average age of cases on the administrative docket has continued to decline. As shown in Chart 3, from 2000 until 2003, the average age has dropped from 475 days to 280 days.

GOAL 3:

Resolve all verified complaints within two years of receipt.

If a citizen takes the time to file a verified complaint, it typically signifies deep concern about a particular facility or situation in the environment. As a result, Ohio EPA





established a performance standard that no verified complaint could go unresolved for more than two years. Since initiating this performance standard, the Agency has renewed emphasis on timely response to verified complaints. In 1999, prior to initiating our goal, 59 complaints were pending and 23 complaints were older than two years. At the start of 2004, there were 20 complaints pending and none of those

were older than two years. During 2001-2003, Ohio EPA successfully completed investigations of 76 verified complaints. **Chart 4** shows the decrease in the number of pending verified complaints older than two years.

GOAL 4:
Issue 120 Findings and Orders in 2003.

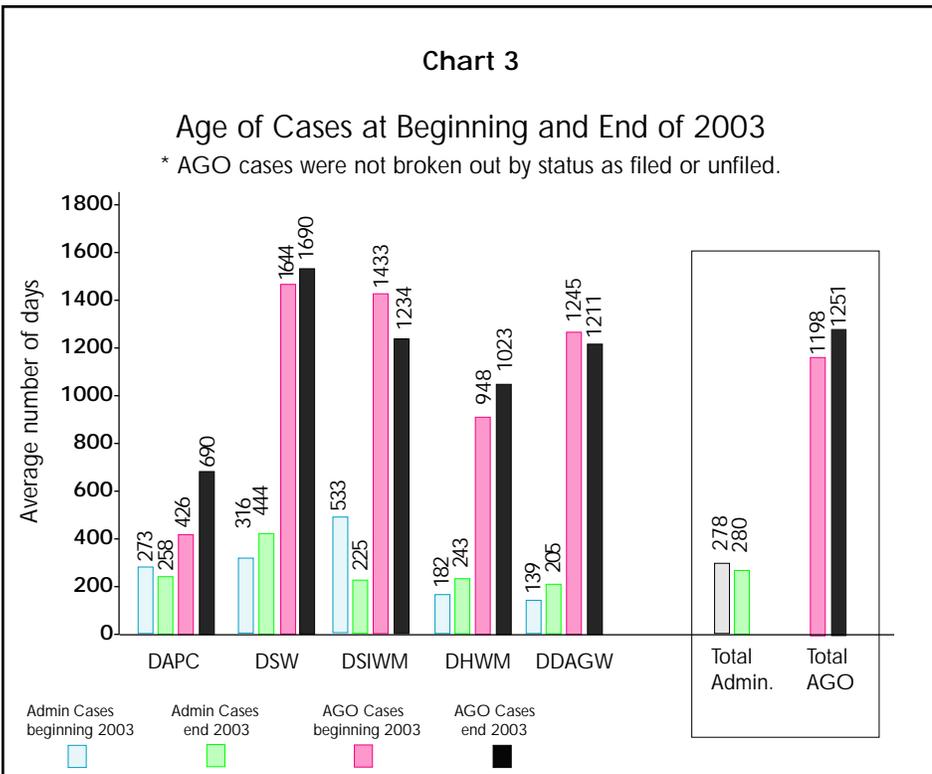
Our third performance standard is directed at the Agency's productivity. Each program reviews the number of administrative cases currently on its docket to ensure sufficient cases were available to meet our targets. Each year, we target a number of cases for resolution that will push the programs to their highest productivity levels.

