

**ENERGY AND ENVIRONMENT CABINET**

**STRATEGIC PLAN**

**FY2020-2024**



**October 15, 2019**

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## ENERGY AND ENVIRONMENT CABINET

### Overview

The Energy and Environment Cabinet (EEC) was initially created via reorganization in June 2008 (EO 2008-531) to more efficiently manage Kentucky's energy, natural resources, and environmental programs. However, this reorganization was not ratified during the 2009 legislative session, so EO 2009-535 (signed June 12, 2009) reorganized the Cabinet again which was ultimately ratified during the 2010 legislative session via HB 393. The Cabinet was further reorganized in 2014 via Administrative Order, in 2018 via HB264 which abolished GAPS and established the Office of Administrative Services (OAS), in 2018 via SB129 and in 2018 via Administrative Order. The creation of the Energy and Environment Cabinet allows a more efficient and effective use of state resources in critical areas of environmental protection, mine safety, natural resources management, and energy policy development.

EEC currently includes the Department for Environmental Protection (DEP), Department for Natural Resources (DNR), Office of Energy Policy (OEP), Office of Secretary (OOS), Office of Legal Services (OLS), Office of Administrative Hearings (OAH), Office of Legislative and Intergovernmental Affairs (OLIA), Office of Communication (OOC), Office of Kentucky Nature Preserves (KNP), and the boards and commissions attached to the cabinet: Public Service Commission (PSC), Mine Safety Review Commission (MSRC).

The EEC Strategic Plan is organized by department and each section includes a departmental organization chart.

### ***Mission***

Improve the quality of life for all Kentuckians by protecting our land, air, and water resources; by utilizing our natural resources in an environmentally conscientious manner; and by innovating and creating efficient, sustainable energy solutions and strategies that create a base for strong economic growth.

### ***Vision***

To be recognized as a leader among the states for holistically addressing energy, natural resources and environmental challenges.

### ***Core Values & Principles***

- *Integrity:* We believe in adherence to the highest standards of professional conduct.
- *Fairness:* We implement and enforce the Cabinet's regulations fairly across all regulated entities.

- *Reliability and Timeliness:* We are committed to responding to all citizens, regulated entities, elected officials, media, federal, state, and local government agencies, and others who depend on answers, permits, etc., in a timely manner.
- *Professionalism:* As primarily a regulatory agency, we take seriously the importance of being courteous and professional in all of our discussions and correspondence with regulated entities.
- *Cooperation:* We do not act alone in carrying out the Cabinet’s mission, and our success depends greatly on mutually supportive interactions with our federal counterparts, other agencies in state government, and local governments.
- *Accountability:* We are fully accountable for our actions and decisions that have an impact on citizens and industries.
- *Assistance:* We believe in working with the regulated community and the public to find solutions to issues whenever possible.

#### **ALIGNMENT OF EEC STRATEGIC PLAN WITH EXECUTIVE BRANCH GOALS**

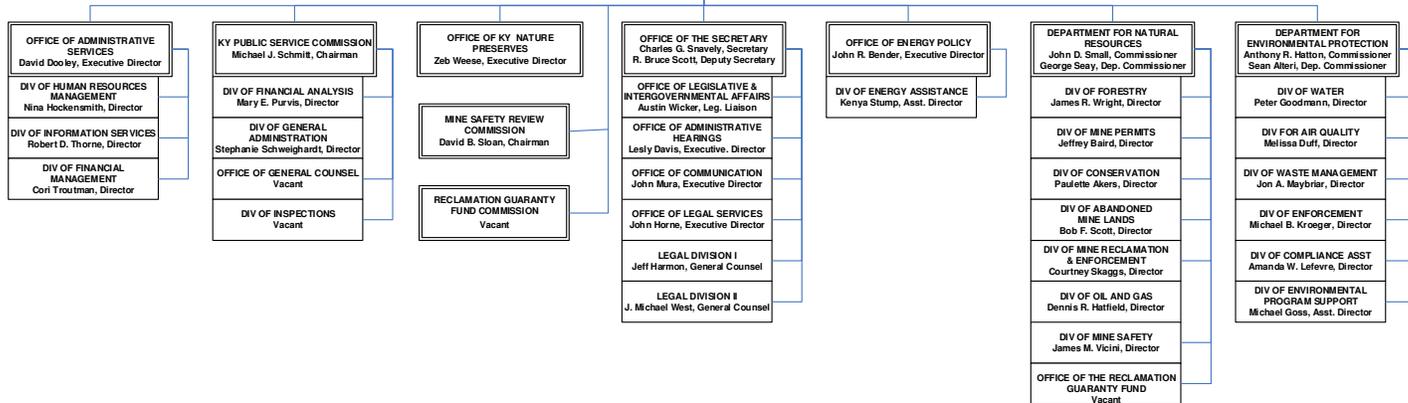
Evident in the EEC strategic plan are efforts or planned efforts to create economic opportunities, create a healthier Kentucky, ensure safe communities, and enhance responsible government. Our regulatory agencies implement and maintain a broad range of environmental standards designed to protect human health and our air, water, and land resources. A healthy environment is integral to a healthy economy and prospects for job creation. The Cabinet works in cooperation with local entities to ensure safe communities by establishing programs to reduce the incidence and impact of wild land fires. Our programs also protect coal miners, loggers, agricultural workers and others in their jobs, jobs that often have a higher level risk than many other occupations.

How we develop and utilize our energy resources in the 21<sup>st</sup> Century is different from what we have done in the past. In today’s complex and highly industrialized society, reliable, affordable energy is a necessity for all Kentuckians and is key to growing Kentucky’s economy. Creating and supporting energy-related jobs in Kentucky is a high priority within the EEC.

Toward that end, the Cabinet has a number of initiatives that support the goals of the Executive Branch to link environmental, natural resources and energy programs in a holistic and cooperative manner. The Cabinet is committed to making sure its regulatory programs remain responsive to the changing requirements of related federal environmental programs while remaining consistent with state regulatory requirements.

**ENERGY & ENVIRONMENT CABINET**

**Charles G. Snaveley, Secretary**  
**R. Bruce Scott, Deputy Secretary**



## DEPARTMENT FOR ENVIRONMENTAL PROTECTION

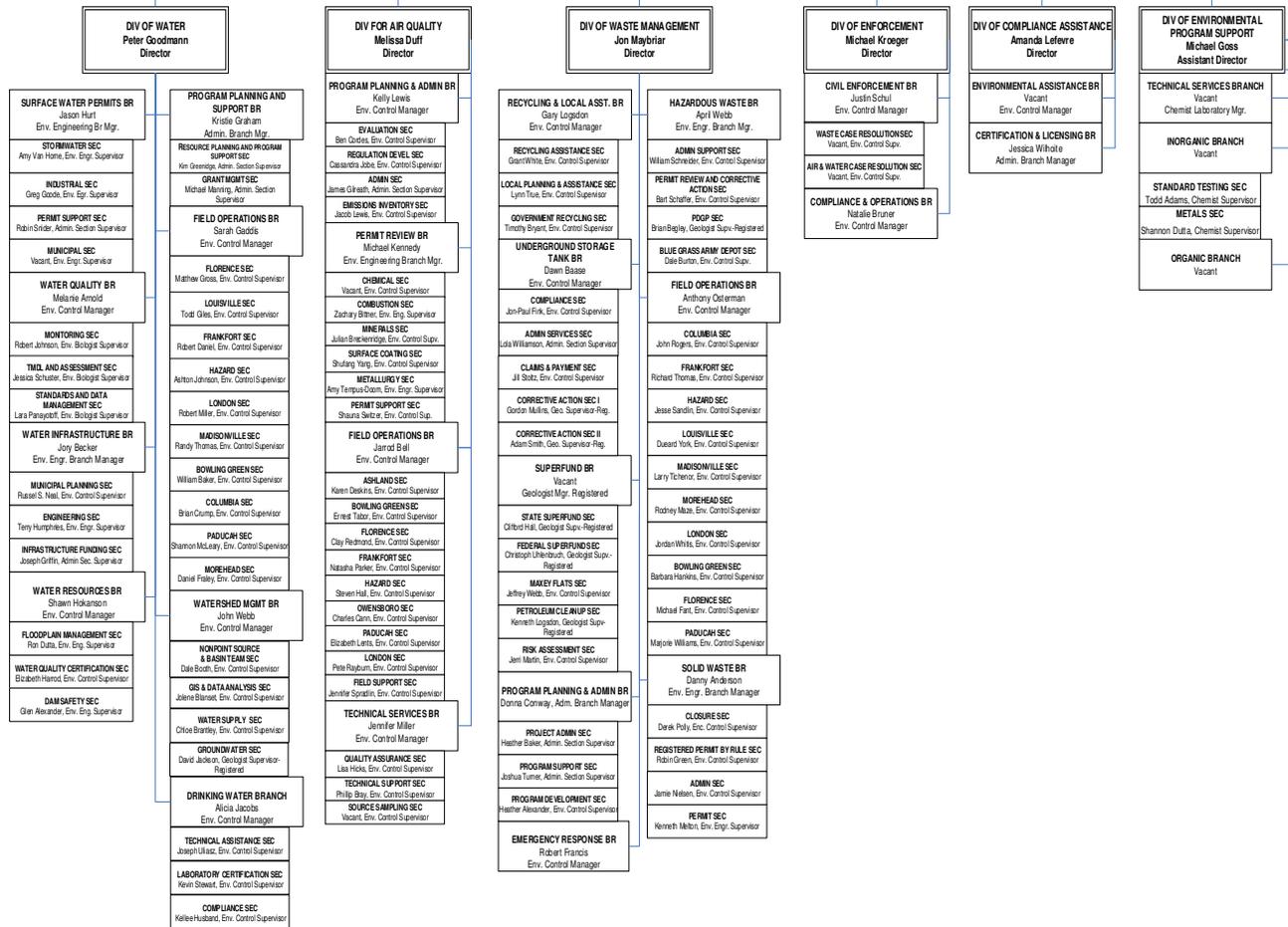
The mission of the Department for Environmental Protection is to protect and enhance Kentucky's environment to improve the quality of life for all Kentuckians. The Department for Environmental Protection envisions a healthy and productive Commonwealth with balanced stewardship of the land, air and water where future generations enjoy an environment as good as or better than the present.

### *Principles:*

- **The department will make sound decisions that earn the public's trust.** The decisions made by the department will be prudent, defensible, and consistent with the department's mission and in the best interest of the citizens of the Commonwealth.
- **The department will focus on environmental results through its programs and procedures.** The success of environmental programs will be measured in terms of achieving desirable environmental benefits.
- **The department will work to recruit and maintain staff.** The success of environmental program implementation is largely dependent on the agency's ability to staff its programs sufficiently and professionally, and to realize the benefit of experience and training when staff are retained.
- **The department will use good scientific principles and information to aid in its decision-making.** The foundation on which environmental protection programs are constructed is an understanding of the causes and effects resulting from actions that impact the environment. Scientific information is critical to the assessment and evaluation of existing environmental conditions and the determination of the effectiveness of our programs. We will employ generally accepted and applicable scientific methods and processes to accomplish our mission.
- **The department will consider the range of environmental benefits and consequences of proposed actions before making final decisions.** Good public policy encourages government agencies to promote actions that maximize benefits to the public and the environment while minimizing adverse effects. While individual statutes, regulations, programs and organizational units may have a narrow focus, the department will always consider the comprehensive and long-term benefits and consequences of actions taken regarding the environment.
- **The department will evaluate its performance using meaningful criteria.** We will equip our managers, supervisors and staff to ensure accountability so the department can effectively evaluate program performance. We will gauge effectiveness based on actual program results.

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

**Anthony R. Hatton, Commissioner**  
**Sean Alteri, Deputy Commissioner**



***Protect human health and the environment by achieving and maintaining acceptable air quality.***

Implementing and maintaining programs to achieve federal and state ambient air quality standards in the Commonwealth of Kentucky is important to the health and wellness of all citizens across the state. The amount of air pollution released into the air by industry and transportation sources is quantified and controlled by administering a comprehensive program involving air quality monitoring, planning, construction and operation permitting and inspections.

Creating effective partnerships with air pollution sources and the public enables the department to carry out its goal of protecting human health and the environment by achieving and maintaining acceptable air quality for all Kentuckians. Ensure complete review and timely issuance of protective air quality permits to support economic growth and development consistent with good air pollution control practices.

During FY20 the Kentucky Division for Air Quality will operate 82 instruments, including 11 meteorological stations, located at 25 ambient air-monitoring sites in 23 Kentucky counties. The Louisville Metropolitan Air Pollution Control District will operate an additional 30 instruments, including 6 meteorological stations, in Jefferson County. When combined with the air-monitoring site operated at Mammoth Cave National Park, Kentucky's total ambient air monitoring network will consist of 118 instruments, including 18 meteorological stations, located at 32 sites across 25 counties of the Commonwealth.

Air monitoring stations are selected using U.S. EPA guidance and are generally established near populous areas or pollutant sources. Station locations are reviewed annually to ensure adequate air quality monitoring coverage. Data from the network is used to demonstrate compliance with ambient air quality standards and identify pollution trends. This information is also used to provide pollutant levels for daily air quality index reporting and detect elevated pollutant levels for activation of emergency control procedures

**Objective 1 – Ensure programs adhere to federal and state statutory and regulatory requirements.**

**Tactic 1.1:** Attain and maintain the National Ambient Air Quality Standards.

**Measure:** The number of counties currently attaining the 2015 ozone standard.

**Baseline:** The number of counties originally designated nonattainment for the 2015 ozone standard based upon the ambient monitoring data.

**Measure:** The number of counties currently attaining the 2012 PM<sub>2.5</sub> standard.

**Baseline:** The number of counties originally designated nonattainment for the 2012 PM<sub>2.5</sub> standard based upon the ambient monitoring data.

**Measure:** The number of counties currently attaining the 2010 NO<sub>2</sub> standard.  
**Baseline:** The number of counties originally designated nonattainment for the 2010 NO<sub>2</sub> standard based upon the ambient monitoring data.

**Measure:** The number of counties currently attaining the 2010 SO<sub>2</sub> standard.  
**Baseline:** The number of counties originally designated nonattainment for the 2010 SO<sub>2</sub> standard based upon the ambient monitoring data.

**Measure:** The number of counties currently in attainment of the 2008 lead standard.  
**Baseline:** The number of counties originally designated as nonattainment for the 2008 lead standard based on ambient monitoring data.

**Measure:** Improved visibility at Class I areas, including Mammoth Cave National Park, by EPA specified levels at interim deadlines and work toward long-range 2064 background visibility goals.  
**Baseline:** 2000-2004 visibility levels.

**Action 1.1.1:** Draft 2015 ozone standard nonattainment plan for each nonattainment area in preparation for submittal by August 3, 2020.

**Action 1.1.2:** Implement and enforce federal and state control strategies for 2012 PM<sub>2.5</sub> standard.

**Action 1.1.3:** Implement and enforce federal and state control strategies for 1-hour 2010 NO<sub>2</sub> standard (100ppb).

**Action 1.1.4:** Implement and enforce federal and state control strategies for areas of Kentucky that do not meet the 1-hour 2010 SO<sub>2</sub> standard (75ppb).

**Action 1.1.5:** Conduct education and outreach to those communities expected to be impacted by nonattainment designations.

**Action 1.1.6:** Implement and enforce the federal programs and requirements contained in the December 2007 Regional Haze State Implementation Plan.

**Tactic 1.2:** Develop and maintain a comprehensive State Implementation Plan.

**Measure:** The number of Infrastructure SIPs currently disapproved or have a Federal Implementation Plan in place for Clean Air Act Section 110(a)(2)(D)(i).  
**Baseline:** The number of Infrastructure SIPs which have been fully approved.

**Measure:** Improved visibility at Class I areas, including Mammoth Cave National Park, by EPA specified levels. Assure long-range visibility goals are met in 2064 by submitting a Regional Haze Plan for the second implementation period.

**Baseline:** 2008-2018 visibility levels.

**Action 1.2.1:** Submit SIP revisions to convert FIPs and partial disapprovals for 1997 ozone, 1997 PM<sub>2.5</sub>, and 2006 PM<sub>2.5</sub>.

**Action 1.2.2:** Monitor EPA's actions of the submitted infrastructure SIP for the Pb, O<sub>3</sub>, PM<sub>2.5</sub>, NO<sub>2</sub>, and SO<sub>2</sub> standards.

**Action 1.2.3:** Participate in regional modeling initiatives for ozone and visibility control strategies.

**Action 1.2.4:** Administer SIP-approved programs implemented as part of historic control strategies.

**Action 1.2.5:** Develop required control strategy SIP as specified by the CAA and EPA guidance.

**Tactic 1.3:** Review and revise state air quality regulations.

**Measure:** The number of regulatory packages developed, promulgated and finalized in FY20.

**Baseline:** The number of FY19 packages developed, promulgated, and finalized.

**Action 1.3.1:** Revise state regulations 401 KAR 50:038, 401 KAR 51:010, 401 KAR 52:100, 401 KAR 58:005, 401 KAR 59:101, 401 KAR 60:005, 401 KAR 61:055, 401 KAR 61:056, and 401 KAR 63:002.

**Action 1.3.2:** Develop and promulgate state regulations to adopt greenhouse gas standards for Electric Generating Units in accordance with the final Affordable Clean Energy (ACE) rule.

**Action 1.3.3:** Develop a state plan to implement the ACE rule.

**Tactic 1.4:** Assess source emissions annually through the Emission Inventory System.

**Measure:** The number of sources assessed, estimated calendar year emissions, and the amount of emission fees collected during CY 2018.

**Baseline:** The number of sources assessed, estimated calendar year emissions, and the amount of emission fees collected during CY 2017.

**Action 1.4.1:** Determine the sources eligible for the emission survey by the first quarter of the calendar year.

**Action 1.4.2:** Assess source emissions by third quarter of the calendar year.

**Action 1.4.3:** Assess emission fees by the fourth quarter of the calendar year.

**Action 1.4.4:** Develop projection of emission fee based on source emission assessments and divisional needs.

**Action 1.4.5:** Submit 2018 emissions data to EPA's National Emissions Inventory database (NEI) by December 31, 2019.

**Tactic 1.5:** Ensure air quality programs are fiscally and administratively viable.

**Measure:** The division staffing levels as compared to cap, budgeted amounts, number of grant programs administered and completed, number of training programs delivered for division staff during FY20.

**Baseline:** Corresponding measures for FY19.

**Action 1.5.1:** Prepare the division budget for the fiscal year.

**Action 1.5.2:** Communicate and coordinate with DEP budget staff on the divisional budget requirements.

**Action 1.5.3:** Track expenditures and receipts to ensure programs are within designated budgetary amounts.

**Action 1.5.4:** Implement Cabinet and DEP operational, personnel and human resource policies and programs.

**Action 1.5.5:** Monitor staffing levels and ensure timely processing of personnel actions.

**Action 1.5.6:** Educate and provide outreach to division staff on Cabinet and DEP policies.

**Action 1.5.7:** Track grants programs and ensure grant programs are meeting expectations.

**Action 1.5.8:** Develop alternative fee strategy for permitted sources.

**Tactic 1.6:** Ensure programs are legally sound.

**Measure:** Number and outcome of air quality litigation cases in FY 2020.

**Baseline:** Litigation cases in FY 2019.

**Action 1.6.1:** Provide technical expert witness testimony at Office of Administrative Hearings and courts of jurisdiction.

**Action 1.6.2:** Track relevant state and federal air quality policy issues and litigation.

**Action 1.6.3:** Track on-going DAQ litigation.

## **Objective 2 – Ensure permits are protective of Kentucky’s air quality.**

**Tactic 2.1:** Issue appropriate, lawful permits in a timely manner.

**Measures:** The total number of permit applications received; the total number of permits issued; the total number of permits pending; the total number of permits pending that exceed regulatory timeframes; the total number of other permit actions (i.e. registrations; off-permit changes; etc.) processed; the number of new permit staff; number of trainings programs provided for permit review staff.

**Baseline:** Average of the five previous state fiscal years.

- Action 2.1.1:** Issue permitting actions that are inclusive of all applicable federal and state requirements.
- Action 2.1.2:** Issue permitting actions within the designated regulatory timeframes.
- Action 2.1.3:** Accurately track and report on permitting actions.
- Action 2.1.4:** Evaluate and implement streamlining opportunities to address procedural and institutional inefficiencies.
- Action 2.1.5:** Continue evaluating processes and opportunities to recruit and retain entry level engineers and engineering assistants which is critical to the agency's ability to review and issue permits.
- Action 2.1.6:** Provide training and incentives to increase knowledge and enhance retention of qualified staff by becoming more competitive with other state agencies and private sector businesses who employ engineers.

**Tactic 2.2:** Conduct air quality modeling to assess source impacts on air quality.

**Measures:** The total number of air quality and modeling assessments in FY20.

**Baseline:** Air quality and modeling assessments in FY19.

**Action 2.2.1:** Assess air toxic impacts as they pertain to permit requirements.

**Action 2.2.2:** Assess emissions as they relate to NAAQS.

### **Objective 3 – Monitor Kentucky's Air Quality.**

**Tactic 3.1:** Operate a statewide ambient air-monitoring network.

**Measures:** The number of air monitors in the network based on population estimates; number of locations selected to represent population exposure; number of locations selected to represent background concentration levels; number of locations selected to represent regional transport of ambient air pollution; number of monitors and locations to represent source impacts; number of hours of continuous ambient air monitoring data collected; number of particulate matter; lead; and air toxics samples collected; concentrations of pollutants for which national ambient air quality standards have been established; and concentrations of pollutants for which health-based risk standards have been determined.