Since establishing the third performance standard, we have steadily increased the number of cases targeted for resolution (100 in 2000; 100 in 2001; 110 in 2002; and 120 in 2003). The case number target was increased based on the belief that the Agency had not yet achieved its maximum

2003 Case Highlight - Monitoring Compliance with Permits

OHIO RIVER PIPE LINE

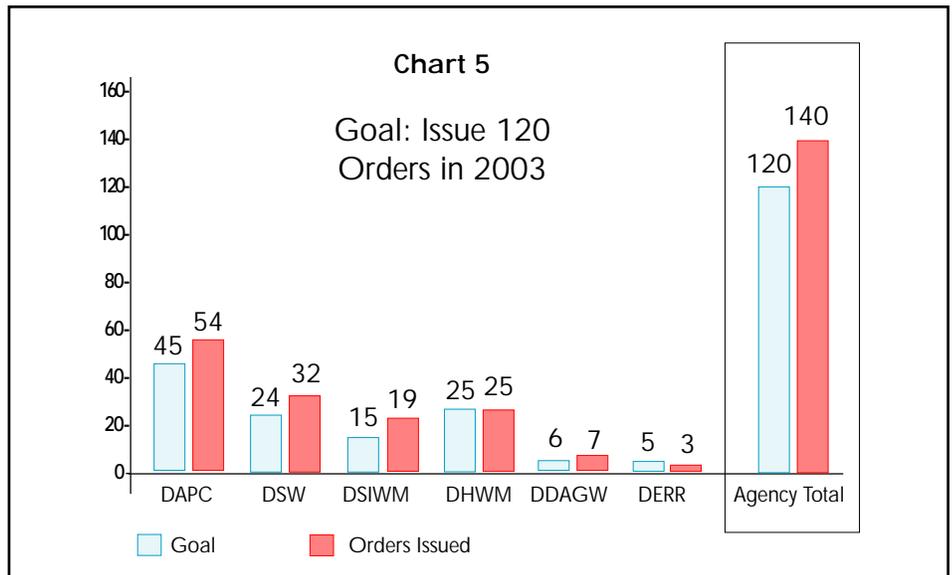
Ohio River Pipe Line LLC was issued a water quality certification and a stormwater permit to construct a pipeline that crossed a significant portion of southern Ohio, including a state park. Ohio EPA staff documented numerous permit violations that impacted water quality. Ohio EPA, coordinating with the United States Army Corps of Engineers, issued enforcement orders to the company that accomplished the following: 1) construction was brought into compliance; 2) an additional 2,500 feet of stream mitigation was conducted and made permanent through the use of conservation easements; 3) 0.5 acres of wetland mitigation were purchased from a mitigation bank; and 4) a civil penalty of \$104,738 was assessed. Half of this civil penalty is earmarked for the Ohio Environmental Education Fund.



2003 Case Highlight - Protecting Ohio's Waterways

CITY OF DELPHOS

The City of Delphos had wastewater discharge permit and pre-treatment violations, made worse by the presence of combined sewer overflows. Ohio EPA issued orders requiring the City to implement a general plan of wastewater treatment plant improvements. Also, Delphos agreed to develop a pretreatment program to protect the wastewater treatment plant from industrial wastewater input, and maintain compliance with discharge permit limits. A civil penalty of \$111,888 included a cash payment of \$11,189. The remaining \$100,699 will be used by the city to construct a storm sewer system and sanitary sewers in an unsewered area. The resolution of this case will significantly improve Delphos's collection system and wastewater treatment plant, as well as improve water quality in Jennings Creek and Flat Fork Creek.

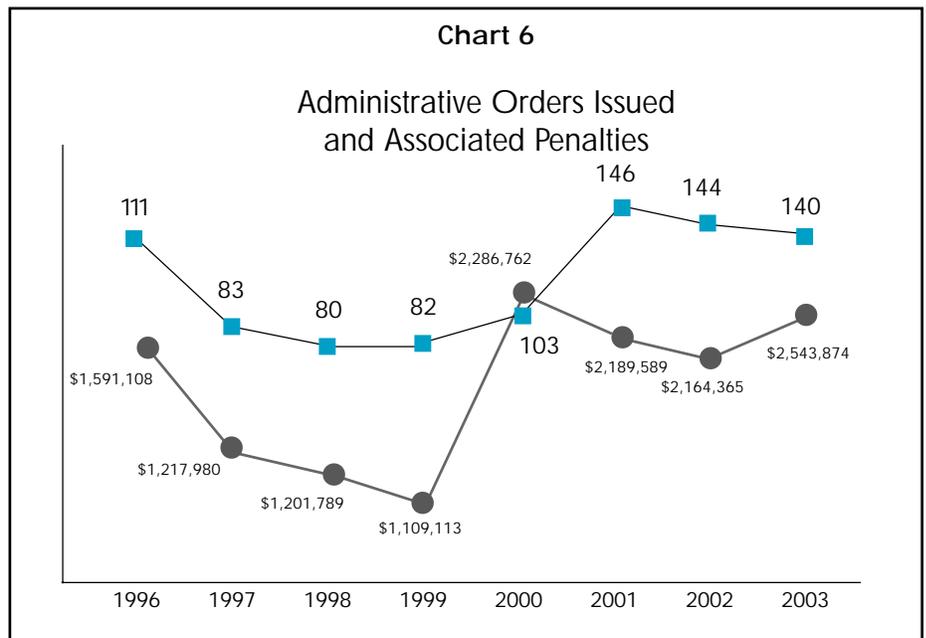


productivity. In 2003, the individual program targets were as follows: DAPC (45); DSW (24); DSIWM (15); DHWM (25); DDAGW (6); and DERR (5).

Chart 5 breaks down the targets for the divisions and their performance in 2003. Ohio EPA issued 140 orders in 2003, surpassing its goal of 120 orders by 15 percent. Once again, this achievement also carried over to other areas. The Agency assessed \$2,543,874 in administrative penalties, exceeding the \$2 million mark for the fourth year in a row

(Chart 6). This is the highest total amount of administrative penalties assessed in the last eight years.

The Agency's docket size decreased in 2003 from 270 cases to 228 cases (*Note: We have corrected some errors on docket size and case age that appeared in the 2002 Enforcement Report*). In 2003, there was a 20 percent decrease in new enforcement action requests sent to central office from the district offices (from 192 requests in 2002 to 154 requests in 2003). **Chart 7** shows the enforcement docket size at Ohio EPA and the Attorney



General's Office. **Chart 8** shows the number of enforcement referrals broken out by district with an overall comparison between 2002 and 2003.

GOAL 5:
Establish performance standards in order to meet the statute of limitations on enforcement cases.

In 2003, Ohio EPA finalized 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. The performance standards are as follows:

- *District and Local Air Agency Standard:*

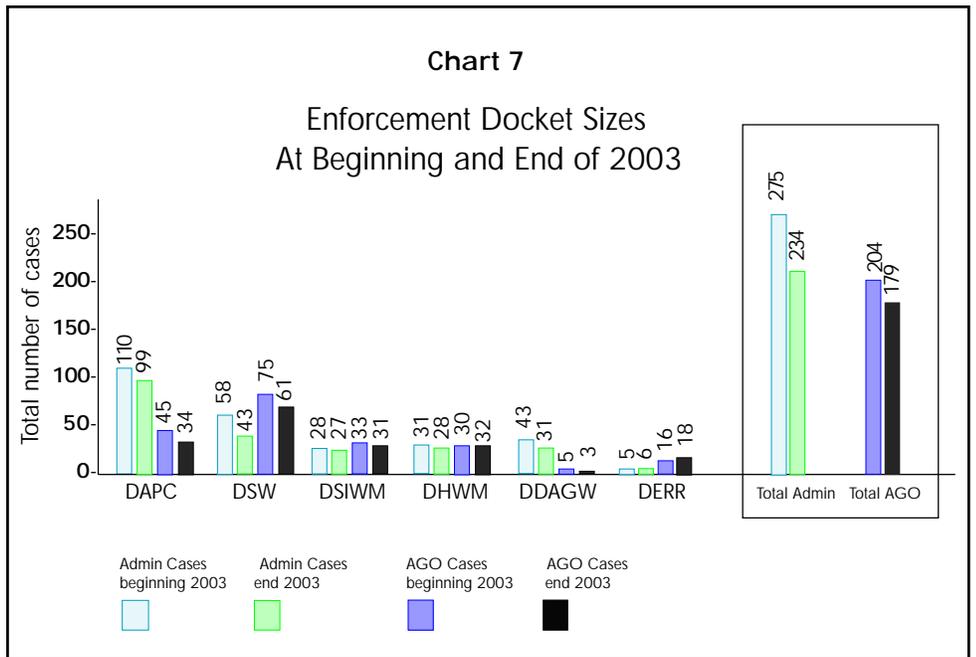
For violations for which a district office or local air agency wants to seek administrative or civil penalties, the violation must be referred for escalated enforcement within 18 months of personnel becoming aware or being informed of the violation. If a violation is not referred within that time frame, the Agency will not seek civil or administrative civil penalties for those violations unless a special exception is granted.