**Baseline:** 2014-2018 Kentucky Electronic Data Acquisition Systems and AirVision data, and 2014-2018 Kentucky Air Quality System (AQS) data.

**Action 3.1.1:** Develop and submit to EPA for approval the ambient air monitoring network plan by July 1, 2019.

**Action 3.1.2:** Operate monitoring sites as approved in the ambient air monitoring network plan.

- Action 3.1.3:** Obtain ambient air pollutant concentrations for ozone, sulfur dioxide and oxides of nitrogen on a continuous basis using automated analyzers in accordance with applicable regulatory requirements.
- Action 3.1.4:** Obtain ambient air pollutant concentrations for particulate matter 2.5 microns in diameter or smaller (PM<sub>2.5</sub>) on a continuous basis using automated samplers in accordance with applicable regulatory requirements.
- Action 3.1.5:** Collect 24-hour samples for particulate matter (including PM<sub>2.5</sub> and PM<sub>10</sub>), lead and air toxics per the national EPA Monitoring Schedule.
- Action 3.1.6:** Minimize data loss by ensuring that failed equipment is repaired or replaced within 5 business days after notification of instrument malfunction.

**Tactic 3.2:** Ensure data accuracy and integrity of the ambient air-monitoring network.

**Measures:** The number of complete and current Quality Assurance Project Plans (QAPPs); number of complete and current standard operating procedures (SOPs); percentage of quality-assured continuous ambient air monitoring data collected; percentage of quality-assured and valid particulate matter, lead, and air toxics samples collected; number of quality control checks performed on ambient air monitors; and number of ambient air monitoring performance evaluations conducted.

**Baseline:** EPA's 2015-2017 Kentucky Technical Systems Audit Results.

- Action 3.2.1:** Review 100% of the division's air monitoring QAPPs on an annual basis.
- Action 3.2.2:** Review 100% of the division's technical air monitoring SOPs on an annual basis.
- Action 3.2.3:** Develop SOPs for new methods within 6 months of start-up.
- Action 3.2.4:** Maintain 75% data recovery for each calendar quarter for all instruments within the ambient air-monitoring network.
- Action 3.2.5:** Conduct quality control precision checks on each automated analyzer that collects ozone at least once every two weeks, with results within  $\pm 7\%$  difference.
- Action 3.2.6:** Conduct quality control precision checks on each automated analyzer that collects SO<sub>2</sub> data at least once every two weeks, with results within  $\pm 10\%$  difference.
- Action 3.2.7:** Conduct quality control precision checks on each automated analyzer that collects NO<sub>x</sub> data at least once every two weeks, with results within  $\pm 15\%$  difference.
- Action 3.2.8:** Conduct quality control precision checks on each instrument that collects particulate matter samples at least once per month, with results within  $\pm 4\%$  difference.

**Action 3.2.9:** Review and submit the annual ambient air quality data certification for each NAAQS pollutant measured by May 1, 2020.

**Tactic 3.3:** Administer the source-sampling program.

**Measures:** The number of source sampling events observed; number of test protocol reviews completed; and number of test report technical reviews completed in CY20.

**Baseline:** Corresponding measures for CY 2019.

**Action 3.3.1:** Review source-sampling protocols for adherence to standard test methods.

**Action 3.3.2:** Observe source sampling events to assure compliance with test protocols and permit requirements.

**Action 3.3.3:** Review source sampling test reports for adherence to standard test methods.

**Action 3.3.4:** Track source-sampling activities.

**Action 3.3.5:** Provide technical assistance to staff on source sampling methods and activities.

#### **Objective 4 – Assure compliance and enforce air quality standards.**

**Tactic 4.1:** Inspect sources of air pollution.

**Measures:** The number of major (Title V) and conditional major/Federally Enforceable State Origin Permit (FESOP) permits; the number of Title V and FESOP full compliance evaluations conducted; the number of annual compliance certifications for Title V major and conditional major (FESOP) sources reviewed; and the compliance rate of Title V and FESOP permit compliance evaluations.

**Baseline:** Trend data for 5 preceding calendar years.

**Action 4.1.1:** Complete full compliance evaluations at all Title V sources on a biennial basis.

**Action 4.1.2:** Complete full compliance evaluations at all FESOP sources on a biennial basis.

**Action 4.1.3:** Complete review of 100% of submitted annual compliance certifications for Title V and (FESOP) sources annually.

**Tactic 4.2:** Initiate enforcement actions regarding violations of air quality regulations.

**Measures:** Number of Letters of Warning (LOWs) and Notices of Violation (NOVs) issued on an annual basis; number of number of cases referred for

further enforcement action on an annual basis; number of High Priority Violations identified on an annual basis.

**Baseline:** Trend data for 5 preceding calendar years.

**Action 4.2.1:** Initiate appropriate enforcement action on 100% of high priority violations within 60 days of discovery.

**Action 4.2.2:** Issue LOWs and NOVs in a timely manner.

**Action 4.2.3:** Refer unresolved violations for further enforcement action.

**Tactic 4.3:** Respond to air quality complaints.

**Measures:** The number of non-asbestos complaints received; number of non-asbestos complaint investigations conducted; number of open burning complaints received (401 KAR 63:005); number of fugitive emission complaints received (401 KAR 63:010); number of odor complaints received (401 KAR 53:010) and the number of LOWs and NOVs issued for these three complaint types.

**Baseline:** Trend data for 5 preceding calendar years.

**Action 4.3.1:** Complete complaint assessments, investigations and/or resolutions for 100% of complaints received on an annual basis.

**Tactic 4.4:** Administer the asbestos program.

**Measures:** The number of Asbestos Certification and Accreditations processed and number of each that took longer than 30 days to issue; number of Asbestos Hazard Emergency Response Act (AHERA) inspections conducted; number of AHERA school districts selected; number of National Emission Standard for Hazardous Air Pollutants (NESHAP) asbestos notifications received; and number of asbestos NESHAP notification inspections.

**Baseline:** Trend data for 5 preceding calendar years.

**Action 4.4.1:** Review and issue certification and accreditations within the 30-day regulatory timeframe (RTF).

**Action 4.4.2:** Complete inspection of 75% of NESHAP-regulated asbestos activities within the current fiscal year for which the division has received a required notification.

**Action 4.4.3:** Complete inspection of 20% of selected AHERA local education agencies (i.e. school districts) for the current fiscal year.

**Action 4.4.4:** Develop required Kentucky Asbestos Orientation Course in an online format.

**Objective 5 – Participate in programs that improve Kentucky’s air quality.**

**Tactic 5.1:** Participate in programs that reduce mobile and off road emissions.

**Measures:** The number of programs administered, partners, and any emission reduction results for FY20.

**Baseline:** Corresponding measures for FY19.

**Action 5.1.1:** Administer the Kentucky Clean Diesel Grant Program.

**Action 5.1.2:** Partner with the Kentucky Clean Fuels Coalition on initiatives such as promotion of electric vehicles, natural gas and other clean transportation fuels.

**Tactic 5.2:** Educate the public on Kentucky air quality issues.

**Measures:** The number of schools visited, students educated, outreach events conducted, and programs initiated and conducted in FY20.

**Baseline:** Corresponding measures for FY19.

**Action 5.2.1:** Develop and conduct air quality educational programming for Kentucky’s primary and secondary educational institutions.

**Action 5.2.2:** Partner with organizations on environmental education opportunities.

**Action 5.2.3:** Develop educational materials including articles for print, non-print, and social media that educate the public on air quality issues.

**Action 5.2.4:** Maintain and update the division’s website.

**Action 5.2.5:** Coordinate and conduct public programs, events and exhibitions that educate the public on air quality issues.

**Action 5.2.6:** Monitor and coordinate environmental education information as it pertains to the division programs and air quality education.

**Tactic 5.3:** Foster networking through regional and national partnership.

**Measures:** The number of DAQ staff participating in leadership roles or as committee members in FY20.

**Baseline:** Number of staff in leadership roles or serving as committee members in FY19.

**Action 5.3.1:** Participate with AAPCA, AWMA, ECOS and SESARM on programs and initiatives that affect the division.

## **Goal 2: Clean and Safe Water**

***To manage, protect, and enhance the quality and quantity of the Commonwealth's water resources for present and future generations through voluntary, regulatory and educational programs.***

Kentucky has an abundance of water resources that provide important sources for public water systems, recreation and tourism, and economic opportunities. Managing and protecting the state's waters, including lakes, streams and rivers, as well as the water beneath the ground's surface, is imperative to ensure safe water for human health, the subsistence of important ecosystems, and the prospect of economic development. The department is responsible for regulating and monitoring the quality of drinking water, surface water and groundwater resources and wastewater treatment systems across the state of Kentucky.

Creating effective partnerships with regulated entities and the public enabling the department to carry out its goal of protecting human health and the environment by achieving and maintaining acceptable water quality for all Kentuckians. Ensure complete review and timely issuance of protective water quality permits to support economic growth and development consistent with good water pollution control practices.

Effective regulatory oversight of water quality via federal and state regulations along with appropriate water quality criteria controls the amount of pollutants that can be discharged to water sources. Continuous improvement of water quality in Kentucky is achieved through permitting, compliance and inspection, monitoring, and other water quality improvement programs. Inspections of permitted facilities, in conjunction with collection and analysis of data from rivers, streams, lakes and wetlands throughout the state, enable the department to closely monitor the safety of the public's drinking water and the state's water resources.

The department not only protects the public's safety by regulating water quality, but also assists the federal government in the effort to protect Kentuckians from dam failures and flooding through permits issued by the department for construction, reconstruction and repair of dams issued by the department, and the regular inspections of dams. The National Flood Insurance Program is administered by the department, which also issues permits for construction in regulatory floodplains to prevent losses from flooding in Kentucky.

Through the support of regulatory, monitoring, and water quality improvement programs, Kentucky's water resources are enhanced and protected for present and future generations.

### **Objective 1 - Protect, manage and restore water resources.**

**Tactic 1.1:** Develop and implement a strategy for completion of Total Maximum Daily Loads (TMDLs) and alternative plans.

- Measures:** Number of impaired waters scheduled for TMDL development in accordance with the Long Term Vision for Assessment Restoration and Protection under the Clean Water Act (CWA) § 303(d) program.  
Progress on Sulphur Creek Watershed Plan/TMDL alternative development.  
Number of watershed plans being implemented to address TMDL waterbodies.  
Number of watershed plans accepted as TMDL alternatives.
- Baselines:** Number of impaired waters identified in the 2016 § 303(d) list in Kentucky and prioritized as low, medium, or high for TMDL development.  
Number of accepted watershed plans at beginning of SFY15.

- Action 1.1.1:** Develop TMDLs or alternatives in accordance with the CWA § 303(d) Program and Performance Partnership Agreement.
- Action 1.1.2:** Complete the Statewide Bacteria TMDL Appendices for the Big Sandy, Little Sandy, and Tygarts Creek Basins.
- Action 1.1.3:** Work with stakeholders to implement Gunpowder Creek Watershed Plan as a TMDL alternative.
- Action 1.1.4:** Develop watershed plans to assist in TMDL implementation.

**Tactic 1.2:** Implement a Nutrient Reduction Strategy.

**Measure:** Revise Nutrient Reduction Strategy (NRS) with updated priority watersheds. Development of Annual Report to highlight implementation activities.

**Baseline:** The 2014 Nutrient Reduction Strategy.

- Action 1.2.1:** Revise and re-issue the Kentucky NRS as an update and develop an annual report of the NRS by December 31, 2019, highlighting progress updating objectives, tactics, and actions, and revising tracking and reporting mechanisms.
- Action 1.2.2:** Finalize Nutrient Loads and Yields Study and utilize to inform updated priority watershed selection process by December 31, 2019.
- Action 1.2.3:** Determine priority watersheds, and develop nutrient loading reduction goals.
- Action 1.2.4:** Develop NRS partnerships with key stakeholders.
- Action 1.2.5:** Participate in the Mississippi River/Gulf of Mexico Hypoxia Task Force and work to implement the 2008 Gulf Hypoxia Action Plan to meet 2035 goals of the Mississippi River/Gulf of Mexico Hypoxia Task Force.
- Action 1.2.6:** Participate in meetings of the Kentucky Agriculture Water Quality Authority.

- Action 1.2.7:** Work with the Agriculture Water Quality Authority to implement protocols and strategic plan with a focus on practices that improve soil health and reduce the loading of nutrients to Kentucky waters.
- Action 1.2.8:** Develop an Agriculture Water Quality Act (AWQA) education and outreach strategy and seek funding and other opportunities and partnerships to message the requirements and goals of the AWQA by January 1, 2020.
- Action 1.2.9:** Develop an approach for putting technology-based nutrients limits in KPDES major municipal permits.
- Action 1.2.10:** Continue collection and assessment of nutrient data to meet the monitoring obligation in the Performance Partnership Agreement.
- Action 1.2.11:** Determine the Division's path forward regarding numeric nutrient criteria development.

**Tactic 1.3:** Assess water quality to develop, implement, maintain and enhance aquatic resources.

- Measures:** Water quality standards developed to protect, maintain and restore water resources.  
Number of surface water resources monitored and assessed.  
Number of Primary Contact Recreation (PCR) or fish tissue consumption advisories issued or updated.
- Baselines:** Current water quality standards.  
Surface waters assessed for support of the designated use in the 2016 Integrated Report to Congress (2016 IR).  
Number of PCR or fish tissue consumption advisories issued or updated in SFY19.

- Action 1.3.1:** Collect surface water quality data in accordance with the state monitoring strategy and Performance Partnership Agreement to determine water quality conditions of the Commonwealth.
- Action 1.3.2:** Review and revise the statewide water quality monitoring strategy by June 30, 2020.
- Action 1.3.3:** Review and assess water quality monitoring data to determine designated use support for the waters of the Commonwealth for the 2018/2020 Integrated Report.
- Action 1.3.4:** Coordinate with other agencies to enhance water quality monitoring of the surface waters of the Commonwealth before March 1, 2020 for the 2020 monitoring season.
- Action 1.3.5:** Provide water quality data and geospatial information to coordinating agencies for harmful algal blooms (HABs) recreational and fish consumption advisories.

- Action 1.3.6:** Provide information through the Division’s website, the Water Maps, reports, meetings and press releases for the PCR and fish consumption advisories as they occur or are updated.
- Action 1.3.7:** Promulgate water quality standards through the KRS 13A process in SFY2020.
- Action 1.3.8:** Convene a workgroup to evaluate human health water quality criteria by November 1, 2019.
- Action 1.3.9:** Develop, implement and maintain volunteer monitoring programs.

**Tactic 1.4:** Assess and protect groundwater resources.

- Measures:** Number of new opportunities identified in the monitoring network.  
 Procedure developed to prioritize Groundwater Protection Program efforts in Source Water Protection and Watershed Planning areas.  
 Number of Groundwater Protection Plans within source water planning areas.  
 Collaborative efforts with other agencies.  
 Operational eForms for well installation records and well plugging records.

**Baseline:** Level of completion at end of SFY19.

- Action 1.4.1:** Revise the Groundwater Monitoring Strategy.
- Action 1.4.2:** Better integration Groundwater Protection, Source Water Protection and Watershed Planning programs.
- Action 1.4.3:** Investigate ESRI Collector Application for groundwater monitoring program.
- Action 1.4.4:** Build, maintain and strengthen relationships with Kentucky Rural Water Association, Kentucky Geological Survey, and US Geological Survey, and USGS on groundwater issues, including collaboration on grants, statewide projects and data sharing.
- Action 1.4.5:** Create and implement eForm for groundwater well submittals by December 31, 2019.
- Action 1.4.6:** Develop and implement Water Well Drillers Assistance Program by December 31, 2019.

**Objective 2 – Measure Safe Drinking Water Act (SDWA) compliance and provide technical assistance to Kentucky Public Water Systems.**

**Tactic 2.1:** Assess public water system compliance by enforcing Safe Drinking Water Act (SDWA) rules.

**Measure:** Number of violations issued to Kentucky drinking water systems for non-compliance with the SDWA.

**Baseline:** Corresponding numbers from SFY19.

- Action 2.1.1:** Review compliance data submitted by public water systems for compliance with the SDWA.
- Action 2.1.2:** Implement relevant and applicable recommendations to the Lead in Drinking Water Workgroup.
- Action 2.1.3:** Develop a program model, apply for and implement the WIIN Grant, Lead Testing in School, and Child Care Program Drinking Water.
- Action 2.1.4:** Review Wellhead Protection Plans for compliance with SDWA and Water Supply Planning regulations.

**Tactic 2.2:** Provide technical assistance to drinking water systems.

- Measures:** Number of water systems provided technical assistance by the Drinking Water Compliance and Technical Assistance Section.  
Number of water systems provided technical assistance.
- Baseline:** Corresponding numbers from SFY17.

- Action 2.2.1:** Provide technical assistance upon request to Kentucky’s drinking water systems.
- Action 2.2.2:** Provide targeted technical assistance to small drinking water systems that struggle with disinfection by-product compliance.
- Action 2.2.3:** Assist public water systems with emergencies or urgent situations.
- Action 2.2.4:** Conduct special studies and provide evaluations of drinking water systems that request technical assistance.
- Action 2.2.5:** Administer the Area Wide Optimization Program in Kentucky.
- Action 2.2.6:** Timely submittal of Safe Drinking Water Act primacy packages.
- Action 2.2.7:** Assist drinking water systems with source water protection plan development and implementation.
- Action 2.2.8** Develop procedures for implementing new requirements of the America’s Water Infrastructure Act by December 31, 2019.

### **Objective 3 – Conduct effective water resources planning**

**Tactic 3.1:** Integrate programs and promote the watershed approach.

- Measures:** Promotion and increased integration of Division programs to manage watersheds across the state.  
Number of partners in Center of Excellence.  
Promotion and increased usage of Recovery Potential Tool.  
Number of “Straight-to-Implementation Plans” in progress.  
Progress made in development of watershed success and tracking program.
- Baseline:** 1997 Watershed Framework.

- Action 3.1.1:** Develop a Healthy Watersheds Program.
- Action 3.1.2:** Target recoverable Watersheds for “Straight-To-Implementation Plans” and being development in targeted watersheds.
- Action 3.1.3:** Institutionalize use of the Recovery Potential Tool for the Division's programs.
- Action 3.1.4:** Promote the Kentucky Watershed Center of Excellence and involve and recruit Watershed Framework partners.
- Action 3.1.5:** Utilize the Water Supply Sustainability workgroup to coordinate responses to common issues with water systems.
- Action 3.1.6:** Refine and implement the watershed success and tracking program.

**Tactic 3.2:** Promote the EPA’s Sustainable Infrastructure Initiative.

- Measures:** The number of dam safety inspections completed.  
 The number of sustainable infrastructure outreach activities completed.  
 The number of projects approved that incorporated “green” methods or practices such as regionalization, conservation, water and energy.  
 Expenditure of State-Owned Dam Repair (SODR) funds.
- Baseline:** The corresponding numbers from SFY19.

- Action 3.2.1:** Begin implementation of the Drinking Water Action Plan to assist Public Water Systems to implement Resilient and Sustainable Infrastructure Management.
- Action 3.2.2:** Work with Kentucky Infrastructure Authority to conduct training and public outreach workshops to implement changes to the Water Resource Information System to explain the Asset Management Tool and how it can help to implement sustainability by December 31, 2019.
- Action 3.2.3:** Reevaluate the State Revolving Fund project priority ranking systems to award more points to projects that implement sustainable concepts.
- Action 3.2.4:** Implement SODR program strategies and projects. Effectively manage the Bullock Pen and Scenic Lake Dam construction projects.
- Action 3.2.5:** Develop tools to assist local officials, floodplain coordinators, emergency management personnel, dam owners and the public to better understand the benefits and risks of dams.

**Tactic 3.3:** Plan for sustainable infrastructure.

- Measures:** The number of facility plans and asset inventories reviewed and approved.  
 The number of dam safety inspections completed.  
 The number of environmental information documents reviewed and approved.

The number of projects approved which implement regionalization, and addresses the abandonment of aging private wastewater facilities.

**Baseline:** The corresponding numbers.

**Action 3.3.1:** Develop with Kentucky Infrastructure Authority, Public Service Commission, and other stakeholders regulations to implement the requirements of House Bill 513.

**Action 3.3.2:** Participate in the Area Development District Water Management Planning Council meetings to assist with planning future water infrastructure.

**Action 3.3.3:** Implement recommendations regarding the relationships between floodplain permitting, floodplain compliance, and dam safety by development of procedures and practices to ensure effective program management.

**Action 3.3.4:** Complete dam safety inspections as scheduled and take appropriate enforcement actions to ensure dams are properly maintained.

**Action 3.3.5:** Evaluate the Capacity Development program and revise the Capacity Development Strategy by December 31, 2019.

**Action 3.3.6:** Participate in and provide support for the Special Committee Public Water and Wastewater System Infrastructure Task Force by November 30, 2019.

**Action 3.3.7:** Develop a draft Drinking Water Operational Permit.

**Action 3.3.8:** Develop an Asset Management program and regulations for Privately Owned Small Wastewater Treatment Plants.