- *Administrative Enforcement Standards:*

As discussed above, all administrative cases must be resolved within in 21 months. Resolution includes either issuance of administrative orders or referral to the Attorney General's Office.

- *Referral Package Standards:*

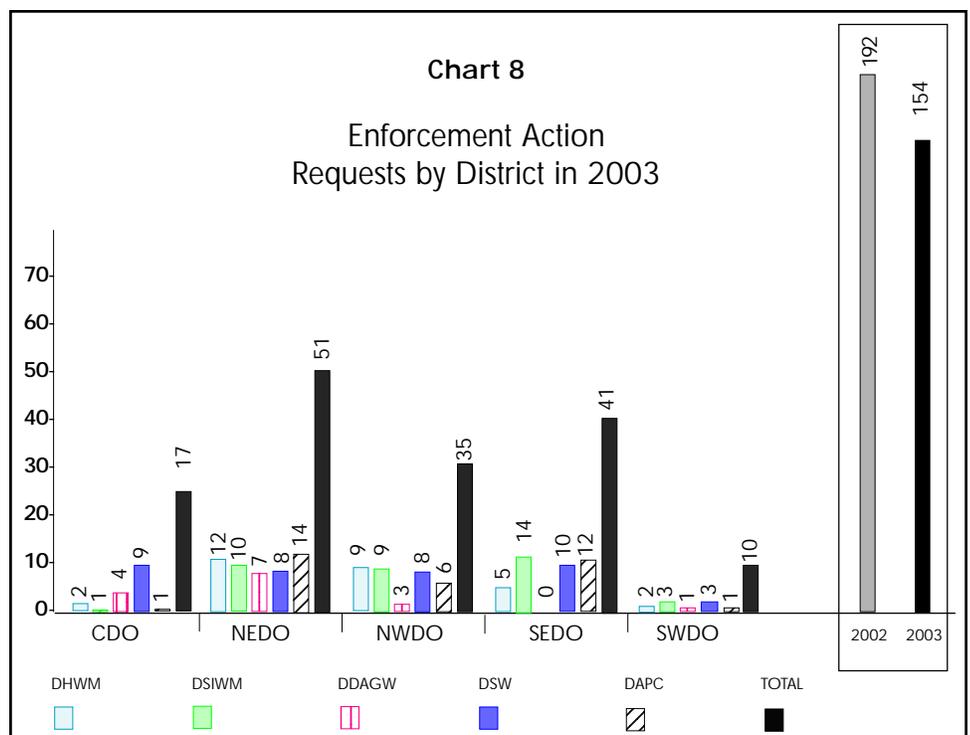
For cases where Ohio EPA elects to bypass administrative enforcement, a referral package will be prepared and sent to the Attorney General's Office within 180 days of the receipt of the enforcement



action request from the district office or local air agency.

GOAL 6:
Complete the enforcement program reviews in the Division of Air Pollution Control (DAPC) and Division of Solid and Infectious Waste Management (DSIWM).

In 2003, the Air Enforcement Leadership Team developed improvement proposals in the following areas: communication; utilization of enforcement resources; enforcement training; and prioritization of enforcement cases. Various subgroups met and developed the details for improvement plans in these areas. These improvements will be implemented in 2004.



2003 Case Highlight **Ensuring Proper Disposal of Waste**

WARREN RECYCLING INC.

This case involved a licensed landfill for construction and demolition waste, Warren Recycling Inc. (WRI), in Trumbull County. Ohio EPA fielded hundreds of odor complaints from the local citizens due to hydrogen sulfide gas generated by the landfill. The facility had been cited for illegally accepting solid waste for disposal, allowing subsurface fires to occur and allowing leachate to accumulate in open ponds. In November 2002, the federal Agency for Toxic Substances and Disease Registry completed a study of the facility and deemed it an "urgent public health hazard" because of the hydrogen sulfide gas, among other issues.

In July 2003, Ohio EPA and the Ohio Attorney General's Office secured a judicial consent agreement which placed WRI on a schedule to resolve the violations. The agreement required the facility to install a cap system with greater design requirements than the state's rules require; install and maintain a ground water monitoring system; control leachate and remove all leachate ponds at the facility; install an explosive gas monitoring system; install a gas extraction system; perform post-closure care activities for at least five years; pay a civil penalty of \$30,000; and pay tipping fees for the industrial solid waste that had been unlawfully disposed at the facility. Ohio EPA continues to regularly monitor and enforce compliance with the consent decree.

THERMAL TREATMENT CENTER

In March 2002, Ohio EPA conducted a hazardous waste inspection at Thermal Treatment Center, in Wickliffe, Ohio. During this inspection, Ohio EPA identified significant hazardous waste violations including illegal storage of hazardous waste at various locations. The inspector identified that the Thermal Treatment Center was a subsidiary of the Hi Tech Metal Group, which owned and operated several other facilities in Northeast Ohio. Subsequent inspections at the other facilities identified significant hazardous waste violations, including the illegal storage and disposal of hazardous waste.

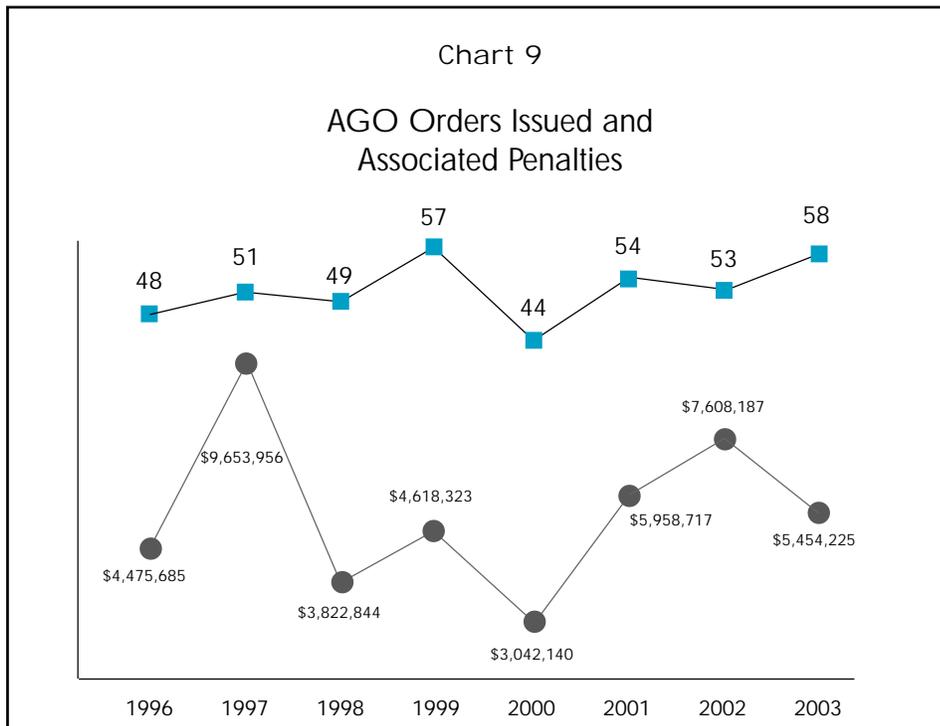
Ohio EPA referred Hi Tech Metal Group to the Attorney General for escalated enforcement in July 2001. Following negotiations with the company, Ohio EPA filed a consent order with the Cuyahoga County Court of Common Pleas in November 2003. The order required closure of the illegal storage and disposal areas at five of Hi-Tech Metal Group's facilities and payment of a \$350,000 civil penalty. Instead of paying \$80,000 of the penalty, the Hi Tech Metal Group agreed to implement a pollution prevention project at its Thermal Treatment Center facility.