**Tactic 3.4:** Support and coordinate water supply planning.

**Measures:** Coordinate Water Resources Board committee members and activities.  
Identification of current gaps in water resources planning.  
Status of Water Supply Planning process.  
Evaluation and assessment of current efficiency measures.

**Baseline:** Promulgation of 401 KAR 4:220 in 1991.  
Water Management Plan updates from 2008.

**Action 3.4.1:** Develop State Water Plan.

**Action 3.4.2:** Update Water Supply Planning process by December 31, 2019.

**Action 3.4.3:** Pilot the Water Efficiency Program with select public water systems.

**Action 3.4.4:** Implement the On-Farm Water Management Program with the Governor's Office of Agricultural Policy, Agricultural Development Board.

## **Objective 4 - Meet federal and state program requirements.**

**Tactic 4.1:** Meet Federal grant guidance requirements.

**Measures:** On-time submittal of all federal grant applications, work plans and reports.  
Percentage of Performance Partnership Agreement (PPA) inspections conducted.  
Submittal of required primacy packages.  
Completion of sanitary surveys within the regulatory timeframe.  
Implementation of Drinking Water State Revolving Fund (DWSRF) set-asides work plans.  
Number of special appropriation projects (SPAP) inspected.

**Baselines:** FFY2018 and FFY2019 federal commitments.  
Completion of sanitary surveys within the regulatory timeframe during FFY2019.  
The number of SRF and SPAP inspections completed in 2019.

- Action 4.1.1:** Comply with the FFY2019 and FFY2020 PPAs.
- Action 4.1.2:** Submit work plans, grant applications and all reports to grantors within deadline specified in the PPA.
- Action 4.1.3:** Develop the FFY2020 106 PPA work plan commitments in coordination with EPA.
- Action 4.1.4:** Submit the final FFY2020 CMS work plan inspections completed to EPA by due date.
- Action 4.1.5:** Meet federal work plans, primacy requirements and applicable National Program Measures within federal timeframes.
- Action 4.1.6:** Submit DWSRF set-asides work plans and Intended Use Plan Project Ranking to Kentucky Infrastructure Authority by April 2020.
- Action 4.1.7:** Conduct field inspections of projects that received SPAP grants in accordance with the federal grant work plans.
- Action 4.1.8:** Conduct field inspections of projects that received financial assistance from the SRF.
- Action 4.1.9:** Implement Risk MAP (Mapping, Assessment and Planning) watershed prioritization plan and conduct activities pursuant to the National Flood Insurance Program workplan.

**Tactic 4.2:** Review and revise administrative regulations, and propose legislative amendments to comply with federal regulatory requirements.

**Measure:** Legislative proposals drafted in the current fiscal year.  
**Baseline:** Corresponding measure for SFY2019.

**Measure:** Regulatory packages developed, promulgated and finalized in the current fiscal year.

**Baseline:** Corresponding measure for SFY2019.

**Action 4.2.1:** Develop regulation packages for division programs that comply with federal and state statutory requirements to manage, protect and enhance the quality and quantity of the Commonwealth's water resources.

**Action 4.2.2:** Prepare draft legislative agenda to address any issues requiring legislative solutions.

**Action 4.2.3:** Develop regulation packages that are inclusive of stakeholder concerns.

**Action 4.2.4:** Coordinates the division's response to federal and state proposed rule changes within the allotted comment period.

**Tactic 4.3:** Ensure water programs are fiscally and administratively viable.

**Measure:** The division staffing levels as compared to cap and budgeted amounts.

**Baseline:** Corresponding measure for SFY2019.

**Measure:** Number of grant programs administered and completed within the program period.

**Baseline:** Corresponding measure for SFY2019.

**Action 4.3.1:** Assist OAS budget staff with the development of the fiscal year budget based on the division's needs.

**Action 4.3.2:** Monitor revenues and expenditures to ensure programs are within designated budgetary amounts.

**Action 4.3.3:** Monitor staffing levels and ensure timely processing of personnel actions.

**Action 4.3.4:** Educate division staff on changes to Cabinet, Department and Division policies and procedures.

**Action 4.3.5:** Monitor grant programs to ensure compliance with federal and state requirements.

**Tactic 4.4:** Provide current information to the public through the division's website and educate staff regarding operations, special needs training and program opportunities within the division.

**Measure:** The SFY2019 number of information updates and staff trainings developed and conducted.

**Baseline:** The number of web updates and training seminars for SFY2019.

- Action 4.4.1:** Update website regarding programs, permitting process and personnel contact information.
- Action 4.4.2:** Conduct employee orientation twice monthly for all new division employees. Maintain an updated orientation manual.
- Action 4.4.3:** Assist division employees and supervisors with the mandatory training requirements.
- Action 4.4.4:** Coordinate with division staff to identify specialized training needs. Assist in scheduling and facilitating of training. Maintain a training calendar on the Division's sharepoint site.

**Tactic 4.5:** Meet state requirements and maintain progress toward achieving and maintaining minimal permit backlogs.

- Measures:**
- The total number of permits pending.
  - The total numbers of permits pending that exceed regulatory timeframes (RTF).
  - The total numbers of “major” facilities with permit applications that exceed RTF.
  - The number of general permits that have expired and not been issued or that have not been addressed.
  - The number of general permits Notices of Intent (NOIs) for which coverage has not been issued or that have not been addressed.
  - The percentage of permit reviews completed within RTF.
  - The percentage of construction plan approvals issued within the RTF for drinking water facilities.
  - The percentage of floodplain permits issued within the RTF.
  - The percentage of dam safety construction permits issued within the RTF.
  - The percentage of 401 certifications issued within the RTF.
  - The percentage of water withdrawal permits issued within the RTF.
- Baselines:** The corresponding percentages from SFY2019.

- Action 4.5.1:** Meet RTF on permit issuances and plan reviews.
- Action 4.5.2:** Re-issue general permits scheduled to expire prior to expiration.
- Action 4.5.3:** Issue permits for all “major” facilities that exceed the RTF.
- Action 4.5.4:** Issue permits for all facilities that exceed the RTF by >1.5 years.
- Action 4.5.5:** Recruit qualified permitting staff. Continue evaluating processes and opportunities to recruit and retain entry level engineers and engineering assistants which is critical to the agency’s ability to review and issue permits.
- Action 4.5.6:** Provide training and incentives to increase knowledge and enhance retention of qualified staff by becoming more competitive with other state agencies and private sector businesses who employ engineers.

**Tactic 4.6:** Maintain the Drinking Water and Wastewater laboratory certification programs in compliance with federal and state program requirements.

**Measures:** The number of water laboratories certified.  
The number of wastewater laboratories certified.  
The number of drinking water audits performed.  
The number of wastewater audits performed.  
The total number of laboratory accountability actions.

**Baselines:** Corresponding measure for SFY2019.

**Action 4.6.1:** Maintain a drinking water laboratory audit schedule of two audits per three-year cycle for all non-equivalent laboratories.

**Action 4.6.2:** Maintain a wastewater laboratory audit per five-year cycle for all non-equivalent laboratories.

**Action 4.6.3:** Address complaints and field referrals through investigations and audits.

#### **Objective 5 - Promote better management and communication of data.**

**Tactic 5.1:** Implement an integrated data management system for water quality data.

**Measures:** Implementation of Kentucky Water Assessment Data for Environmental Monitoring (K-WADE).  
Successful data exchange with USEPA via K-WADE.

**Baseline:** Level of completion on July 1, 2016.

**Action 5.1.1:** Increase data type, flow, reporting and efficiency to the Division of Water and USEPA using the exchange network.

**Action 5.1.2:** Utilize the new KATTS (Kentucky Assessment and Total Maximum Daily Load (TMDL) Tracking System database to flow assessment data to EPA.

**Action 5.1.3:** Implement goals from current Exchange Network grant that seek to facilitate incorporation between K-WADE and KATTS.

**Action 5.1.4:** Implement goals from pending 319 grant that seek to facilitate incorporation between K-WADE and KATTS.

**Tactic 5.2:** Promote better decision making through GIS and Data Analysis (GDA).

**Measures:** Number of GIS training events.  
Number of data analysis projects completed.  
Numbers of GDA help desk requests fulfilled.  
Number of location corrections processed.  
Number of National Hydrologic Database (NHD) and Geographic Names Information System corrections processed.

Number of Watershed Boundary Dataset (WBD) HUC 12 boundary updates and HUC 14 boundary creations processed.

**Baseline:** Corresponding measures for SFY2019.

**Action 5.2.1:** Conduct training events for Division staff regarding GIS and for management regarding GIS analysis and applications.

**Action 5.2.2:** Work with division programs to continue systematically analyzing data from current databases.

**Action 5.2.3:** Evaluate the Kentucky portion of the NHD to ensure accurate data to adhere to federal standards.

**Action 5.2.4:** Update HUC 12 boundaries and create new HUC 14 boundaries through WBD stewardship program to adhere to federal standards.

**Action 5.2.5:** Develop GIS tools (including mobile applications and desktop solutions) for inspectors, permit writers, division staff and the public.

**Tactic 5.3:** Manage the Safe Drinking Water Information System (SDWIS).

**Measures:** Maintain data in state and federal SDWIS.  
Implementation of state and federal tools for online data entry.

**Baseline:** Level of completion for SFY 2016.

**Action 5.3.1:** Collaborate with the Cabinet and EPA to maintain SDWIS until SDWIS Prime and CMDP are implemented.

**Action 5.3.2:** Participate on SDWIS Prime workgroups.

**Action 5.3.3:** Develop an implementation plan for utilizing SDWIS Prime and CMDP.

**Tactic 5.4:** Implement Integrated Compliance Information System (ICIS) data flows and data entry via the Discharge Monitoring Report (netDMR) to improve permit compliance, tracking and data analysis.

**Measures:** Implementation of permit, program reports, and compliance data flows into ICIS.  
Implementation of netDMR.

**Baseline:** Status of flowing data to ICIS and entering data into netDMR for SFY19.

**Action 5.4.1:** Implement the electronic Notice of Intent system and flow permit data from ARM 2.1 into ICIS for applicable reissued general permits by the effective date of coverage.

**Action 5.4.2:** Implement electronic reporting for program annual reports for Pretreatment and MS4 communities from ARM 2.1 into ICIS.

**Tactic 5.5:** Improve the utility of ARM 2.1 to provide more accurate facility information data.

**Measure:** Improved accuracy demonstrated by ARM 2.1 audit report in SFY19.  
**Baseline:** TEMPO audit reports generated during SFY17.

- Action 5.5.1:** Improve the utility of ARM 2.1 through data validation.
- Action 5.5.2:** Ensure new employees receive the latest version of ARM 2.1 training so they are effectively using all features of ARM 2.1.
- Action 5.5.3:** Regular auditing of water/wastewater permit locations by staff. Develop better methods for synchronization between Integrated Compliance Information System and ARM 2.1 database.
- Action 5.5.4:** Implement the latest version of ARM 2.1.

**Tactic 5.6:** Maintain and improve data quality.

**Measures:** Improved accuracy demonstrated by database audit reports.  
Number of staff receiving quality assurance (QA) training in SFY2020.  
Number of Division-approved standard operating procedures (SOP) for SFY2020.  
Number of Quality Assurance Project Plans (QAPPs) reviewed for the Division.  
Number of QAPPs reviewed from outside organization data.

**Baselines:** Audit reports and laboratory flags generated during SFY2019.  
Number of Division-approved SOPs for SFY2019.

- Action 5.6.1:** Conduct regular training for division staff regarding QA and the review process.
- Action 5.6.2:** Assure cross-database accuracy demonstrated by regular database audit reports.
- Action 5.6.3:** Pursue connection between updated Dam Safety database and ARM 2.1.

### **Goal 3: Waste Management and Land Restoration**

***Preserve and restore Kentucky's land through the development and implementation of fair, equitable, and effective waste management programs.***

As Kentucky's population grows, the number of homes, businesses, and industries that provide jobs, services, and goods for residents continues to increase. This population and economic growth results in increased use of chemicals and residential and industrial materials, which increases the waste streams and emergencies associated with these activities. The Department for Environmental Protection safeguards and ensures protection of human health and the Commonwealth's land, air, water and groundwater resources.

Creating effective partnerships with regulated entities and the public enables the department to carry out its goal of protecting human health and the environment by achieving and maintaining acceptable environmental quality for all Kentuckians. Ensure complete review and timely issuance of protective hazardous and solid waste permits and implement reasonable and protective remediation programs to support economic growth and development.

To accomplish this, the department administers an array of programs that work together to protect human health and the environment from the impacts related to waste, ranging from hazardous, chemical, and petroleum contamination to illegal trash disposal. This strategy protects and benefits the Commonwealth in a number of ways. It protects the citizens of the Commonwealth as well as protects and restores Kentucky's natural resources through preventive monitoring programs and remediation. Programs also preserve existing green space through the restoration and reuse of brownfield space for new commercial and industrial ventures. They develop properties with existing infrastructure, beautify communities and raise the value of surrounding properties. The department regulates and educates the public on these issues concerning solid and hazardous waste management, site remediation at contaminated properties, redevelopment and reuse of impacted properties, operation and corrective action of underground storage tanks, and recycling waste products.

The management of solid and hazardous wastes are achieved through comprehensive permitting, registration, monitoring, reporting, and training requirements. In addition, the department promotes solid and hazardous waste minimization, landfill inspections, conducts public hearings, and provides evaluation of waste streams to ensure proper protection of our state's natural resources.

The human health and environmental threats from leaking underground storage tanks are managed by a two-fold approach that monitors and prevents leaks and spills, and assesses and remediates contaminated sites. Prevention is achieved through a focus on compliance with state and federal operation and maintenance requirements. The complementary focus on oversight of site assessment and cleanup is supported by the department's management of state funds available for these activities.

The department uses state and federal funds to address environmental emergencies, state-lead assessments, cleanup and remediation of State-Lead and National Priority List sites that are contaminated and abandoned which pose a serious threat to human health and the

environment, and redevelopment programs to support and encourage redevelopment of properties with real or perceived adverse environmental conditions. Department personnel work with regulated businesses, contractors, government agencies, and various stakeholders to characterize and remediate sites where contamination has been released into the environment. In addition, the department uses regional field offices to support the programs by performing inspections, and ensuring that facilities are compliant with regulatory requirements.

The department encourages public participation through various programs to protect our environment by recycling and reducing waste in order to minimize land disposal and to conserve energy and natural resources. These programs educate citizens and industry on environmentally friendly practices in the proper management of waste while emphasizing the significant environmental and economic benefits of reducing, reusing, and recycling materials.

**Objective 1 - Ensure programs adhere to federal and state statutory and regulatory requirements.**

**Tactic 1.1:** Review and revise administrative regulations, and propose legislative amendments to comply with federal regulatory requirements.

**Measure:** Number of legislative proposals drafted in the current fiscal year.

**Baseline:** Corresponding measure for FY2019.

**Measure:** Number of regulatory packages developed, promulgated and finalized in the current fiscal year.

**Baseline:** Corresponding measure for FY2019.

**Measure:** Number of public notices issued and public hearing conducted by branch.

**Baseline:** Corresponding measure for FY2019.

**Action 1.1.1:** Develop regulation packages for division programs that comply with state statutory and federal requirements in a manner protective of human health and the environment that accurately reflect programmatic policy.

**Action 1.1.2:** Prepare draft legislative agenda to address any issues requiring legislative solutions and pursue enactment.

**Action 1.1.3:** Develop regulation packages that are inclusive of stakeholder concerns.

**Tactic 1.2:** Provide resources and oversight to the regulated community to achieve compliance with federal and state regulations.

**Measures:** Number and percentage of underground storage tank owners/operators that have completed the required UST Operator Certification training.

**Baseline:** Corresponding measures for FY2019.

**Measure:** Number and percentage of solid waste sites complying with KRS 224.43-500, including those solid waste sites required to submit the Environmental Remediation Fee.

**Baseline:** Corresponding measure for FY2019.

**Measures:** The percentage of authorized hazardous waste facilities in compliance.  
The percentage of registered underground storage tanks in compliance.

**Baseline:** Corresponding measures for FY2019.

**Measure:** Number of facility inspections completed by staff to ensure regulatory compliance.

**Baseline:** Corresponding measure for FY2019.

**Action 1.2.1:** Utilize Kentucky Tank Operator Online Learning System (KY TOOLS) as a program for UST Operator Certification in accordance with the federal Energy Policy Act. KY TOOLS offers a site-specific approach to training and testing to support certification, which will significantly aid in increased overall compliance and leak prevention. Other certifications are accepted as well, as long as the training meets all requirements.

**Action 1.2.2:** Maintain and enhance ARM reporting to accurately track and report on measures.

**Action 1.2.3:** Inspect regulated sites at established intervals to facilitate and ensure compliance with agency requirements.

**Action 1.2.4:** Take enforcement action on regulated sites as necessary to facilitate and achieve compliance with agency requirements.

**Tactic 1.3:** Review and revise quality assurance documents annually and update as necessary.

**Measure:** Number of Standard Operating Procedures and guidance documents developed or revised in the current fiscal year.

**Baseline:** Corresponding measure for FY2019.

**Measure:** Number of Quality Assurance Project Plans developed or revised in the current fiscal year.

**Baseline:** Corresponding measure for FY2019.

**Action 1.3.1:** Develop and revise standard operating procedures that comply with state and federal requirements and agency policy.

**Action 1.3.2:** Revise Quality Assurance Annual Report.

**Action 1.3.3:** Prepare the division annual report and update the Strategic Operational Plan.

**Action 1.3.4:** Develop and revise Quality Assurance Project Plans as necessary.

**Tactic 1.4:** Ensure waste management programs are fiscally and administratively viable.

**Measure:** The division staffing levels as compared to cap and budgeted amounts.

**Baseline:** Corresponding measure for FY2019.

**Measure:** Number of grant programs administered and completed.

**Baseline:** Corresponding measure for FY2019.

**Measure:** Amount of Environmental Remediation Fee collected.

**Baseline:** Corresponding measure for FY2019.

**Action 1.4.1:** Prepare the division budget for the state fiscal year.

**Action 1.4.2:** Communicate and coordinate with DEP budget staff on the needs of the division.

**Action 1.4.3:** Track expenditures and receipts to ensure programs are within designated budgetary amounts.

**Action 1.4.4:** Implement Cabinet, department, and division's operational, personnel, and human resource policies and procedures.

**Action 1.4.5:** Monitor staffing levels and ensure timely processing of personnel actions.

**Action 1.4.6:** Educate division staff on Cabinet, department, and division policies.

**Action 1.4.7:** Track grants programs and ensure grant programs are meeting expectations.

**Action 1.4.8:** Ensure accurate and timely data entry and reporting.

**Action 1.4.9:** Track amount of environmental remediation fee collected to build trending data on the success of division administration of the fee.

**Objective 2 - Ensure permits are protective of human health and Kentucky's land resources.**

**Tactic 2.1:** Issue appropriate, lawful permits in a timely manner.

**Measures:** Number of hazardous waste permit applications received.

Number of hazardous waste permits pending review.

Percentage of hazardous waste permit reviews completed within regulatory timeframes.

Number of solid and special waste permit applications received by type.

Number of solid and special waste permits pending review.

Number and percentage of solid and special waste permit reviews completed within regulatory timeframes.

**Baseline:** Average of the five previous state fiscal years.

**Measure:** Number of training classes completed by division staff.

**Baseline:** Corresponding measure for FY2019.

**Action 2.1.1:** Issue permitting actions that are inclusive of all federal and state regulatory requirements.

**Action 2.1.2:** Issue permitting actions within the regulatory timeframes.

**Action 2.1.3:** Utilize ARM to accurately track and report on permitting actions.

**Action 2.1.4:** Evaluate and implement streamlining opportunities to address procedural and institutional inefficiencies.

**Action 2.1.5:** Allocate staff as necessary to assist in data entry and permit review.

**Action 2.1.6:** Recruit qualified staff.

**Action 2.1.7:** Provide training to increase knowledge and enhance retention of qualified staff.

**Tactic 2.2:** Reduce, eliminate, and maintain zero permit and permit activity backlogs.

**Measures:** Number and percentage of hazardous waste permits pending review outside regulatory timeframes.

Number and percentage of hazardous waste permit reviews completed outside regulatory timeframes.

Number and percentage of solid and special waste permits pending review outside regulatory timeframes.

Number and percentage of solid and special waste permit reviews completed outside regulatory timeframes.

**Baseline:** Corresponding measures for FY2019.

**Action 2.2.1:** Obtain a zero backlog on all remaining applications beyond regulatory periods.

**Action 2.2.2:** Allocate staff as necessary to assist with data entry and permit review.

**Action 2.2.3:** Recruit qualified permitting staff. Continue evaluating processes and opportunities to recruit and retain entry level engineers and engineering assistants which is critical to the agency's ability to review and issue permits.

**Action 2.2.4:** Provide training and incentives to increase knowledge and enhance retention of qualified staff by becoming more competitive with other state agencies and private sector businesses who employ engineers.

**Objective 3 - Ensure remedial investigation, restoration, and management in place decisions are site specific, risk based, and environmental performance standards prone.**

**Tactic 3.1:** Restore sites or manage contamination at sites with known or suspected releases to soil or groundwater.

- Measures:** Number of sites with known or suspected releases with potential human exposures where no further action is required or otherwise controlled as a result of implementing a management in place technique.  
Number of underground storage tank cleanups conducted that resulted in a no further action being issued and number remaining.  
Number of hazardous waste program corrective actions completed and number remaining.  
Number of EPA environmental indicators corrective action measures achieved.  
Number of historic landfills remediated and number remaining.  
Number of historic landfills with on-going remediation projects.  
Number of solid and special waste facilities in groundwater assessment.  
Number of illegal open dumps remediated under the Kentucky Pride Program and number remaining.  
Number of tire dumps remediated under the Waste Tire Trust Fund and number remaining.  
Number of new Superfund sites.  
Number of PRP-Lead State Superfund sites under review and number remediated.  
Number of State-Lead sites that require remediation, number remediated utilizing the Hazardous Waste Management Fund, and number under review.  
Number of sites with a release of petroleum or a petroleum product remediated from a source other than a petroleum storage tank and number under review.  
Number of methamphetamine-contaminated properties reported and number decontaminated.  
Number of emergency or incident responses made and number of cases closed.
- Baseline:** Corresponding measures for FY2019.

- Action 3.1.1:** Identify resource and program constraints hindering achievement of our measures; pursue program changes and request funding as necessary in budget. At a minimum, work to maintain current level of funding in cleanup programs.
- Action 3.1.2:** Provide technical oversight and directives for projects to investigate, remediate, manage, or restore properties with contamination.
- Action 3.1.3:** Review analytical and reporting data for projects.
- Action 3.1.4:** Issue letters upon the completion of all corrective actions for facilities.
- Action 3.1.5:** Inventory the list of sites with known or suspected contamination.
- Action 3.1.6:** Recruit qualified remedial expertise staff. Continue evaluating processes and opportunities to recruit and retain entry level geologist and scientist which are critical to the agency's ability to review and

direct contaminated sites through a clear defined path forward toward a predictable regulatory end-point.

**Action 3.1.7:** Provide training and incentives to increase knowledge and enhance retention of qualified staff by becoming more competitive with other state agencies and private sector businesses who employ environmental geologist and scientist.

**Objective 4 - Support and encourage economic redevelopment of property with real or perceived contamination.**

**Tactic 4.1:** Provide oversight to the investigation, remediation, management or redevelopment of properties with real or perceived contamination.

**Measures:** Number of sites under review pursuant to the Voluntary Environmental Remediation Program.  
Number of brownfield sites assessed under the Targeted Brownfield Assessment Program and number awaiting review.  
Number of KRS 224.1-415 Brownfields Redevelopment Program applications received, number of eligibility letters issued, and number of concurrence letters issued.

**Baseline:** Corresponding measures for FY2019.

**Action 4.1.1:** Review project data and determine compliance with program requirements.

**Action 4.1.2:** Issue notices and letters for projects in accordance with regulatory guidelines.

**Objective 5 - Minimize waste generation and disposal.**

**Tactic 5.1:** Ensure proper management and disposal of waste.

**Measures:** The compliance rates for authorized solid waste management facilities.  
The amounts, by weight, of litter, open dump waste, and household hazardous waste collected by counties through the Kentucky Pride program.

**Baseline:** Corresponding measures for FY2019.

**Action 5.1.1:** Inspect regulated sites at established intervals to facilitate and ensure compliance with agency requirements.

**Action 5.1.2:** Increase communications between permitting central office staff and field operations staff.

## **Objective 6 - Encourage beneficial reuse and recycling.**

**Tactic 6.1:** Encourage reduced waste generation and disposal by promoting beneficial reuse, recycling, waste minimization, and pollution prevention.

**Measures:** Tonnage of municipal solid waste recycled or reused, by type.  
Tonnage of material recycled through the State Government Recycling Program.  
Tonnage of solid or special waste used as Alternate Daily Cover (ADC).  
Percentage of solid or special waste used as Alternate Daily Cover (ADC).  
Number of waste tires used in tire-derived fuel projects, crumb rubber grants and other beneficial reuse purposes as a percentage of number of tires generated.  
Number of recycling grants and total amount of funding administered.

**Baseline:** Corresponding measures for FY2019.

**Action 6.1.1:** Maintain and enhance ARM reporting or other databases to accurately track and report on measures.

**Action 6.1.2:** Provide education and outreach for recycling opportunities.

**Action 6.1.3:** Update recycling fact sheets, as more current information is available.

**Action 6.1.4:** Administer grant programs in accordance with regulatory requirements.

**Action 6.1.4:** Publish The Marketplace for Recycling Commodities newsletter.

**Action 6.1.5:** Identify resource and program constraints hindering achievement of measures; pursue program changes and request funding as necessary in budget.

## **Objective 7 - Respond to environmental emergencies.**

**Tactic 7.1:** Respond with efficient, coordinated, and effective action to minimize environmental damage.

**Measure:** Number and percentage of plans/procedures reviewed/revise.  
Number and percentage of required training courses completed.  
Number and amount requested of grant applications submitted.

**Baseline:** Corresponding measure for FY19 activities.

**Action 7.1.1:** Coordinate the activities of the Emergency Response Team (ERT) to effectively respond to environmental incidents.

**Action 7.1.2:** Develop and maintain all Standard Operating Procedures and Standard Operating Guidelines of the ERT to include ERT Operations and Procedures Plan, On-Scene Coordinators Field Guide, Drinking Water Emergency Plan, Response Coordinators Guidelines, BGAD Re-

entry & Recovery Plan, Emergency Transition Plan, and others as necessary.

**Action 7.1.3:** Coordinate training for the ERT On-Scene Coordinators to include HAZWOPER, QCS Training, Air Monitoring, Oil Spill Containment Training, Flood Control Training, Hazardous Materials Training, and others as necessary.

**Action 7.1.4:** The ERT will seek to upgrade outdated air monitoring equipment.

**Action 7.1.5:** The ERT will acquire three cargo trailers. The trailers will allow the Branch to outfit the trailers with supplies consisting of sample containers, absorbent pads and booms, etc. This will allow the Branch to respond quicker with supplies during spills throughout the Commonwealth.

#### **Goal 4: Environmental Compliance**

##### ***Ensure environmental compliance using a clear and consistent approach of enforcement.***

Proper enforcement stops violators from releasing illegal pollution into the air, water and onto the ground. In situations where federal and state environmental laws have been violated, enforcement ensures responsible parties are held accountable for the contamination of the environment. Responsible parties are directed to clean up contaminated property or reimburse the department for the cleanup.

The Division of Enforcement serves both compliance and enforcement functions. Through its Compliance and Operations Branch, the division's compliance efforts focus on identifying violations, notifying the regulated entity of the violations and returning the regulated entity back to compliance through informal processes without the assessment of penalties. This is uniquely different from the responsibilities of the Civil Enforcement Branch, which focuses on addressing violations that have already been cited, following formal administrative processes to resolve the violations and routinely assessing civil penalties as a part of the resolution.

The enforcement process is conducted through referrals either from the department's program divisions or internally from the Compliance and Operations Branch. When regulated entities fail to return to compliance through the compliance process, the referring party prepares, organizes and summarizes case-specific documentation and refers the violation to the Division of Enforcement's Civil Enforcement Branch for formal enforcement action.

The Division's Compliance and Operations Branch operates an extensive program of performing compliance reviews of discharge monitoring reports (DMRs), which are submitted by facilities to demonstrate compliance with Kentucky Pollutant Discharge Elimination System (KPDES) Permits. The DMR compliance program has been critical in addressing numerous wastewater non-compliance issues in the Commonwealth, with most reviews being conducted of municipal and private wastewater treatment facilities and surface coal mining facilities. The Compliance and Operations Branch also issues Notices of Violation for violations referred by Central Office

Programs from the Division of Air Quality, Division of Waste Management and the Division of Water.

**Objective 1 - Facilitate the return of regulated entities to compliance with environmental statutes and regulations.**

**Tactic 1.1:** Facilitate processes that result in the successful resolution of environmental enforcement cases.

**Measure:** The number of new cases received in the division during the fiscal year.

**Baseline:** From July 2005 through June 2013, the division received an average of 36 new cases per month and an average of 427 new cases per fiscal year.

**Measure:** The number of cases closed by the division during the fiscal year.

**Baseline:** From July 2005 through June 2013, the division closed an average of 35 cases per month and an average of 416 cases per fiscal year.

**Measure:** The total number of enforcement cases in the division.

**Baseline:** From July 2005 through June 2013, the division had an average of 994 open enforcement cases.

**Measure:** The number of cases open in the division of Enforcement only for monitoring compliance with an Agreed Order or Secretary's Order.

**Baseline:** From July 2005 through June 2013, the division had an average of 255 enforcement cases open for monitoring of an executed settlement document (Demand Letter, Agreed Order and Secretary's Order).

**Measure:** The number of cases in the division that are unassigned.

**Baseline:** From January 2008 through June 2013, the division had an average of 12 unassigned enforcement cases. Data developed prior to January 2008 is incomplete.

**Measure:** The total amount of civil penalties collected and supplemental environmental projects imposed from enforcement cases during the fiscal year.

**Baseline:** From SFY05 through SFY13, the division collected and average of \$2,032,680.69 in civil penalties per fiscal year.

**Measure:** The number of Agreed Orders signed by the responsible party in enforcement cases or cases otherwise resolved.

**Baseline:** From July 2005 through June 2013, the division has received an average of 9 Agreed Orders signed by the responsible party per month and has received and average of 113 Agreed Orders signed by the responsible party per fiscal year.

**Measure:** The number of Demand Letters or Settlement Letters issued per fiscal year.

**Baseline:** The use of Demand Letters to resolve enforcement cases was reinstated in February 2008. From February 2008 through June 2013, the division mailed an average of 6 Demand Letters to the responsible party per month and an estimated average of 73 Demand Letters to the responsible party per fiscal year.

**Measure:** The number of agreed orders and Administrative Orders signed by the Secretary in enforcement cases per year.

**Baseline:** From July 2005 through June 2013, an average of 10 Agreed Orders was executed per month and an average of 122 Agreed Orders was executed per year.

**Action 1.1.1:** Maintain and update protocols and the mechanisms necessary to implement timely and effective enforcement of environmental laws.

**Action 1.1.2:** Develop staff expertise in air, waste management and water programs to allow the division to more effectively facilitate compliance with environmental laws.

**Action 1.1.3:** Work closely with program divisions to resolve enforcement cases in a timely and effective manner.

**Action 1.1.4:** Develop criteria and format for monthly reporting of division activities and accomplishments to program divisions and department and Cabinet management.

**Action 1.1.5:** Develop and implement criteria and mechanism for prioritizing enforcement cases to be referred to Cabinet attorneys for legal action.

**Tactic 1.2:** Resolve enforcement cases in a timely manner.

**Measure:** The length of time required to draft a case resolution proposal for approval once a case has been assigned to staff.

**Baseline:** The average time is 39 days to draft a case resolution proposal once a case has been assigned to staff.

**Measure:** The length of time required to hold a settlement conference after a case resolution proposal has been drafted.

**Baseline:** The average time is 101 days to hold a settlement conference after a case resolution proposal has been drafted.

**Measure:** The length of time required to reach an agreement in principle or refer a case to EPLD after a case resolution proposal has been drafted.

**Baseline:** The average time is 159 days to reach an agreement-in-principle after a case resolution proposal has been drafted, and an average of 289 days to refer a case to EPLD after a case resolution proposal has been drafted.

**Measure:** The length of time required to draft an agreed order or demand letter once an agreement-in-principle has been reached.

**Baseline:** The average time is 30 days to draft an agreed order once an agreement-in-principle has been reached, and 19 day to draft a demand letter once an agreement-in-principle has been reached.

**Measure:** The length of time required to have the responsible party under an executed settlement document once a case has been assigned to staff.

**Baseline:** The average time is 324 days from case assignment to execution of a DEP agreed order, 205 days from case assignment to mailing of a demand letter, 697 days from case assignment to execution of an EPLD agreed order, 752 days from case assignment to execution of a Secretary's Order, and 921 days from case assignment to execution of a court decision. There is currently insufficient data to determine a baseline for length of time from case assignment to a consent decree.

**Objective 2 – Provide assistance to department programs by issuing and tracking compliance with letters of warning and notices of violation.**

**Tactic 2.1:** Facilitate processes for the issuance and tracking of compliance with letters of warning and notices of violation.

**Measure:** The number of letters of warning and notices of violation issued by DENF per year.

**Baseline:** From July 2006 through June 2013, the division issued an average of 3 Letters of Warning per month and an average of 31 Notices of Violation per month. From FY05 through FY13, the division issued an average of 62 Letters of Warning per fiscal year and an average of 455 Notices of Violation per fiscal year.

**Action 2.1.1:** Monitor and report on a yearly basis the number of letters of warning and notices of violation issued by DENF.

**Action 2.1.2:** Work closely with program divisions to issue letters of warning and notices of violation in a timely and effective manner.

**Goal 5: Compliance Assistance and Environmental Stewardship**  
**Promote responsible environmental stewardship.**

The Division of Compliance Assistance administers four programs: certification and licensing, environmental compliance assistance, environmental leadership (KY EXCEL), and brownfield redevelopment. The division's innovative approach to facilitating compliance and excellence is improving the environment for all Kentuckians.

**Certification** – DCA provides training and testing services for environmental professionals certified for operators of wastewater, drinking water and solid waste facilities. These well-trained and knowledgeable professionals are entrusted with protecting public health.

**Outreach** – DCA is a technical resource for all individuals with environmental questions and needs. Understanding and complying with a very diverse and extensive set of environmental requirements can be confusing. Even committed and experienced environmental professionals face times when they simply need help. DCA provides email and telephone assistance for anyone seeking help with an environmental concern.

**Recognition and Redevelopment** – DCA strongly believes that the future of Kentucky's environment depends on the stewardship of its citizens. Every day, people make both large and small decisions in their homes, workplaces and communities that can benefit or harm the environment. DCA is helping these individuals and regulated entities become more aware of the economic and environmental benefit that result from sustainable decisions and provides recognition through its programs. Additionally, Kentuckians benefit both economically and environmentally from redevelopment of underutilized properties.

**Education** - DCA is providing Kentucky with the knowledge it needs to care for Kentucky's environment. In a 2008 survey, respondents identified a lack of knowledge regarding environmental requirements as one of the greatest barriers to ensuring environmental compliance. The training opportunities provided by DCA equip front-line environmental professionals with the information they need to succeed in their environmental efforts.

DCA is uniquely positioned to partner with Kentucky's corporate and private citizens to proactively build environmental values and facilitate positive behaviors throughout Kentucky. DCA is accomplishing this through partnerships, training, mentoring and technical support.

**Objective 1 - Certify qualified environmental professionals.**

**Tactic 1.1:** Certify environmental professionals to maximize appropriate actions and effective operations at regulated locations.

**Measure:** The number of certification licenses issued annually.

**Baseline:** In FY09, the Division of Compliance Assistance issued the following certification licenses:

Wastewater Certifications -	180
Wastewater Certification Renewals -	1068
Drinking Water Certifications -	273
Drinking Water Certification Renewals -	273
Solid Waste Certifications -	138

**Action 1.1.1:** Process certification applications and administer examinations in an accurate and timely manner to ensure that individuals possess the minimum competencies necessary to properly perform their professional duties.

**Action 1.1.2:** Participate in collaborative efforts with partner agencies to help promote the operator profession.

**Action 1.1.3:** Provide administrative support for the Kentucky Board of Certification of Wastewater System Operators and the Kentucky Board of Certification of Water Treatment and Distribution System Operators.

**Action 1.1.4:** Increase the program's state and national involvement to stay informed of operator issues, ensure the program is prepared to respond to changing needs and influence the state and national policy related to certified operators.

**Objective 2 - Help entities comply with Kentucky's environmental requirements.**

**Tactic 2.1:** Provide quality, one-on-one assistance services that help regulated entities comply with environmental obligations.

**Measure:** Changes in environmental knowledge and behavior resulting from one-on-one assistance activities.

**Baseline:** In FY08, the Division of Compliance Assistance responded to and received feedback from clients:

Client Assistance Requests -	867
Small Business Assistance Requests -	289
Client Response -	72% indicated a change in knowledge 83% indicated a behavior change

**Action 2.1.1:** Implement effective, proactive and reactive multi-media compliance assistance services with a special emphasis on small businesses and communities to enhance environmental performance.

**Action 2.1.2:** Serve as point of contact and advocate for the public and entities regulated by the department to ensure that department programs are appropriately implemented.

**Action 2.1.3:** Communicate the availability of compliance assistance and the benefits of the program.

**Tactic 2.2:** Implement meaningful programming that provides individuals with the knowledge needed to increase environmental compliance and performance.

**Measure:** Percent satisfaction from training events and the number of individuals reached through training and resources developed.

**Baseline:** FY12 indicators for communication tools and training:

88.5% satisfaction from training evaluations

1833 – Number of individuals trained on compliance topics (OCP and ECAP trainings)

11 – Number of regulatory resources developed

8 – Number of regulatory trainings provided

**Action 2.2.1:** Work with agencies within DEP to produce and facilitate quality training that includes accurate and timely technical and regulatory information.

**Action 2.2.2:** Work with agencies within DEP to provide resources that clarify environmental requirements and offer technical solutions to common challenges.

**Action 2.2.3:** Establish communication tools that empower the regulated community to determine the environmental obligations that apply to their location and the resources that are available to make it easier for them to comply.

**Action 2.2.4:** Work with other state and federal agencies to develop comprehensive educational resources for the public.

### **Objective 3 – Facilitate Environmental Stewardship**

**Tactic 3.1:** Encourage environmental stewardship by making the public more aware of the opportunities they can act on to make their communities stronger and healthier.

**Measure:** Number of entities assisted with stewardship projects and individuals trained.

**Baseline:** FY12 indicators are as follows:

10 – Number of entities assisted with stewardship projects

112 – Number of individuals trained on stewardship topics (Brownfield and KY EXCEL)

10,586 – Audience reached through DCA communication tools (Facebook, Exhibits, Presentations and LAW)

- Action 3.1.1:** Provide quality, one-on-one assistance services that help individuals identify, plan, and implement environmental projects that are not required by Kentucky law.
- Action 3.1.2:** Offer quality environmental stewardship training to enable actions that improve Kentucky’s environment and create healthier, stronger communities.
- Action 3.1.3:** Develop and compile stewardship resources in partnership with organizations, state and local agencies, nonprofit entities and other stakeholders.
- Action 3.1.4:** Establish communication tools that empower the regulated community to determine the stewardship resources that are available to increase their sustainability.

**Tactic 3.2:** Recognize and publicize voluntary actions that improve Kentucky’s environment and promote environmental awareness.

**Measure:** The number of voluntary actions identified as a result of DCA programs.

**Baseline:** In FY10, the number of voluntary actions observed was as follows:

New KY EXCEL Voluntary Projects -	121
Environmental Stewardship Award Nominations -	44
Eco-Art Submissions -	13

**Action 3.2.1:** Implement KY EXCEL, an environmental leadership program that recognizes entities for their voluntary commitments to improve Kentucky’s environment.

**Action 3.2.2:** Administer the department’s environmental stewardship award program and recognition events.

**Action 3.2.3:** Communicate the successes of Kentucky’s environmental stewards.

**Tactic 3.3:** Increase visibility of the Brownfield Redevelopment Program by providing technical and fiscal assistance opportunities.

**Measure:** The number of Brownfield communication tools developed and Targeted Brownfield Assessments conducted.

**Baseline:** In FY13, the DCA’s Brownfield program conducted the following outreach and assessment activities:

- 22 - Communication tools developed
- 8 - Number of applicants assisted with grant applications
- 5 - Number of Targeted Brownfield Assessments (Phase I assessments, Phase I updates, Phase II assessments)

**Measure:** Amount of funds issued through the Cleaner Commonwealth Fund.

**Baseline:** In FY13, the DCA's Brownfield program managed the following funding support activities:

5 - Number of grant or loan applications received  
\$98,000 - Amount of CCF grants obligated  
\$0 - Amount of CCF loans issued

- Action 3.3.1:** Serve as a resource that encourages environmentally sustainable communities and facilitates the cleanup and beneficial reuse of Brownfield properties.
- Action 3.3.2:** Establish communication tools that raise awareness and empower communities to initiate Brownfield redevelopment projects.
- Action 3.3.3:** Provide Targeted Brownfield Assessments with the goal of redevelopment.
- Action 3.3.4:** Evaluate and maintain standard operating procedures and tracking mechanisms for CCF.
- Action 3.3.5:** Promote federal funding opportunities and assisting eligible entities in grant preparation.
- Action 3.3.6:** Process applications for CCF and award eligible applicants.

#### **Goal 6: Environmental Program Support**

***Improve quality, efficiency and effectiveness of environmental programs and activities through innovative strategies, tools and approaches.***

The Department for Environmental Protection involves a range of activities that collectively provide support to ensure decisions made by the department are practical and consistent with the department's mission. These activities provide a foundation to achieve desired environmental benefits in the best interest of Kentucky's citizens.

Assessing the environmental status of Kentucky's air, land and water is important to determine potential threats, evaluate risks and identify solutions to protect the environment and safeguard human health. The department maintains a centralized laboratory that performs analytical sample testing of water and soil to determine the nature and extent of pollutants within the Commonwealth. The department also maintains a 24-hour emergency environmental response line for accidental spills and releases of toxic and hazardous material that threaten the environment.