Efforts to improve the solid waste enforcement program continued in 2003 and are ongoing. In 2003, DSIWM finished development of a new civil penalty policy. The new policy assesses a value for violations of all of the program's rules and requirements. It also evaluates the effect violations have on the environment and public health. The division held an informational meeting to solicit comments from interested parties on the new civil penalty policy. In 2004, the division will implement the new policy. Other improvements made include: enhancing communication between the district and central office on enforcement cases and issues; providing guidance on roles and responsibilities in the enforcement process; and strengthening case development.

Overall Status of Ohio EPA's Enforcement Programs

Criminal Enforcement

Ohio EPA and the Attorney General's Office have been recognized for having one of the best criminal environmental enforcement programs in the country. The investigation work performed by Ohio EPA's Office of Special Investigations, and the prosecutor and investigatory support provided by the Attorney General's Office results in a significant number of criminal convictions in a variety of program areas. In 2003, Ohio EPA and the Attorney General's Office secured or assisted in securing convictions in the following areas:



2003 Criminal Enforcement Convictions

	Convictions/Pleas	Felonies	Misdemeanors
Wastewater	10	7	7
Drinking	1	2	0
Haz Waste	3	3	3
Solid Waste	3	22	1
Air	4	2	2

These convictions and plea agreements resulted in punishments including 2,790 days jail time, 93 days home confinement, \$63,400 in fines, \$88,317 in restitution and 580 hours of community service.

Attorney General's Office

Chart 9 shows that the Attorney General's Office obtained 58 consent orders or judgements in 2003 and assessed \$5,454,225 in civil penalties. The office also recovered \$756,508 in costs. In addition, of the 179 enforcement cases on the Attorney General's docket, 58 are in litigation with a complaint filed.

Administrative Enforcement

Ohio EPA issued 140 orders and collected \$2,543,874 in administrative penalties (cash plus supplemental environmental projects). We met or exceeded our performance standards.

Division of Surface Water

The Division of Surface Water maintained its high productivity in 2003. It issued 32 orders, exceeding its goal by 8 orders. The division assessed total penalties of \$1,830,768 (\$1,458,935 by the AGO and \$371,833 in administrative penalties).

Division of Hazardous Waste Management

The Division of Hazardous Waste Management met its goal of issuing 25 orders in 2003. The division assessed \$1,325,698 in civil penalties (\$669,500 by the AGO and \$656,198 in administrative penalties). The district office enforcement staff continue to do an excellent job getting timely referrals to central office for escalated enforcement. Most violations are being resolved within two to three years of discovery.

Division of Air Pollution Control

The Division of Air Pollution Control historically has had one of the busiest enforcement programs. The division currently has 99 pending cases, which is about half of all the pending administrative enforcement actions in the Agency. Despite this large number of enforcement actions, the division kept the average resolution time of administrative cases under nine months.

There were 29 administrative cases that would be two years old by the end of 2003. By the end of the year, that number was reduced to one. The division resolved 99 enforcement cases and issued 54 orders, exceeding its goal by nine. The air division also assessed \$2,288,380 in penalties in 2003 (\$1,198,550 by the AGO and \$1,089,830 in administrative penalties).

Division of Solid and Infectious Waste Management

The Division of Solid and Infectious Waste Management issued 19 orders in 2003, exceeding its goal of 15. The division now has the second lowest average age of administrative cases on its docket – 225 days. The division assessed \$2,386,753 in civil penalties (\$2,007,440 by the AGO and \$379,313 in administrative penalties).

Division of Drinking and Ground Waters

The Division of Drinking and Ground Waters issued seven orders in 2003, exceeding its goal by one. By consistently meeting performance standards, the division maintains the lowest average age for administrative cases of any program – 205 days. The division assessed \$166,500 in penalties (\$119,800 by the AGO and \$46,700 in administrative penalties). This division maintains the smallest docket size in the Agency.