Administrative support of information technology enables the department to efficiently manage data in a timely manner. Addressing the technological needs of our environmental management systems is an essential aspect of providing web-based electronic services to the public. Advancement of the department's technology and streamlining environmental response programs will provide the best possible service to Kentucky's local governments and communities.

Improvement in organizational and employee development, quality assurance and workplace safety are important areas to facilitate the accomplishment of the agency's mission and goals. Empowering employees with the tools, knowledge and skills to contribute effectively and efficiently enables employees to achieve long-term sustainable results to protect and enhance Kentucky's environment.

### **COMMISSIONER'S OFFICE (CO)**

#### **Objective 1 – Continue to support and coordinate ongoing department-level programmatic activities.**

**Tactic 1.1:** Identify recommendations that will assist in providing the service and responsiveness required for carrying out the day-to-day activities in the Commissioner's Office.

**Measure:** Provide recommendations to the Commissioner on an ongoing basis.

**Baseline:** Corresponding previous fiscal year department-level activities.

**Action 1.1.1:** Coordinate e-clearinghouse and NEPA document reviews.

**Action 1.1.2:** Coordinate U.S. Army Corps of Engineers Public Notice Reviews.

**Action 1.1.3:** Coordinate review of Pollution Control Tax Exemption Certificates.

**Action 1.1.4:** In collaboration with EEC Office of Administrative Services, coordinate special projects including, Governor's Conference on the Environment, KECC, and other department-wide activities.

#### **Objective 2 – Develop an effective strategic planning process.**

**Tactic 2.1:** Develop a Department for Environmental Protection strategic plan for SFY20.

**Measure:** DEP strategic plan development is coordinated by the Commissioner's Office staff and completed at the beginning of the state fiscal year.

**Baseline:** Strategic plans are finalized in advance of deadlines.

**Action 2.1.1:** Ensure that the SFY20 Strategic Plan for the Commissioner's Office and each of the six department divisions are finalized by June 1, of each year.

**Action 2.1.2:** Ensure the department's goals and objectives are compatible with the SFY20 department budget.

**Action 2.1.3:** Align the department's strategic plan with Cabinet's strategic plan.

**Action 2.1.4:** Complete the mid-year status update to the Strategic Plan in January 2020.

**Action 2.1.5:** Each division shall publish an annual report by September 15 of each year including results of the Strategic Plan measures and actions for the previous state fiscal year.

**Tactic 2.2:** Assist staff in understanding their role in the DEP strategic plans by ensuring that employees are clear about the objectives, goals and directions of the agency.

**Tactic 2.3:** Provide input into USEPA's strategic planning processes at both the national and regional levels.

**Objective 3 – Develop and implement annual participation documents with EPA.**

**Tactic 3.1:** Develop Performance Partnership Agreement (PPA) for SFY20.

**Measure:** DEP shall submit the annual Performance Partnership Agreement (PPA) by August 1 of each calendar year.

**Baseline:** Performance Partnership Agreement finalized in advance of deadline.

**Action 3.1.1:** Review and comment on National Program Guidance to ensure Kentucky's voice in the development of biannual EPA environmental priorities and implementation strategies.

**Action 3.1.2:** Negotiate annual DEP priorities and commitments list (P&C list) with EPA senior management in advance of PPA submittal.

**Action 3.1.3:** Work with EPA contact to develop P&C list negotiation schedule.

**Action 3.1.4:** Work with DEP divisions to develop annual PPA P&C list.

**DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT (DEPS)**

**Objective 1 – Provide accurate and defensible chemical analytical services to the program divisions of the Department for Environmental Protection.**

**Tactic 1.1:** Analyze environmental samples collected by the Water, Waste Management, and Air divisions for chemical constituents.

**Measure:** The number of environmental samples analyzed each year.

**Baseline:** In calendar year 2018, there were 4706 samples analyzed by the Division of Environmental Program Support (DEPS) laboratory. There were 4335 samples in the previous year.

**Action 1.1.1:** Provide testing services for samples in accordance with the allocated budget.

**Action 1.1.2:** Maintain an average turn-around-time of less than 14 days for samples submitted beyond July 1, 2019. The average turn-around-

time for all samples received in CY18 was 18 days. In CY 17 the laboratory averaged 15.9 days for 4018 samples.

**Measure:** The number of individual tests performed by the Division of Environmental Program Support laboratory.

**Baseline:** In calendar year 2018, there were 52,810 individual tests performed by the DEPS laboratory. In CY17 the laboratory performed 43,399 test.

**Action 1.1.3:** Provide individual testing services in accordance with the allocated budget.

**Measure:** The number of individual chemical parameters reported by the DEPS laboratory.

**Baseline:** In 2018, there were 236,130 individual chemical parameters reported by the DEPS laboratory. In CY17 that number was 195,780.

**Action 1.1.4:** Provide chemical parameter reporting to meet department needs.

**Measure:** The number samples reported by the DEPS laboratory outside the 30 day from delivery.

**Baseline:** In 2018, there were 225 individual sample reports reported by the DEPS laboratory outside the 30-day mark. This represented 4.78% of the total samples for the year.

**Action 1.1.5:** Provide reports to clients within 30 days of delivery. The division goal is less than 5.0%.

**Tactic 1.2:** Maintain accreditation by USEPA and the National Environmental Laboratory Accreditation Program (NELAP).

**Measure:** Accreditation status of the Division of Environmental Program Support laboratory.

**Baseline:** Currently, the laboratory is certified as the State Principal Laboratory for Drinking Water by USEPA. In July 2007, the New Hampshire Department of Environmental Services granted the laboratory NELAP accreditation. Continuing accreditation status is dependent on successful ongoing participation in the NELAP program.

**Action 1.2.1:** Participate in a minimum of 2 Proficiency Testing (PT) studies approximately 6 months apart.

**Action 1.2.2:** Pass 2 out of the last 3 consecutive studies to maintain accreditation for various analytical methods.

**Action 1.2.3:** Secure funding through budget planning and contract writing that will pay for the on-site auditing fees biannually so that accreditation can be maintained.

**Action 1.2.4:** Review DEPS Laboratory analytical and administrative SOPs and Laboratory Operations and Quality Assurance Manual (LOQAM) annually and update as necessary. Maintain all SOPs with 23-point criteria.

**Tactic 1.3:** Upgrade the analytical instrument base of the DEPS laboratory.

**Measure:** The analytical capacity and dollar value of new and replacement instrumentation.

**Baseline:** The DEPS laboratory maintains a major analytical instrument inventory with a baseline dollar value in excess of \$2 million.

**Action 1.3.1:** Secure additional funding that will allow replacement of old or outdated equipment and instruments.

**Action 1.3.2:** Secure additional funding that will allow purchase of equipment that utilizes new technologies to meet the department's changing program needs and areas of concern for the future.

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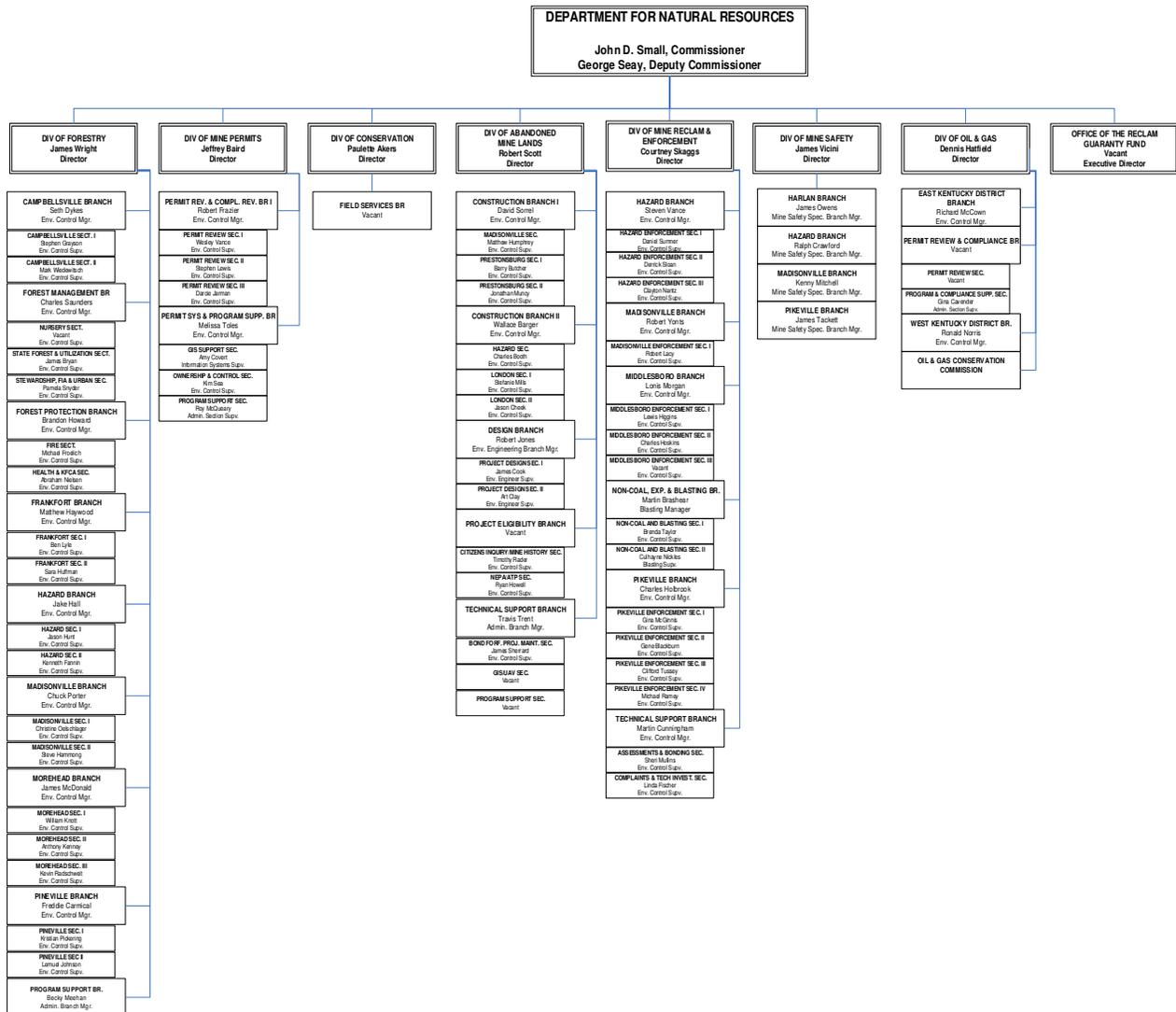
<https://eec.ky.gov/Environmental-Protection/Water>

# DEPARTMENT FOR NATURAL RESOURCES

The mission of the Department for Natural Resources is to ensure natural resource development activities such as agriculture, oil and gas drilling, logging and mining are done in an environmentally as well as fiscally responsible manner to the Commonwealth. These activities should also be conducted in a manner that promotes sustainability where applicable as well as optimization of finite resource extraction and recovery.

## Principles:

- Be transparent and base decisions on the fundamental benefit for the Commonwealth's natural resources. The use of those resources and the sustainability for maximizing recovery of finite resources will be the priority of the DNR.
- Engage in public participation.
- Monitor, measure and adapt policy to ensure the successful administration of DNR.



**Goal 1: Clean and Safe Environment in Coalfields.**

***Provide a safer and cleaner environment for the citizens of Kentucky's coalfields by reclaiming and restoring land and water degraded by past coal mining.***

The Division of Abandoned Mine Lands (DAML) works throughout Kentucky's coal fields to protect the public from health and safety problems caused by mining that occurred prior to 1982. Examples of hazards that can be found on abandoned mine sites are landslides, water-filled pits, open mine portals and dilapidated equipment and buildings. The division restores these degraded sites to a safe and environmentally stable condition through a process known as reclamation.

In addition to responding to citizen complaints and conducting reclamation projects for issues related to historic mining, DAML also administers the following programs:

**Bond forfeiture reclamation program** – Before coal companies begin mining at a site, they must post a reclamation bond. A company's bond may be forfeited to the Commonwealth if the company fails to mine and reclaim a site to the standards specified in its mining permit. The forfeited funds are used by the State to reclaim the site for which the bond was posted.

**Water supply replacement program** – The Division extends waterlines into areas where drinking water has been contaminated by past mining.

**Abandoned Mine Lands Economic and Community Development Pilot Program** – DAML is responsible for the implementation and distribution of the Economic and Community Development grants. This includes the facilitation of potential grantees through the State application process, selection of viable proposals from the submitted applications and review for adherence to the program guidelines, and provision of oversight for selected projects after approval.

The DAML program is 100 percent funded by the federal government. The federal government receives its funding for AML programs by collecting a fee on every ton of coal produced by mining operations nationwide. The Division has a central office in Frankfort and field offices in Prestonsburg, London, Madisonville and Hazard.

**Objective 1: Mitigate hazards and reduce environmental impacts from Abandoned Mine Lands (AML)-eligible coal mining by using AML Annual Grant funds to design and construct AML reclamation projects, Acid Mine Drainage (AMD) abatement projects, and water supply projects.**

**Tactic 1.1:** Expend available grant monies to fund AML reclamation projects to address the highest priority AML problems first with available AML Grant funds.

**Measure:** Number of AML projects bid, projects completed, funds expended, units and priority of AML problems reclaimed, and number of people removed from risk associated with AML hazards.

**Baseline:** Number of AML projects bid, projects completed, funds expended, units and priority of AML problems reclaimed, and number of people removed from risk associated with AML hazards during previous year.

**Action 1.1.1:** Continue to design, bid, and construct AML projects.

**Action 1.1.2:** Track number of AML projects bid, projects completed, funds expended, units and priority of AML problems reclaimed, and number of people removed from risk associated with AML hazards.

**Tactic 1.2:** Improve water quality in the coalfields by using Acid Mine Drainage (AMD) set-aside funds for AMD abatement in affected watersheds.

**Measure:** Number of AMD abatement projects bid, completed, and AMD funds expended.

**Baseline:** Number of AMD abatement projects bid, completed, and AMD funds expended during previous year.

**Action 1.2.1:** Continue to design, bid, and construct AMD abatement projects.

**Action 1.2.2:** Track AMD abatement projects bid, completed, AMD funds expended, establish water quality baseline for each project, and track changes in water quality after each project is completed.

**Tactic 1.3:** Increase the number of citizens receiving potable drinking water in the coalfields by funding design and construction of municipal water supply expansion and infrastructure improvement projects in areas where AML-eligible coal mining has affected groundwater supplies.

**Measure:** Number of new residential water meters installed and/or number of existing meters served by AML water supply expenditures.

**Baseline:** Number of new residential water meters installed and/or number of existing meters served by AML water supply expenditures during previous year.

**Action 1.3.1:** Continue to fund design and construction of municipal water supply expansion and infrastructure improvement projects in areas where AML-eligible coal mining has affected groundwater supplies.

**Action 1.3.2:** Prioritize design and construction of municipal water supply expansion and infrastructure improvement projects with emphasis on maximizing number of people served with available AML water supply funds.

**Action 1.3.3:** Track number of municipal water supply expansion and infrastructure improvement projects and new residential water meters installed and/or number of existing meters served by AML expenditures.

**Tactic 1.4:** Investigate citizen's concerns regarding reported problems potentially related to AML or forfeited coal mine permit (i.e. Bond Forfeiture - BF) sites.

**Measure:** Number of citizens' concerns received and investigated by Division of Abandoned Mine Lands (DAML) employees.

**Baseline:** Number of citizens' concerns received and investigated by DAML employees during previous year.

**Action 1.4.1:** Continue to investigate and resolve potential AML and BF citizen concerns as quickly as possible. Continue to implement efficiencies to accomplish this tactic such as:

**Action 1.4.2:** Continue to employ and improve all forms of communication with citizens (email, phone, mail, website, in person).

**Action 1.4.3:** Continue to employ and improve investigation and research methods and work flows across the division to resolve concerns.

**Action 1.4.4:** Continue to employ and improve investigation data collection with "Survey 123" data collection software, aerial drone flights, and other technologies to improve quality of data collection, increase efficiency of investigations, and make better site assessments.

**Objective 2: Implement Bond Forfeiture (BF) projects in the most effective manner to maximize reclamation of forfeited coal mine permits (i.e. forfeited sites or BF sites) with available Bond Forfeiture funds.**

**Tactic 2.1:** Expend BF funds to reclaim forfeited sites to Program Standards.

**Measure:** Number of BF site inventories conducted (which include cost estimates), number of BF sites reclaimed, amount of BF funds expended, and amount of BF acreage reclaimed.

**Baseline:** Number of BF site inventories conducted (which include cost estimates), number of BF sites reclaimed, and amount of BF acreage reclaimed during previous year.

**Action 2.1.1:** Continue to complete BF site inventories (which include cost estimates) and BF site reclamation projects.

**Action 2.1.3:** Track number of BF site inventories conducted (which include cost estimates), number of BF sites reclaimed, amount of BF funds expended, and amount of BF acreage reclaimed.

**Tactic 2.2:** Petition the Office of the Kentucky Reclamation Guaranty Fund (KRGF) for additional funding for BF sites that lack adequate funding for reclamation to Program Standards.

**Measure:** Number of BF sites reclaimed, amount of BF funds expended, and amount of BF acreage reclaimed for BF sites that required additional funding from the KRGF to reclaim to Program Standards.

**Baseline:** BF sites reclaimed, amount of BF funds expended, and amount of BF acreage reclaimed for BF sites that required additional funding from the KRG to reclaim to Program Standards during previous year.

**Action 2.2.1:** Continue to complete BF site inventories (which include cost estimates) and BF site reclamation projects that require additional funding from the KRGF to reclaim to Program Standards.

**Action 2.2.2:** Perform Comparative Analysis of bid values, cost estimates, and bond amounts for reclaimed BF Project sites.

**Action 2.2.3:** Inform the Division of Mine Permits (DMP) of any inadequate bond amounts and discuss actionable changes needed to prevent bond inadequacy during DMP's coal mine permit bond calculation process.

**Objective 3: Implement Annual AML Pilot Grant Projects that consist of AML reclamation in conjunction with economic and community development.**

**Tactic 3.1:** Continue to refine the AML Pilot application process to allow applicants and DAML to develop qualifying projects.

**Measure:** Dollar amount of annual Pilot Grant, number of applications/project proposals received per Grant, and number of applications/project proposals selected to be a Grantee.

**Baseline:** Dollar amount of annual Pilot Grant, number of applications/project proposals received per Grant, and number of applications/project proposals selected to be a Grantee during previous year.

**Action 3.1.1:** Improve communication with Applicants and Grantees and refine data collection for Pilot Projects to ensure accurate, complete, and understandable AML Pilot Grant application information is acquired in a timely manner.

**Tactic 3.2:** Prepare (1) a Pilot Vetting Package for each selected Pilot Project to send to the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) to acquire their conceptual approval of the project; (2) an Authorization to Proceed (ATP) Package, that includes a National Environmental Policy Act (NEPA) assessment of the project to acquire OSMRE ATP to construct/implement the project; and (3) a Memorandum of Agreement (MOA) for each project to serve as a contract between the Grantee and the Commonwealth to govern grant expenditures for each project.

**Measure:** Number of Pilot Vetting Approvals, ATPs, and executed MOAs.

**Baseline:** Number of Pilot Vetting Approvals, ATPs, and executed MOAs during previous year.

**Action 3.2.1:** Continue to work with Grantees, OSMRE, and KY State Government staff to obtain Pilot Vetting Approvals, ATPs, and MOAs to implement AML Pilot Projects.

**Tactic 3.3:** Administer AML Pilot Grant funds for selected AML Pilot Grant Projects from project inception to completion. Develop an Evaluation System to measure and report the economic and community development benefits of each completed AML Pilot Project over a selected period of time.

**Measure:** Number of AML Pilot Projects completed and the economic and community development benefit of each project.

**Baseline:** Number of AML Pilot Projects completed and the economic and community development benefit of each project during previous year.

**Action 3.3.1:** Continue to implement, administer, and evaluate AML Pilot Projects with available AML Pilot Grant funds.

**Goal 2: Provide Additional Revenue for Reclamation.**

***Provide additional revenue to reclaim coal mine permits in the event of bond forfeiture. In addition, the fund will continue to subsidize bonds for permits belonging to members of the former Kentucky Bond Pool while maintaining the solvency of the Kentucky Reclamation Guaranty Fund (KRGF).***

The Kentucky Reclamation Guaranty Fund (KRGF) was established on July 1, 2013 and was administratively attached to the Energy and Environment Cabinet. At this time, the KRGF Commission was also established in order to administer the Fund. The Office of the Reclamation Guaranty Fund (ORGF) was then established and attached to the Department for Natural Resources to perform administrative functions in support of the Commission. In accordance with KRS Chapter 350.509, the Commission is charged with the review, recommendation, and promulgation of regulations necessary to:

- Monitor and maintain the fund;
- Review and assign classification of mine types;
- Establish a structure for the payment of fees and assessments;
- Establish a structure for processing claims and making payments;
- Establish the mechanisms to review the viability of the fund;
- Set a schedule for penalties for late payment or failure to pay fees and assessments.

In addition, the Commission, through the ORGF performs the following functions:

- Notifies permittees of suspension or reinstatement of fees;
- Conducts an annual audit of the fund;
- Performs an annual actuarial study;
- Authorizes expenditures from the fund;
- Reports to the Governor and Interim Joint Committee on Natural Resources and Environment annually;
- Conducts investigations to verify reporting, payment, and other activities of permittees; and
- Brings actions as necessary in Franklin Circuit Court against any permittee for the recovery of funds spent by the Commission by reason of forfeiture of that permittee.

In accordance with its statutory mandate, the Fund provides additional money to assist in the reclamation of forfeited mine sites. The Division of Abandoned Mine Lands (DAML) is the agency responsible for performing reclamation on behalf of the Commonwealth of Kentucky on all bond forfeitures.

**Objective 1: Replace the current invoicing process with one that is more efficient and streamlined for better understanding and more accurate tracking of KRGF fee payments and balances due.**

**Tactic 1.1:** Move invoicing from the existing Surface Mining Information System (SMIS) database to a new updated SMIS platform/application.

**Measure:** New invoicing package on January 1, 2020.

**Baseline:** No baseline because KRGF is currently using SMIS.

**Action 1.1.1:** Implement the new SMIS developed by the contractor.

**Objective 2: Increase the number of companies that report to the KRGF through the portal.**

**Tactic 2.1:** Replace current KRGF forms with a single form that serves as both the KRGF forms and invoice to decrease employee working time and increase accuracy.

**Measure:** Processing time for KRGF employees and accuracy of payment reporting.

**Baseline:** Current (2018-2019) time to process and deposit a payment.

**Action 2.1.1:** Utilize a new custom invoice that will serve as both the KRGF forms and invoice.

**Action 2.1.2:** Track processing time using the single form.

**Tactic 2.2:** Increase timeliness of payments and late fees by reducing the paperwork required of coal companies to submit payments.

**Measure:** The date of submission and number of companies incurring late fees.

**Baseline:** The number of payments received late during 2018-2019.

**Action 2.2.1:** Track the date of submission and amount of permits incurring late fees to see if there is a reduction.

**Objective 3: Allow companies to pay for KRGF fees with a credit card through the KRGF portal. This will benefit both KRGF and the companies by allowing for more timely payments and an easier payment option.**

**Tactic 3.1:** IT Contractor will integrate Kentucky.gov's Transaction Payment Engine (TPE) into the KRGF online portal. TPE allows state agencies to accept credit card payments. When a company pays for KRGF fees through the online portal TPE will deposit (EFT) the funds into the KRGF bank account. The portal will communicate with SMIS and share payment information.

**Measure:** Online payments option on the KRGF portal.

**Baseline:** No baseline because KRGF does not currently offer online payments.

**Action 3.1.1:** Work with IT to implement the TPE.

**Objective 4: Continue to provide subsidies to the members of the former Kentucky Bond Pool while reducing the liability to KRGF.**

**Tactic 4.1:** Work with Division of Mine Permits (DMP) and Division of Mine Reclamation and Enforcement (DMRE) to monitor and encourage bond release of eligible former pond pool member permits and reduce aggregate bond outstanding of Kentucky Bond Pool members.

**Measure:** Amount of aggregate bond outstanding of former Kentucky Bond Pool members.

**Baseline:** Amount of Aggregate bond outstanding of former Kentucky Bond Pool members in 2018-2019.

**Action 4.1.1:** Monitor the number and aggregate amount of bond belonging to former members of the former Kentucky Bond Pool.

**Objective 5: Work with DMP and DMRE to reduce KRGF liability.**

**Tactic 5.1:** Aid DMP and DMRE in pursuing bond release for eligible permits.

**Measure:** Number of all bond releases applied for and granted.

**Baseline:** Current number of bond releases granted in 2018-2019.

**Action 5.1.1:** Work with coal companies to expedite all bond release applications.

**Tactic 5.2:** Reduce aggregate outstanding liability for all member companies of the KRGF.

**Measure:** Aggregate liability of all coal companies in the state.

**Baseline:** Current aggregate liability is based on assumptions taken from the current actuarial study.

**Action 5.2.1:** Monitor aggregate liability on a quarterly basis as bond is released.

**Objective 6: Work with legal department to pursue legal actions against companies who are delinquent in KRGF fees.**

**Tactic 6.1:** Provide the legal department with a list of companies who have suspended permits as a result of delinquent KRGF fees. Request legal action against those companies. Monitor progress of cases.

**Measure:** Number of cases filed, amount of fees collected, and amount of bond money forfeited.

**Baseline:** The number of cases filed as a result of delinquent KRGF fees in 2018-2019.

**Action 6.1.1:** Gather information on all companies that have suspended permits because of delinquent KRGF fees and have not paid in the 30 days after the suspension of their permits.

**Objective 7: Monitor the function and actuarial soundness of the fund through bi-annual audits and actuarial studies.**

**Tactic 7.1:** Work with the Auditor of Public Accounts to ensure that the KRGF is following the statutes and regulations and seek advice on ways to improve.

**Measure:** Institute Improvements based on auditor recommendations.

**Baseline:** Maintain current operational processes.

**Action 7.1.1:** Complete audit at the close of fiscal year and implement recommendations of the auditors.

**Tactic 7.2:** Procure actuarial services through approved processes to ensure that actuarial soundness of the KRGF is maintained over the long term.

**Measure:** Actuarial studies completed for fiscal year.

**Baseline:** First actuarial study complete.

**Action 7.2.1:** Complete actuarial studies for fiscal year and continue bi-annually to complete actuarial studies.

**Objective 8: Work with AML to ensure that forfeited mine sites have sufficient funds to complete reclamation when surety bonds are not adequate by transferring money on an invoice basis as expenses are incurred.**

**Tactic 8.1:** Monitor AML estimates and their relationship to actual reclamation expenditures in order to formulate estimates of liabilities of the KRGF.

**Measure:** Difference in estimates and actual costs of AML reclamation projects.

**Baseline:** Currently estimates/actual costs ratio in 2018-2019.

**Action 8.1.1:** Monitor percent difference between estimates and actual costs to better estimate liability of forfeited permits.

**Action 8.1.2:** Coordinate with DMP any results of inadequate bond amounts and discuss any changes needed to permit bond calculations.

**Tactic 8.2:** Monitor funds transferred to AML for forfeited permits.

**Measure:** Annual amount of funds paid to AML for reclamation projects.

**Baseline:** Funds paid to AML in excess of bond in 2019.

**Action 8.2.1:** Monitor AML payouts to assess the sustainability of the KRGF over the long-term.

**Objective 9: Provide better transparency of KRGF funds obligated for bond forfeitures. Work with AML to ensure adequate tracking of bonds forfeited and additional funds for reclamation requested.**

**Tactic 9.1:** Transfer monies obligated for bond forfeitures to a separate account to show what is obligated for forfeitures. Monitor the account and transfer forfeiture money as they forfeit.

**Measure:** Another account used only for bond forfeiture monies.  
**Baseline:** No baseline because currently all monies are kept in one account.

**Action 9.1.1:** Research bond forfeitures and create a list of outstanding reclamation projects and amounts forfeited. Transfer the total balance to a separate account.

**Goal 3: Regulate and enforce Surface Mining Laws for coal and non-coal programs to ensure compliance with KRS 350 and blasting laws pursuant to KRS 351.**

*The Division of Mine Reclamation & Enforcement (DMRE) is responsible for ensuring compliance with the Surface Mining Control and Reclamation Act (SMCRA) of 1977 through inspection and enforcement activities, while allowing for the extraction of our natural resources in an environmentally conscientious manner that protects the citizens of the Commonwealth. The DMRE is also responsible for permitting and enforcement of surface mining laws for non-coal mining sites and statewide blasting activities including permits to purchase explosives, blaster training, licensure and certification.*

The Division of Mine Reclamation & Enforcement is one of five Divisions within the Department for Natural Resources (DNR) responsible for administering Kentucky's mining laws. DMRE works closely with the Division of Mine Permits, Division of Abandoned Mine Lands and the Office of the Reclamation Guaranty Fund to ensure that all established standards of operation are addressed and that the public and the environment are protected. DMRE consists of the Coal program, Non-coal program, and Explosives & Blasting Section. DMRE staff perform more than 17,000 inspections per year, respond to citizen complaints, and perform numerous investigations of off-site impacts related to coal, non-coal, and blasting operations.

**Coal Program** – The coal program is responsible for inspecting all surface and underground coal mining permits in the State to assure compliance with the 1977 Federal Surface Mining Control and Reclamation Act (SMCRA). DMRE personnel within the coal program conduct monthly inspections to ensure compliance with the approved mining permit issued by the Division of Mine Permits and with Chapter 405 of the Kentucky Administrative Regulations and Chapter 350 of the Kentucky Revised Statutes. Inspections and enforcement continue until a permit is considered completely reclaimed and is released from the program. The coal program has four (4) regional offices: Hazard, Pikeville, Madisonville, and Middlesboro. The central office is located in Frankfort, Kentucky.

**Non-Coal Program** – The Non-Coal Review Section of the Division of Mine Reclamation and Enforcement (DMRE) permits, regulates and enforces the surface mining reclamation laws and regulations for non-coal mining sites in the state. Non-coal mining includes limestone, dolomite, sand, gravel, clay, fluorspar, tar sands or rock asphalt, shale, surface effects of dredging river sand and gravel, and other vein minerals.

**Explosives & Blasting Section** – The statutory responsibility of the Explosives & Blasting Section is to maintain the safety of blasters in the Commonwealth and to protect the public from harmful effects of blasting operations. The section is in charge of licensing blasters, responding to blasting complaints, training, testing, and issuing permits to purchase or possess explosives. The Explosives & Blasting Section also controls the manufacture, transportation, storage, distribution, and eventual use of explosives.

**Objective 1: Ensure that the requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and the Clean Water Act (CWA), as it applies to mining operations, are met for all Kentucky mining operations.**

**Tactic 1.1:** Comply with state and federal statutory and regulatory requirements for inspection frequency of coal mine permits.

**Measure:** Percent of inspectable units that are inspected in accordance with federal and state frequency requirements for FY2020.  
Number of statewide inspectable units.  
Current inspector workload.

**Baseline:** Corresponding measures from previous FY.

**Action 1.1.1:** Ensure complete and partial inspection frequency is achieved for all inspectable units.

**Action 1.1.2:** Ensure 7-day inspection frequency for Inspection of Non-Compliance is achieved.

**Action 1.1.3:** Utilize automated monthly SMIS reports to monitor regional office inspection frequency.

**Action 1.1.4:** Address through training and the employee evaluation system all missed inspections.

**Action 1.1.5:** Monitor staffing vacancies to ensure inspectable unit-to-inspector ratios are maintained at 25:1.

**Tactic 1.2:** Comply with regulatory requirements for response timeframes for Citizen's Request for Inspection (CRI), while keeping a backlog of unresolved citizens' request to a minimum.

**Measure:** Percent of responses to citizen's request for inspection made within 5 days.  
Percent of unresolved citizen's request for inspection.

**Baseline:** Number of citizen's request for inspection received from previous FY.

- Action 1.2.1:** Fill all vacant complaint investigator positions within the Frankfort Central Office.
- Action 1.2.2:** Establish and hire complaint investigation staff in each of the four (4) regional offices to reduce complaint response times.
- Action 1.2.3:** Create an electronic workflow for citizen’s request for inspections that includes regional office investigative staff.
- Action 1.2.4:** Incorporate the use of drone technology to reduce investigation timeframes.

**Tactic 1.3:** Water Quality and offsite impact violations are the top monthly violations issued by the DMRE. In an effort to reduce the number of Water Quality and Offsite Impact violations, the division will increase the issuance of preventative enforcement during the inspection process to specifically address performance standards that contribute to water quality and offsite impact violations.

**Measure:** Number of monthly water quality violations issued.  
 Number of monthly offsite impact violations issued.  
 Percent of permits free of water quality violations.  
 Percent of permits free of offsite impact violations.  
 Number of preventative enforcement codes utilized on Mine Inspection Reports (MIRs) for current FY specific to water quality and offsite violations.

**Baseline:** Corresponding measures from previous FY.

- Action 1.3.1:** Revise the Mine Inspection Report (MIR) to track and document stream segments and acreage impacted by offsite impact and water quality violations.
- Action 1.3.2:** Continue holding quarterly water quality task force meetings with the Division of Water (DOW).
- Action 1.3.3:** Continue providing monthly water quality exceedance reports to the DOW; continue to perform follow-up inspections on all DMR exceedance reports provided by the DOW.
- Action 1.3.4:** Develop an automated monthly report for tracking newly issued water quality and offsite impact MIR preventative enforcement codes & violations.

**Tactic 1.4:** Ensure the division is fiscally and administratively viable to provide the services necessary for programmatic implementation.

**Measure:** The division staffing levels as compared to cap.

State & federal budget allotments.

Number of training programs delivered for division staff.

**Baseline:** Corresponding measures for FY2019.

**Action 1.4.1:** Work in conjunction with the Office of Administrative Services (OAS) in the preparation of the division budget.

**Action 1.4.2:** Communicate and coordinate with OAS budget staff on the needs of the division.

**Action 1.4.3:** Track expenditures and receipts to ensure programs are within designated budgetary allotments.

**Action 1.4.4:** Implement Cabinet and DNR operational and personnel policies and programs.

**Action 1.4.5:** Monitor staffing levels and ensure timely processing of personnel actions.

**Action 1.4.6:** Educate and provide outreach to division staff on Cabinet and DNR policies.

**Tactic 1.5:** Ensure division programs are legally sound.

**Measure:** Number and outcome of litigation cases in current FY.

**Baseline:** Corresponding measures from previous FY.

**Action 1.5.1:** Develop division litigation tracking SOPs and delegate a staff member to monitor on a monthly basis.

**Action 1.5.2:** Continue holding weekly litigation strategy meetings with Office of Legal Services (OLS) staff.

**Action 1.5.3:** Provide information and technical resources in preparation of litigation to OLS staff.

**Action 1.5.4:** Prepare technical expert witnesses to testify in legal proceedings.

## **Objective 2: Reduce the Commonwealth's reclamation liabilities.**

**Tactic 2.1:** Reduce highwall reclamation liabilities through the use of preventative and alternative enforcement.

**Measure:** Total statewide open highwall.  
Percent of permits free of contemporaneous reclamation violations.

Number of contemporaneous reclamation preventative enforcement codes utilized on Mine Inspection Reports (MIRs).

Number of cases referred to OLS for alternative enforcement in Franklin Circuit Court.

**Baseline:** Corresponding measures from previous FY.

**Action 2.1.1:** Develop Standard Operating Procedures (SOPs) for all alternative enforcement case referrals from DMRE to OLS.

**Action 2.1.2:** Develop a tracking mechanism for OLS alternative enforcement case referrals.

**Action 2.1.3:** Ensure monthly completion of highwall measurement by regional office inspection staff.

**Action 2.1.4:** Incorporate the use of drone technology to aid in monthly highwall measurements.

**Action 2.1.5:** Provide annual contemporaneous reclamation training and in-field exercise for inspection staff.

**Action 2.1.6:** Develop an automated monthly report for tracking newly issued contemporaneous reclamation preventative enforcement codes & violations.

**Action 2.1.7:** Continue monthly enforcement monitoring for at-risk companies.

**Action 2.1.8:** Develop a worst case financial assurance assessment to aid in the calculation of additional financial assurance necessary for Reclamation Agreed Orders.

**Tactic 2.2:** Work with the Division of Mine Permits, the Office of the Reclamation Guaranty Fund and the Division of Abandoned Lands to ensure reclamation bond adequacy for at-risk permits and forfeited mine sites.

**Measure:** Total statewide bond posted.  
Permit specific bond amounts.  
Number of permits forfeited.  
Reclamation Cost Estimates.

**Baseline:** Corresponding measures from previous FY.

**Action 2.2.1:** Create a work group comprised of DMRE, DMP, ORGF and DAML personnel to monitor and track Title V reclamation liabilities.

**Action 2.2.2:** Hold monthly meetings with DMRE, DMP, ORGF and DAML to discuss pending bond forfeitures and liability assessment of on-the-ground reclamation liabilities.

**Action 2.2.3:** Study the feasibility of amending 405 KAR 10:025 to provide bonding rate reductions for permittees wishing to overlap previously forfeited permits.

**Action 2.2.4:** Develop SOPs for identification of at-risk permit and reclamation cost estimate calculation.

**Objective 3: Pursue the feasibility of fee and assessment increases to provide additional funding for non-coal and blasting programs.**

**Tactic 3.1:** Seek non-coal permit fee increase to help fund non-coal permit review, technical investigations, permit conferences and preliminary site visits.

**Measure:** Number of non-coal permits submitted for review, transfer and renewal for current FY.  
Fees generated from non-coal application submittal for current FY.  
Total compensation for non-coal permit review and inspection staff.  
Percentage of delinquent permit applications in review for current FY.

**Baseline:** Corresponding measures from previous FY.

**Action 3.1.1:** Track the number of permitting actions submitted for review.

Action 3.1.2: Track the number of inspections performed by non-coal inspection staff.

**Action 3.1.2:** Implement a monthly tracking procedure for all delinquent non-coal permit application reviews.

**Action 3.1.3:** Research surrounding states' non-coal permit review, penalty and fee structures for comparison to Kentucky's program.

**Action 3.1.4:** Provide outreach to non-coal stakeholders including the Kentucky Crushed Stone Association (KCSA) regarding potential revision to 405 KAR Chapter 5 to allow for fee increases.

**Tactic 3.2:** Evaluate surrounding states' blasting programs including fee structures and licensure costs.

**Measure:** Number of permits to purchase issued.  
Number of blasting training courses provided.  
Number of blasting citations issued for Redbook (805 KAR) violations.  
Penalty totals assessed for Redbook (805 KAR) violations.  
Total compensation for blasting staff.

**Baseline:** Corresponding measures for the previous FY.

- Action 3.2.1:** Track the number of permits to purchase submitted and approved.
- Action 3.2.2:** Track the number of blaster training courses provided and attendees that participate.
- Action 3.2.3:** Track the number of blasting violations issued.
- Action 3.2.4:** Research surrounding states fee and penalty structures for comparison with Kentucky's program.
- Action 3.2.5:** Provide outreach to blasting stakeholders regarding potential revision to 805 KAR to allow for fee increases.

**Objective 4: Develop and implement consistent training programs for employees that will meet the current and projected needs of the industry and public while staying within budgetary limits.**

**Tactic 4.1:** Conduct regular training sessions for DMRE inspectors, engineers and administrative personnel to ensure timeliness and uniformity in job tasks.

**Measure:** Number of monthly training sessions provided to staff.  
Number of staff that attend monthly training sessions.

**Baseline:** Number of monthly training sessions provided from previous FY.

- Action 4.1.1:** Continue providing monthly training sessions in the regional and Frankfort Central Office.
- Action 4.1.2:** Review and update monthly technical and safety training topics for regional and Central Office staff.
- Action 4.1.3:** Continue entering training transcripts in My Purpose to document staff completion of provided training sessions.
- Action 4.1.4:** Develop training modules for non-coal permit review and inspection staff.
- Action 4.1.5:** Implement a cross-training program to provide basic knowledge of the various job duties and workflow held by each category of employee (i.e. inspector, administrative personnel, section supervisor, geologist, blasting, etc.). Focused trainings will be conducted so that selected staff may function in a variety of roles, ensuring that key functions will be maintained at all times. This will ensure coverage upon a specific employee's absence and transparency in job duties.
- Action 4.1.6:** Develop joint training for DMRE inspectors and DMP permit reviewers to enhance coordination during permit review, resolution of non-compliances through permitting actions and field enforcement.

**Action 4.1.7:** Continue providing training to all Explosives and Blasting Inspectors to ensure that they remain current with any changes taking place in the blasting profession. An online library of policy statements, guidance documents, and reference was created which continues to be further developed and updated for use by Explosives and Blasting staff.

**Tactic 4.2:** Develop and implement uniform training literature and modules to utilize in annual refresher training and for new DMRE hires. The uniform training literature will consist of an updated copy of KRS 350 & 351, 405 & 805 KAR, all directives, RAMS, and memos to date. In addition, DMRE will update training modules to adhere to statutory or regulatory changes and inform personnel of such changes.

**Measure:** Number of training modules created or updated;  
Number of Directives and policies updated annually.

**Baseline:** Corresponding measures from previous FY.

**Action 4.2.1:** Develop a training task force to oversee the development/updating of training modules, annual refresher training topics and creation of new employee training literature, statutes, directives and memos.

**Action 4.2.2:** Develop a new employee checklist to be signed by the manager, supervisor, and new employee that will document receipt of regulations, directives, and memos.

**Action 4.2.3:** Develop evaluation forms to be provided to employees taking training courses to solicit possible improvements to existing training courses and suggestions for new training topics.

**Action 4.2.4:** Update/revise all division technical directives, policies and procedures.

**Goal 4: Protect human health and environment from adverse effects of coal mining and reclamation.**

*The goal of the Division of Mine Permits (DMP) is to protect human health and the environment from adverse effects of coal mining and reclamation operations. This is accomplished by evaluating mining and reclamation plans and issuing only those permits that meet the performance standards established under the federal Surface Mining Control and Reclamation Act (SMCRA) of 1977.*

The Division of Mine Permits (DMP) is responsible for reviewing applications for coal mining permits in accordance with the requirements and standards set forth in the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to ensure protection of human health and the environment; for determining reclamation bond and Long Term Treatment financial assurance amounts pursuant to 405 KAR 10:015 to ensure that bonds are sufficient to perform reclamation work should the bond be forfeited; and for evaluating the ownership and control structure of an entity applying for a SMCRA permit to ensure companies and individuals with outstanding past or present compliance issues are not issued permits.