Division of Emergency and Remedial Response

The Division of Emergency and Remedial Response made the strategic decision to focus on a select number of priority sites in

2003 Case Highlight - Cleaning the Air

CHILlicothe CORRECTIONAL INSTITUTE

The Chillicothe Correctional Institute (CCI) was one of the last coal-fired correctional institutions in Ohio. CCI operated four coal-fired boilers that shared a common stack and pollution control equipment. An emissions test performed at the facility in 2000 showed that the facility was exceeding emission limits. Working with the Ohio Department of Rehabilitation and Correction (ODRC), Ohio EPA secured a compliance plan and schedule for replacing the coal-fired boilers with two natural gas boilers. ODRC also reduced energy usage by insulating buildings, eliminating many buildings that were no longer utilized and general conservation efforts. Construction of the new boilers was to be completed by April 15, 2004. After the new boilers are operational, Ohio EPA anticipates the following annual air emission reductions: nitrogen oxide (11.2 tons); carbon monoxide (5.9 tons); particulates (62.7 tons); and sulfur dioxide (521 tons).

order to see those sites move through the lengthy process toward cleanup and final resolution. This has been a successful effort for the division. Two cleanups were completed in 2003. The division also selected final cleanup remedies at four additional sites.

Ohio EPA Enforcement Goals for 2004

Due to the continuing success of our improvement efforts, we are committed to continuing Agency-wide enforcement goals and performance standards in 2004. 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 its enforcement efforts. U.S. EPA and the public have praised Ohio EPA's recent efforts to communicate the improvements gained for the environment through enforcement. In 2004, each program will be asked to continue to develop ways to measure and communicate these improvements.

GOAL 2:

Resolve all administrative enforcement cases older than 21 months by the end of 2004.

With the passage of S.B. 105, which establishes a five-year statute of limitations on environmental enforcement actions, it is even more important to maintain our overall efficiency in resolving cases. Over the last four years, the Agency has dramatically increased the efficiency and productivity of its administrative enforcement program. We have substantially reduced the time it takes to resolve cases and increased the number of cases resolved.

Because we have substantially met the performance standard to resolve all administrative cases within 24 months, we decided that it was appropriate to reduce the standard to 21 months. The Agency's eventual goal is to achieve and maintain a performance

standard of 18 months on all administrative enforcement actions.

GOAL 3:

Resolve all verified complaints within two years of receipt.

We must stay focused on investigating and resolving all verified complaints received in a timely manner. By meeting this performance standard, the Agency can continue to ensure that it maintains a level of performance that citizens deserve.

GOAL 4:

Issue 115 Findings and Orders in 2004.

In 2003, the Agency was very successful in resolving existing enforcement cases. And since fewer cases were referred for enforcement action in 2003, Ohio EPA has lowered the number of cases targeted for resolution by administrative order to 115 orders. The 2004 targets are: DAPC (40); DSW (26); DHWM (17); DSIWM (20); DDAGW (7); and DERR (5).

GOAL 5:

Track Agency performance standards established to meet the five-year statute of limitations on enforcement cases.

In 2004, all programs will track compliance with the established performance standards. In 2005, the performance standards will be tracked and fully enforced.

GOAL 6:

Complete enforcement program reviews in DSIWM and DDAGW.

In 2004, the Agency will complete the intensive reviews of the enforcement programs in the Division of Solid and Infectious Waste Management and the Division of Drinking and Ground

2003 Case Highlight - Encouraging Community Involvement

YSI

YSI owns and operates a facility in Yellow Springs that manufactures equipment and instruments used for measuring and monitoring water quality. Between 1998 and 2001, Ohio EPA sampled ground water wells both at the YSI facility and at nearby residences; analysis revealed the presence of 1,1,1-trichloroethane, 1,1-dichloroethene and 1,1-dichloroethane. Ohio EPA referred this matter to the Attorney General in May 2002.

Ohio EPA and the Attorney General's Office filed a consent order with the Greene County Court of Common Pleas in July 2003. The consent order requires YSI to conduct closure, site-wide corrective action and pay a civil penalty of \$275,000. Of that total, \$110,000 went into Ohio's hazardous waste cleanup fund. Instead of paying the remaining \$165,000, YSI agreed to: provide funding for a private technical assistance grant to provide resources for the local community to interpret and comment on site-related information and decisions (\$60,000); establish and fund an Environmental Remediation Project Trust to perform environmental remediation at sites where the owners and operators aren't able to pay for it (\$100,000); and implement one or more community-based projects approved by Ohio EPA (\$35,000).

Waters. The Agency will then implement the recommended improvements.