DMP consists of two branches: The Permit Review & Compliance Branch and the Program Support Branch. The Permit Review & Compliance Branch is responsible for the comprehensive review of coal mining permit applications for technical accuracy and full compliance with SMCRA. The Program Support Branch is responsible for reviewing ownership and control in regards to entities applying for permits, permit transfers and renewals, data entry and management, and technical geographic information system (GIS) mapping and support.

**Objective 1: Perform comprehensive review of coal mine permit applications to ensure compliance with SMCRA, and perform such reviews in an expeditious manner.**

**Tactic 1.1:** Complete a thorough review of surface mine permit applications within regulatory timeframes.

**Measure:** Percent of final mine permitting decisions (issued/denied) made within regulatory timeframes.

**Baseline:** Number of permit applications with regulatory timeframes submitted.

**Action 1.1.1:** Track permit application review times through SMIS and staffware.

**Action 1.1.2:** Track and balance workload distribution.

**Tactic 1.2:** Conduct regular training sessions for DMP staff to ensure timeliness, uniformity, and compliance with the regulations. A program of cross training is to be implemented allowing certain staff to function in a variety of roles to ensure that key functions will be maintained at all times. Training topics contemplated under this objective include, but are not limited to: Right-of-entry/co-tenancy; Water quality; Impoundments; Coarse refuse/fine coal recovery; Ownership and control; and Technology/GIS. Encourage staff to attend Office of Surface Mining Reclamation and Enforcement (OSMRE) sponsored training sessions. Require technical review staff to conduct field visits with Division of Mine

Reclamation & Enforcement (DMRE) inspectors on significant permitting actions to better understand the mine plan and field conditions.

**Measure:** Number of training sessions conducted by DMP, training sessions attended by DMP personnel, and number of site visits conducted.

**Baseline:** Number of training sessions conducted per year.

**Action 1.2.1:** Identify relevant topics for training.

**Action 1.2.2:** Develop training presentations and materials.

**Action 1.2.3:** Schedule training on a monthly basis.

**Action 1.2.4:** Conduct field visits for significant permitting actions.

**Objective 2: Ensure permittees are current with Kentucky Reclamation Guaranty Fund (KRGF) assessments in order to facilitate the reduction of reclamation liabilities for the Commonwealth of Kentucky.**

**Tactic 2.1:** Coordinate with the KRGF to ensure permit applicants are in good standing with the KRGF and, when necessary, deny or suspend applications and permits when KRGF fees are delinquent. DMP, DMRE and KRGF will meet quarterly with the DNR Commissioner to review those entities and permits with delinquent KRGF fees to determine if permit suspension is necessary and appropriate.

**Measure:** Number of permits suspended and suspensions lifted for non-payment of KRGF fees.

**Baseline:** Number of permits suspended and suspensions lifted for non-payment of KRGF fees in 2018.

**Action 2.1.1:** Coordinate with KRGF to ensure that entities are in good standing with the KRGF prior to issuance of a permit.

**Action 2.1.2:** Suspend permits for non-payment of KRGF fees and lift suspensions when those fees are paid.

**Objective 3: Reduce reclamation liabilities through permit review practices, accurate bond calculations and regular review of bond adequacy.**

**Tactic 3.1:** Reduce reclamation liabilities related to Contemporaneous Reclamation Variances (CRV - open highwall).

**Measure:** Reduction in feet of highwall permitted.

**Baseline:** Existing permitted CRV highwall distance.

**Action 3.1.1:** Review permits at mid-term with a focus on evaluation of existing CRVs and requiring sufficient justification for approved variances.

**Tactic 3.2:** Reduce reclamation liabilities related to slurry impoundments.

**Measure:** Number of slurry impoundments that undergo bond re-evaluation and have approved closure plans.

**Baseline:** Current number of impoundments, bond amounts and impoundments with approved closure plans.

**Action 3.2.1:** Review impoundment permits at mid-term with a focus on adequacy of existing bonds and ensuring that an adequate closure plan is in place (including availability of borrow material).

**Tactic 3.3:** Reduce liabilities related to Long Term Treatment (LTT) sites.

**Measure:** Number of LTT sites, current financial assurance amounts, and revised financial assurance amounts.

**Baseline:** Current number of LTT sites and financial assurance amounts.

**Action 3.3.1:** Conduct site visits for all newly listed LTT sites to confirm on-ground conditions and documentation of the treatment system.

**Action 3.3.2:** Review the adequacy of LTT financial assurance during mid-term review and request updated treatment and maintenance costs from permittees.

**Goal 5: Protect the health and safety of the miner.**

***The mission of the Division of Mine Safety (DMS) is to protect the health and safety of the miner, while promoting the prosperity of the mining industry. We intend to meet these objectives by partnering with the industry through effective training, education and observing miners on the job for risk.***

The Division of Mine Safety (DMS) works to protect the health and safety of Kentucky's miners through training, education, inspections, and its unique analyst process. The Division also provides mine rescue teams and trained accident investigators to respond to any mining emergency within the State. DMS has four (4) Branch Offices located in Hazard, Harlan, Pikeville, and Madisonville.

**Training** – DMS offers mining courses to Kentucky coal miners throughout the State. All training and testing is led by qualified instructors.

**Licensing and Inspections** – DMS issues licenses to owners, operators, lessees, or licensees of each mine located within the Commonwealth. Safety inspections are made by well-qualified and trained inspectors stationed in one of the four branch offices. These inspections are proactive accident prevention measures used to identify hazards. In response to the licensing and inspection of coal mines, DMS also produces an annual report that covers the complete operation of all mines in the State during the preceding calendar year and includes the number of accidents, the number of persons employed, and the amount of coal mined.

**Mine Mapping** – The Mine Map Information Center has operated the Mine Map Repository for the Division of Mine Safety (DMS) for over 30 years. Currently, the office has more than 175,000 paper coal mine maps on file and 183,000 mine records in the corresponding database. The office receives all active coal mine maps each year as well as any closure maps.

**Mine Rescue and Accident Investigations** – DMS has a long and proud history of providing mine rescue services for underground mining operations in Kentucky. Each mine rescue station includes state-of-the-art mine rescue equipment and a mine rescue team comprised of DMS personnel. DMS also dispatches trained Accident Investigators to mine sites when a serious or fatal accident is reported.

**Objective 1: Seek to ensure a safe work environment.**

**Tactic 1.1:** Charting of accident types to identify trends and decrease events.

**Measure:** Number of accidents and trend analysis.

**Baseline:** The corresponding measure for FY2018/2019.

**Action 1.1.1:** Develop an improved system of tracking citations and analyzing data to identify developing trends.

**Action 1.1.2:** Analyze data collected in order to identify developing trends in order to narrow focus towards negative trends.

**Action 1.1.3:** Incorporate customized training and educational techniques to circumvent the negatively developing trend.

**Action 1.1.4:** Incorporate focused inspection techniques to lower incident rates in trending areas.

**Tactic 1.2:** Increase focus on behavior based safety.

**Measure:** Number of job safety analysis conducted; the number of job observations conducted; and number of safe/risk behaviors observed and feedback provided.

**Baseline:** The corresponding measure for FY2018/2019.

**Action 1.2.1:** Perform a minimum of three (3) analysis audit per annum at each mining operation.

**Action 1.2.2:** Perform additional audits at mining operations with a higher than average incident rate.

**Action 1.2.3:** Incorporate new analyst techniques as per data collected from previous year's analysis, observation, and accident data to further develop and enhance the program's effectiveness.

**Tactic 1.3:** Train and educate mine personnel.

**Measure:** Number of miners trained, and courses offered in the current year.

**Baseline:** The corresponding measure for FY2018/2019.

**Action 1.3.1:** Revise training courses in order to stay current with advances in mining.

**Action 1.3.2:** Develop new training materials and make them available to stakeholders.

**Tactic 1.4:** Implement an electronic submittal system for training.

**Measure:** Notices of training and class rosters submitted electronically.

**Baseline:** New initiative; no baseline established.

**Action 1.4.1:** Design a web-based portal for submission of all notices of training and certification/re-certification training rosters.

**Action 1.4.2:** Establish a notification process to inform industry personnel of the availability of the system.

**Tactic 1.5:** Ensure that all mines within the state are afforded the required primary and secondary mine rescue teams, as required under current state and federal law.

**Measure:** Meet current state and federal requirements.

**Baseline:** The corresponding measure for FY2018/2019.

**Action 1.5.1:** Frequently evaluate the number of Industry teams to maintain one hour coverage compliance.

**Action 1.5.2:** Evaluate lifetime replacement and update mine rescue equipment to ensure readiness for mine emergencies.

**Tactic 1.6:** Comparatively gauge the current effectiveness of the division as compared to existing federal statistics utilizing the national incident rates (IR).

**Measure:** Gauge the state incident rate against the national average.

**Baseline:** The corresponding measure for FY2018/2019.

**Action 1.6.1:** Track National incident rate.

**Action 1.6.2:** Track incident rate at state and branch levels.

**Action 1.6.3:** Identify those components that have increased or decreased the state incident rate.

**Action 1.6.4:** Design preventive measures, and implement with training and enforcement, that will decrease the state incident rate.

## **Objective 2: Departmental oversight of the Kentucky State Mine Mapping information System**

**Tactic 2.1:** Monitor the DNR Kentucky Mine Mapping Information System.

**Measure:** DNR's effectiveness in heading the mine mapping system.

**Baseline:** The corresponding measure for FY2018/2019.

**Action 2.1.1:** Measure the effectiveness and efficiency of the DNR employee compared to that of these duties when contracted with the University of Kentucky.

## **Objective 3: Create an electronic document submission and management system.**

**Tactic 3.1:** Meet with stakeholders and IT personnel to review, design or amend the current license form.

**Measure:** Number of mine license processed.

**Baseline:** The corresponding measure for FY2018/2019.

**Action 3.1.1:** Create an electronic mine license application form.

**Action 3.1.2:** Conduct a pilot program to test the suitability of the new electronic form.

**Action 3.1.3:** Identify redundancy among mining agencies to create a standard mining map.

**Action 3.1.4:** Track number of applications submitted electronically and identify any deficiencies in the application.

**Tactic 3.2:** Implement an electronic submittal system.

**Measure:** Number of license applications submitted electronically.

**Baseline:** New initiative; no baseline established.

**Action 3.2.1:** Design a web-based portal for application submission.

**Action 3.2.2:** Establish a notification process to inform industry personnel of the availability of the system.

#### **Objective 4: Extend coal related resources to the metal/non-metal mining industry**

**Tactic 4.1:** Provide mine rescue, training, and accident prevention resources to the metal/non-metal mining industry.

**Measure:** Legislation and policies drafted related to the metal/non-metal mining industry.

**Baseline:** New initiative; no baseline established.

**Action 4.1.1:** Meet with representatives of the mining enforcement, mine safety and metal/non-metal mining industry to discuss commonalities of their programs and the potential to share resources.

**Action 4.1.2:** If appropriate and relevant, apply for additional federal grant funds to expand our training initiative to include the metal/non-metal mining industry.

**Action 4.1.3:** If appropriate and relevant, design training courses that can be utilized by two or more mining agencies.

**Action 4.1.4:** If appropriate and relevant, create mine safety and mine rescue policies among mining agencies.

**Goal 6: Conserve and protect oil and natural gas reserves through responsible development. *Regulate the crude oil and natural gas industry in the Commonwealth; protect the correlative rights of mineral owners, fresh water zones and minable coal seams; and conserve and protect oil and gas reserves in Kentucky.***

The Division of Oil and Gas was created by act of the Kentucky Legislature in 1960: charged with a mandate to foster conservation of all mineral resources, promote and encourage exploration and recovery of oil and gas deposits, protect the correlative rights of all mineral and surface owners, and take actions necessary to assure protection of the health, safety, and property of the citizens. Initially structured within the Department of Mines and Minerals, the Division operates today within the Department of Natural Resources in the Energy and Environment Cabinet.

Since that time, other work duty areas have been added such as well plugging procedures, an abandoned well plugging program, wellsite reclamation requirements, permitting and inspection of gathering lines, requirements for As-Built Plats, increased bonding levels, production reporting, Class II injection well regulatory oversight, and most recently remediation of abandoned storage tanks.

The division's key areas of responsibility today includes:

- Regulatory compliance oversight of Oil and Gas production operations
- Permitting of Oil and Gas wells and gathering lines
- UIC Class II Injection Well Primacy under EPA
- Conservation of resources, prevention of waste, protection of correlative rights
- Addressing environmental impacts of orphan wells and abandoned storage tanks

About 75 of Kentucky's counties have some level of oil and gas activity. Oil and gas production is generated from more than 1,500 pools in rocks of Cambrian to Pennsylvanian age. Most oil is produced from Mississippian limestone and sandstone in eastern and western Kentucky or from Ordovician limestone and dolomites in southern Kentucky. Most natural gas is produced from the Devonian black shale in eastern Kentucky. Rankings nationwide vary greatly over time, but Kentucky more recently (2016) has ranked nationwide as #19 in natural gas production and #21 in crude oil production.

Division headquarters is located at 300 Sower Boulevard in Frankfort, Kentucky. Eight people make up the Frankfort group, with duties including permitting, well transfers, operator licenses, bonding oversight, well records review, technical support, GIS mapping, UIC Class II well oversight, regulatory compliance, production reporting, mediations, pooling, state plugging, and citizen inquiries.

The division has two field offices located in Floyd County (Eastern District) and Barren County (Western District). Sixteen field personnel serve in these two district offices to provide oil and gas industry oversight for the entire Commonwealth. Each of the sixteen field inspectors has responsibility for two to nine counties to perform well inspections, oversee drilling and plugging activity, inspect gathering lines, and to respond to citizen complaints or spill incidents.

**Objective 1: Administer the current Division of Oil and Gas (DOG) regulatory program to ensure it is adequate to prevent waste, is protective of the mineral owners and adjacent property owners, and is sufficient to protect the environment, while encouraging responsible development of crude oil and natural gas resources.**

**Tactic 1.1:** Continue to work with the Oil and Gas Workgroup to make legislative recommendations for enhanced funding mechanisms to address division statute and regulation deficiencies that would prevent achieving these division mandates.

**Measure:** Successful passage of legislative bills or regulatory filings.

**Baseline:** Current level of division fund sources that include permit fees, annual licenses, transfer fees, and associated submittal charges.

**Action 1.1.1:** Participate in the Oil and Gas Workgroup toward the establishment of statutes and regulations that will provide alternate funding means to finance division operations.

**Action 1.1.2:** Collaborate with the Workgroup to evaluate a modified enforcement program and introduce fines/penalties.

**Action 1.1.3:** Implement and enforce new statutes and regulations in regards to revenue sources and possible fines/penalties.

**Tactic 1.2:** Increase field inspections and complaint response inspections per inspector unit as division resources and permit workloads allow.

**Measure:** Total field inspections and responses per inspector unit.

**Baseline:** Comparable metrics from 2017-2019, adjusted for staffing vacancies.

**Action 1.2.1:** Take steps to maintain full field inspection staffing, posting jobs and hiring candidates as needed.

**Action 1.2.2:** Train new staff members on job duties to assure effectiveness.

**Action 1.2.3:** Work with OAS/IT Group to resolve programming issues that diminish inspector field productivity.

**Tactic 1.3:** Provide enhanced training of field inspectors and administrative staff to broaden industry/regulatory compliance knowledge and improve their skills and resources to accomplish the key mandates assigned by the legislature.

**Measure:** Division training hours committed to training and skill enhancement.

**Baseline:** Training hours invested division-wide 2017-2019, adjusted for staffing vacancies.

**Action 1.3.1:** Establish a tracking and reporting mechanism for training hours.

**Action 1.3.2:** Identify opportunities to increase inspector effectiveness through specialized training opportunities.

**Action 1.3.3:** Assess resource needs for inspectors; respond with written recommendations to the Commissioner.

**Objective 2: Continue implementation of primacy responsibilities from US Environmental Protection Agency (EPA) for Underground Injection Control (UIC) Class II injection wells in the Commonwealth (Class II injection wells are utilized for enhanced oil recovery and for the disposal of brine water).**

**Tactic 2.1:** Continue to work with United States Environmental Protection Agency (EPA) representatives to complete UIC Program primacy transition requirements and implementation.

**Measure:** Number of EPA UIC permits entered into DOG database, EPA pre-primacy enforcement actions closed out, operator transfers completed, Financial Responsibility bonds transferred, and EPA files scanned and returned.

**Baseline:** Primacy anniversary levels of the above listed UIC actions pending.

**Action 2.1.1:** Work with EPA to facilitate transference of Class II Financial Responsibility bonding to Division oversight. Establish a system of Financial Responsibility tracking and reporting to replace the unreliable EPA report.

**Action 2.1.2:** Provide EPA with assistance to close out their pre-primacy enforcement actions.

**Action 2.1.3:** Commence identifying and addressing ownership-conflicted UIC permits. Address the EPA backlog of operator transfer requests that have complicated the primacy transition.

**Tactic 2.2:** Manage available budgetary resources to improve efficiency and productivity of Class II regulatory oversight activity, and to meet Class II permit review and inspection requirements.

**Measure:** Number of permits issued, number of Internal Mechanical Integrity Tests (IMIT's) performed, permit modifications approved, and UIC inspections completed.

**Baseline:** Comparable metrics from 2017-2019, adjusted for staffing vacancies.

**Action 2.2.1:** Broaden the skills and training of newer staff to provide better support in UIC Program administration.

**Action 2.2.2:** Train all field personnel in proper IMIT procedures to increase productivity of the overall group in this area.

**Objective 3: Administer the statutory duties of well permitting, operator registration, compliance oversight, well records maintenance, well bonding, gathering line mapping, and oil and gas program management to provide effective oversight as per the legislative mandate and complete service to the industry and public.**

**Tactic 3.1:** Effectively manage the functions of well permitting, transfers, operator licensing, and well records management.

**Measure:** Total permits issued, permits transferred, well records processed, and licenses issued.

**Baseline:** Comparable metrics from 2017-2019.

**Action 3.1.1:** Maintain current records and tracking of all permit activity.

**Action 3.1.2:** Train personnel in new procedures and requirements as statutes and regulations change.

**Action 3.1.3:** Facilitate close communication with public and industry to assure that informational needs are being met.

**Tactic 3.2:** Coordinate gathering line permitting, mapping, and line transfers to maintain an accurate accounting of industry activity as required.

**Measure:** Gathering line permits issued, modified, transferred, and mapped.

**Baseline:** Comparable metrics from 2017-2019.

**Action 3.2.1:** Maintain current records and tracking of all permitting and related mapping activity.

**Action 3.2.2:** Provide quarterly update of current gathering line mapping to KY Geological Survey for maintenance of the statewide gathering line map.

**Tactic 3.3:** Administer Kentucky’s well bonding program activity to assure operators maintain bonding compliance; taking action when appropriate to facilitate bond transfers, replacements, demands, and forfeitures as statutes require.

**Measure:** Bonds issued, transferred, released, and bond forfeiture actions.

**Baseline:** Comparable metrics from 2017-2019.

**Action 3.3.1:** Maintain current records and activity tracking for all well bonding activity.

**Action 3.3.2:** Train personnel in new bonding requirements per KRS Chapter 353 statute changes June 2019. Work to streamline the bond release process.

**Action 3.3.2:** Prioritize compliance actions to focus on the worst problems, provide regular updates of bond forfeiture activity

**Objective 4: Continue efforts to address Oil and Gas legacy issues of orphan wells and abandoned storage tanks across the Commonwealth.**

**Tactic 4.1:** Initiate a more aggressive program to address the growing problem of abandoned or “orphan” wells in Kentucky.

**Measure:** Successful implementation of a program to address proactively the growing issue of orphan wells in the communities of the Commonwealth.

**Baseline:** 2017-2019 funding levels within the Oil and Gas Plugging Fund, state wells plugged over past five years, and 13,800 orphan wells unplugged.

**Action 4.1.1:** Implement program to ramp up state plugging of orphan wells to reduce the well count, resultant community impacts, and financial liability of orphan wells.

**Action 4.1.2:** Assess staffing and resources required for such a program, take steps to provide the items and staff expansions required.

**Tactic 4.2:** Provide report and recommendations to the Oil and Gas Workgroup to address the growing problem of bond forfeitures caused by inadequate levels of bond required for new oil and gas wells in Kentucky.

**Measure:** Successful passage of legislative bills or regulatory filings to address operator abandonments and bonding deficiencies.

**Baseline:** 2017-2019 level of statutory bond requirements to permit new shallow wells in Kentucky.

**Action 4.1.1:** Participate in the Oil and Gas Workgroup in the establishment of a fair and sustainable level for bond requirements that will properly cover true plugging costs for each individual well.

**Action 4.1.2:** Implement the new bonding requirements once approved.

**Tactic 4:3:** Continue work to secure an ongoing funding source and long-term program for reclamation of abandoned storage tanks across the Commonwealth.

**Measure:** Successful passage of legislative bills or regulatory filings, and successful implementation of a tank site reclamation program.

**Baseline:** No baseline. The Abandoned Storage Tank Reclamation Program is a new initiative.

**Action 4.1.1:** Participate in the Oil and Gas Workgroup in the establishment of a funding mechanism for the removal and reclamation of abandoned tanks.

**Action 4.1.2:** Develop a system for mapping the abandoned tank sites, and a means to track progress of the work.

**Action 4.1.3:** Post job positions, conduct interviews and hire appropriate candidates.

**Action 4.1.4:** Train field and administrative staff members on new job duties.

**Action 4.1.5:** Develop tracking mechanism in division's database for abandoned tanks.

**Action 4.1.6:** Implement and enforce new statutes and regulations concerning abandoned tanks.

**Objective 5: Provide technical expertise and oversight of oil and gas developments to encourage responsible industry growth activity that will adequately protect the resources of the Commonwealth.**

**Tactic 4:1:** Identify candidates and positions that will enhance the technical strength of the division and create capacity to handle technical inquiries and environmental questions needing solutions.

**Measure:** Successful creation of an Oil and Gas Technical Advisor position that strengthens the division in currently weak technical areas.

**Baseline:** No baseline, this is a new initiative.

- Action 4.1.1:** Develop and post the position, conduct interviews, and successfully hire a qualified candidate.
- Action 4.1.2:** Implement training and create organizational structure to make the position effective and beneficial to the EEC Cabinet, other state agencies, operators, and the public.

**Goal 7: Provide soil and water conservation programs to the Commonwealth.**

***The Division of Conservation’s mission is to conserve Kentucky’s natural resources through education and assistance to producers and local conservation districts.***

The Division of Conservation (DOC) is charged with providing assistance to Kentucky’s 121 conservation districts to develop, administer, and implement sound conservation programs across the state. Kentucky’s conservation districts are subdivisions of state government. Districts are organized with their boundaries coinciding with county lines (with the exception of Logan County, which is divided into two districts). Each local district is governed by a seven-member board of supervisors elected by the registered voters within that district. The conservation districts have been organized for the special purpose of assisting landowners and land users in solving soil and water resource problems, setting priorities for conservation work to be accomplished, and coordinating the federal, state and local resources to carry out these programs.

DOC partners with federal, state, and local agencies to assist landowners in installing best management practices that protect the soil and water resources of Kentucky. The division promotes classroom education through material development and assists conservation districts in meeting the needs of their local communities. The division provides administrative assistance to the Soil and Water Conservation Commission and the Agriculture Water Quality Authority as they develop sound policy.

**Objective 1: Provide technical assistance by the Division of Conservation in concert with the Natural Resources Conservation Service (NRCS).**

**Tactic 1.1:** Provide technical service to the conservation districts to ensure that conservation district programs are completed according to standards and specifications.

**Measure:** Number of NRCS employees and Division of Conservation representatives providing technical assistance.

Number of training courses completed by DOC staff.

**Baseline:** Current staffing levels.

**Action 1.1.1:** Develop DOC staff through training towards certification as conservation planners.

**Action 1.1.2:** Track the number and type of interagency issues and projects.

**Tactic 1.2:** Provide assistance to conservation districts and district supervisors on administrative and financial issues.

**Measure:** Number of visits by field office staff.  
Number of trainings offered to district supervisors or employees.

**Baseline:** Number of field visits by office staff since 2015.

**Action 1.2.1:** Provide bi-monthly updates to all districts by email.

**Action 1.2.2:** Provide training at least annually in concert with the Kentucky Association of Conservation Districts or the Kentucky Association of Conservation District Employees for district supervisors or staff.

**Objective 2: Support the implementation of conservation through the Soil and Water Conservation Commission and the Agriculture Water Quality Authority.**

**Tactic 2.1:** Provide support for the Agriculture Water Quality Authority

**Measure:** Biennial report submission date.  
Committee meeting dates.  
Completion of new education tools.

**Baseline:** 1994 legislation.

**Action 2.1.1:** Update the Statewide Agriculture Water Quality Plan.

**Action 2.1.2:** Convene each committee of the Agriculture Water Quality Authority at least once per year.

**Action 2.1.3:** Update the Agriculture Water Quality Workbook.

**Action 2.1.4:** Develop new educational materials for Agriculture Water Quality.

**Action 2.1.5:** Submit biennial report to LRC as required by statute.

**Tactic 2.2:** Provide support for the Soil and Water Conservation Commission.

**Measure:** Number of new and amended agriculture districts each year.

**Baseline:** Number of agricultural districts in FY18

**Action 2.2.1:** Update the state cost share manual to remove highly engineered practices.

- Action 2.2.2:** Revise the state regulation regarding cost share.
- Action 2.2.3:** Continue to digitize and amend agriculture districts upon establishment or recertification.
- Action 2.2.4:** Work with NRCS and Division of Water to prioritize outreach for watershed conservancy districts in need of rehabilitation funds.

**Tactic 2.3:** Provide tools and technical support for nutrient reduction from agricultural lands.

**Measure:** Electric Power Research Institute (EPRI) practices inspected  
Agriculture Water Quality Act trainings.  
Regional Conservation Partnership Program (RCPP) farms enrolled.

**Baseline:** Electric Power Research Institute Practices (EPRI) installed in 2016-2017.  
Regional Conservation Partnership Program (RCPP) farm approvals.

**Action 2.3.1:** Complete required annual site visits for EPRI projects.

**Action 2.3.2:** Complete close out and final report of RCPP grant for Mud and Manure.

**Action 2.3.3:** Explore development of a new RCPP for source water protection with Tennessee.

**Action 2.3.4:** Participate in Hypoxia Task Force meetings.

**Action 2.3.5:** Work with Division of Water to provide education and outreach regarding the Kentucky Nutrient Reduction Strategy.

**Objective 3:** Responsibly administer the conservation programs of the division through conservation districts to ensure the availability of technical and financial assistance to the landowners of Kentucky.

**Tactic 3.1:** Distribute state cost share funds to help landowners implement their required agriculture water quality plans.

**Measure:** Number of applications received and number of applications approved.  
Dollar amount disbursed.

**Baseline:** Number of applications received and number of applications approved in FY18.  
Cost share trends since 2000.

- Action 3.1.1:** Accept continuous sign-ups for cost share with at least one cut off a year.
- Action 3.1.2:** Continue to improve the online application system for state cost share.
- Action 3.1.3:** Offer at least one (1) training session a year for new conservation district staff regarding cost share program processes.
- Action 3.1.4:** Annually present to the Tobacco Settlement Oversight Committee on the status of the State Cost Share program.

**Tactic 3.2:** Continue to effectively and responsibly administer the Equipment Loan program.

**Measure:** Number of new loans per year.  
**Baseline:** Current year numbers.

- Action 3.2.1:** Distribute information at least annually to soil and water conservation districts about current loan interest rates and process for applying.
- Action 3.2.2:** Update tracking process for all revolving loans.

**Objective 4:** Continue to administer conservation education programs including the Jim Claypool Art and Conservation Writing competition, the Envirothon, and trainings for District officials and staff.

**Tactic 4.1:** Conduct the Jim Claypool Art and Conservation Writing contests to teach elementary and high school students of Kentucky about natural resources using a rotating list of topics pertaining to forestry, water, soil, and wildlife.

**Measure:** Number of students participating in the program.  
**Baseline:** Current year participation.

- Action 4.1.1:** Provide a digital tabloid for distribution to the conservation districts by September 1<sup>st</sup> of each year.
- Action 4.1.2:** Continue to work with agencies within the Energy and Environment Cabinet to provide the most accurate information possible to the teachers participating in the program.
- Action 4.1.3:** Continue promotion of the contests through available resources within state government (Kentucky Environmental Education Council; Land, Air and Water online document; etc.).

**Tactic 4.2:** Conduct the Envirothon Contest for Kentucky high school students.

**Measure:** Number of students and teams participating.

**Baseline:** Current year numbers.

**Action 4.2.1:** Recruit new teams from more schools for the annual competition.

**Action 4.2.2:** Hold two (2) training days.

**Action 4.2.3:** Continue to work with partners across the Energy and Environment Cabinet to prepare the students for rigorous competition.

**Action 4.2.4:** Academically support winners competing at the national level.

**Goal 8: Protect and enhance the forest resources of the Commonwealth.**

*Enhance Kentucky's rural and urban forests to provide economic and social benefits through proper management and reforestation while protecting the resource from threats such as wildfire, insects and diseases, and lack of management. Ensure Kentucky's forests continue to provide resources for wood-based industries in a sustainable manner. Educate and engage the public on the environmental, social and economic values of Kentucky's forest resources, and impress upon them the importance of effective stewardship and sustainable utilization of these resources.*

The mission of the Kentucky Division of Forestry (KDF) is "to protect, conserve and enhance the forest resources of the Commonwealth through a public informed of the environmental, social and economic importance of these resources." As a means of meeting this mission, the division offers a variety of programs and services:

**Public Outreach and Education** – KDF partners with agencies and organizations to provide landowner workshops, field days, tree planting events, demonstration sites, and exhibits. KDF certifies Tree City USA communities, a program of the Arbor Day Foundation.

**Economic Outreach** – KDF works with traditional and non-traditional partners to convey the importance of Kentucky's forests. Timber resources in all 120 Kentucky counties harvested by more than 2,500 loggers provide a significant economic contribution to Kentucky. In 2018, wood was processed at 731 wood, paper, and paper converting manufacturing facilities located in 113 counties. The distribution of these facilities and the more than 26,000 Kentuckians they employ highlights how the \$13 billion contribution is an important economic force for both rural and urban communities.

**Forest Stewardship** – KDF manages the Kentucky Forest Stewardship Program. This is a free program available to all private forestland owners. KDF arranges for a forester, wildlife biologist, and/or other natural resources professional to meet with the landowner to help prepare a customized forest stewardship plan based on their goals and objectives for the property.

**Forest Health Program** – The Forest Health Program focuses on identifying and monitoring for potential insect, disease, invasive, and exotic plant problems that threaten our forestlands. KDF utilizes aerial and ground surveys in order to determine the severity and extent of insect infestations and to delineate the spread of disease. In addition to monitoring, the Forest Health Program also develops special projects for managing forest health threats (such as for the Hemlock Woolly Adelgid).

**State Forests** – KDF owns and manages ten (10) state forests across the Commonwealth. The state forest properties are managed using the ecosystem management approach to ensure biological diversity and sustainable use. They are working forests and educational demonstration areas exist in each.

**Wildland Fire Management** – KDF is responsible for fighting wildland fires on private lands and enforcing forest fire hazard seasons and other outdoor burning regulations.

**Kentucky Forest Conservation Act (KFCA)** – Water quality is one of the most important aspects of the KFCA. The KFCA requires loggers to use best management practices (BMPs) during tree harvesting and to correct any damage to land and water. The Kentucky Master Logger Program is part of the KFCA, and is an education program that teaches logging methods that benefit both industry and the forest.

**Objective 1: Increase the opportunities for public education.**

**Tactic 1.1:** Partner with agencies and organizations to provide landowner workshops, field days, tree planting events, demonstration sites and exhibits.

**Measure:** Number of workshops and number of attendees.

**Baseline:** Number of programs and number of attendees in 2018-2019.

**Action 1.1.1:** Work with UK Department of Forestry to plan and conduct workshops for forest landowners and the public.

**Action 1.1.2:** Partner with other Natural Resource Agencies to provide educational opportunities for forest landowners and the public.

**Tactic 1.2:** Facilitate forestry education in schools (K-12) by providing speakers, materials and leaders for forestry programs.

**Measure:** Number of programs and number of attendees.

**Baseline:** Number of programs and number of attendees in 2018-2019.

**Action 1.2.1:** Provide forestry personnel to serve as team mentors at the Kentucky Forest Leadership Program.

**Action 1.2.2:** Conduct forestry portion of annual Envirothon competition.

**Action 1.2.3:** Provide forestry educational programs for schools.

**Tactic 1.3:** Conduct one-on-one technical assistance for landowners and community members seeking advice on forest/tree related matters including forest management plans, forest improvement practices, forest health, urban forests, and individual tree care.

**Measure:** Number of assists with landowners.

**Baseline:** Number of assists with landowners in 2018-2019.

**Action 1.3.1:** Work with partners of the Forest Health Task Force to prioritize response to threats from insects and diseases.

**Action 1.3.2:** Meet with community leaders to develop and enhance self-sustaining urban and community forestry programs.

**Tactic 1.4:** Use social media to convey a forestry message.

**Measure:** Increase in number of people reached annually.

**Baseline:** Number of "Likes" in 2018-2019.

**Action 1.4.1:** Provide current and timely information via social media.

**Action 1.4.2:** Develop articles for Land Air and Water Webzine.

**Action 1.4.3:** The division participates as a co-author *Kentucky Woodlands* magazine with University of Kentucky (UK) and with UK's Professional Forester Training Series and Landowner Webinar Series.

**Action 1.4.4:** Develop articles and publish the quarterly *Tree Line* newsletter.

**Tactic 1.5:** Conduct Kentucky Master Logger and continuing education programs for loggers and inspectors.

**Measure:** Measure of programs and number of trainees.

**Baseline:** Number of programs and number of trainees in 2018-2019.

**Action 1.5.1:** Maintain partnership with University of Kentucky and Kentucky Forest Industries Association to plan and conduct required Kentucky Master Logger training.

**Action 1.5.2:** Conduct both 3-day and continuing education classes regionally across the state.

**Action 1.5.3:** Conduct annual training for division personnel responsible for timber harvest inspections.

**Tactic 1.6:** Communicate the effects of wildfire on the landscape through Firewise, Smokey Bear and wildfire prevention programs.

**Measure:** Number of programs and number of people reached.

**Baseline:** Number of programs and number of people reached in 2018-2019.

**Action 1.6.1:** Focus Firewise activities in highest fire occurrence areas.

**Action 1.6.2:** Promote the study from University of Kentucky indicating a loss of \$404 per acre in timber value as a result of a wildfire.

**Tactic 1.7:** Work with forest industries to ensure the forest resources are utilized in an efficient and environmentally sound manner.

**Measure:** Growth to removal ratio.

**Baseline:** Compare growth and removal ratio from last Forestry Inventory and Analysis Report issued by the US Forest Service.

**Action 1.7.1:** Gather Timber Product Output information from wood-using industries to measure impact on the forest resource.

**Action 1.7.2:** Maintain primary and secondary forest industries directory information for marketing opportunities.

**Action 1.7.3:** Work with the state-wide Wood Energy Team for emerging market opportunities for woody biomass utilization within energy sector.

**Tactic 1.8:** Work with US Forest Service to provide Forest Inventory Analysis Foresters to measure permanently established inventory plots across the Commonwealth.

**Objective 2: Work with traditional and non-traditional partners to convey the importance of Kentucky's forest resources.**

**Tactic 2.1:** Utilize partner networks such as Kentucky Woodland Owners Association, Kentucky Tree Farm Committee, distillers, economic development, urban planners, Chambers of Commerce, Area Development Districts, public utilities, non-profit, environmental organizations and others to support the sustainability of the forest resources.

**Measure:** Number of partners reached.

**Baseline:** Average number of meetings attended in 2018-2019.

**Action 2.1.1:** Develop information promoting the planting and management of white oak species used by cooperage firms to produce barrels.

**Objective 3: Continue to promote Forest Stewardship.**

**Tactic 3.1:** Increase landowner participation in forest management programs.

**Measure:** Increase in the number of acres actively managed in the Forest Stewardship Program.

**Baseline:** Acres of forestland under active management plans in 2018-2019.

**Action 3.1.1:** Prepare a plan to reduce backlog of requests for technical assistance from forest landowners through the Regional Conservation Partnership Program.

**Action 3.1.2:** Increase division capacity for preparing forest management plans through partnership with other agencies.

**Tactic 3.2:** Work with the Natural Resource Conservation Service's (NRCS) State Technical Committee to promote more cost-share funding dedicated to forestry practices.

**Measure:** Amount of cost-share fund expended on forestry practices.

**Baseline:** Amount of cost-share fund expended in 2018-2019.

**Action 3.2.1:** Track cost-share funds and forestry practice type.

**Tactic 3.3:** Provide for the reforestation of nonproductive, marginal, riparian and mined lands.

**Measure:** Number of tree seedlings produced and distributed annually.

**Baseline:** Number of tree seedlings produced and distributed in 2018-2019.

**Action 3.3.1:** Increase production of tree seedlings at the division's two nurseries.

**Action 3.3.2:** Promote the planting of tree seedlings through Arbor Day events, urban programs, mine reclamation, and the public.

**Objective 4: Address threats to Kentucky's forestlands from diseases and non-native invasive plants and insects. The impacts of these pests along with fragmentation, air pollution, the heat island effect, climate change, stormwater mitigation, wildfires, increased accessibility, lack of management, and improper logging practices continue to compromise forest productivity and quality in Kentucky.**

**Tactic 4.1:** Develop and provide education materials on Integrated Pest Management for the public, policy makers, natural resource managers, and educators.

**Measure:** Number of public outreach opportunities.

**Baseline:** Number of training opportunities 2018-2019.

**Action 4.1.1:** Promote the Integrated Pest Management through prevention, early detection and control.

**Action 4.1.2:** Support information and education efforts regarding invasive plants, insects, and diseases through the Kentucky Forest Health Center.

**Tactic 4.2:** Monitor for and respond to invasive plants, insects, and diseases outbreaks.

**Measure:** Number of threats addressed.

**Baseline:** Number of surveys completed for new threats.

**Action 4.2.1:** Participate in forest pest and disease monitoring traditionally supported by the U. S. Forest Service and APHIS.

**Action 4.2.2:** Develop an effective means of delivering information to the public regarding invasive species movement.

**Tactic 4.3:** Use field crews to prioritize and manage infestations of Hemlock Woolly Adelgid and invasive plants on public property.

**Measure:** Number of hemlock trees treated.

Number of acres managed for invasive plants.

**Baseline:** Hemlock trees treated in 2018-2019.

Number of acres treated for invasive plants 2018-2019.

**Action 4.3.1:** Gather data on occurrence and location of hemlock trees on public property.

**Objective 5:** Work with municipalities to strengthen their urban and community forestry programs, including providing technical and financial support to staff, volunteers, and community groups, as well as providing information on available resources such as funding opportunities. Work with communities to promote viable, self-sustaining, and replicable reforestation programs and initiatives.

**Tactic 5.1:** Increase the number of Tree City USA, Tree Campus and Tree Line USA designations.

**Measure:** The number of Tree City USA, Tree Campus USA and Tree Line USA designations.

**Baseline:** Number of designations for 2018-2019.

**Action 5.1.1:** Ensure that potential communities, colleges, universities and utility companies have information and support to apply for these programs.

**Action 5.1.2:** Fill Urban Forestry Partnership Coordinator position to work with cities, colleges, universities, and utility companies.

**Tactic 5.2:** Provide technical assistance and innovative strategies to communities in utilizing tools to assess, plan and manage urban and community trees and green space.

**Measure:** Number of communities assisted.

**Baseline:** Number of communities assisted in 2018-2019.

**Action 5.2.1:** Promote the management of self-sustaining urban and community forest resources to community leaders.

**Action 5.2.2:** Train field personnel provide urban and community forestry technical assistance to local communities within their assigned work areas.

**Objective 6: Reduce the number of wildfires and acres burned.**

**Tactic 6.1:** Provide the resources and training necessary to aggressively respond to wildfires while providing for firefighter safety.

**Measure:** Number of firefighters equipped and trained.

**Baseline:** Number of firefighters equipped and trained in 2018-2019.

**Action 6.1.1:** Implement new process of identifying and hiring personnel to supplement full-time workforce.

**Action 6.1.2:** Provide required training to all personnel prior to allowing them to respond to any wildfire.

**Action 6.1.3:** Monitor firefighter work periods to ensure adequate rest is incorporated in their schedule.

**Action 6.1.4:** Provide opportunities for trained firefighters to participate in out-of-state fire assignments to gain additional training and experience.

**Tactic 6.2:** Establish and implement a replacement schedule for firefighting equipment to ensure dependable equipment and the latest technology.

**Measure:** Number of items exceeding the replacement schedule.

**Baseline:** No replacement schedule presently; baseline not established.

**Action 6.2.1:** Identify a replacement schedule for each type of equipment utilized in suppressing wildfires.

**Action 6.2.2:** Identify the amount of items not meeting the established replacement schedule.

**Action 6.2.3:** Identify any funds that may be available to replace equipment. Seek additional funds as necessary to support a replacement schedule.

**Tactic 6.3:** Establish partnerships with law enforcement agencies to address wildland arson in high wildfire occurrence areas.

**Measure:** Percentage of wildland fires caused by arsonists.

**Baseline:** 2018-2019 arson percentage

**Action 6.3.1:** Continue with an MOA with the Department of Fish and Wildlife for conservation officer assistance on arson investigations.

**Tactic 6.4:** Increase the capacity of the division to have trained firefighters available for response to wildfires.

**Measure:** Number of trained firefighters outside of the division (other DNR personnel).

**Baseline:** New initiative – no baseline data.

**Action 6.4.1:** Provide required training to other DNR personnel who are capable of assisting the division prior to allowing them to respond to any wildfire.

**Action 6.4.2:** Provide opportunities for trained firefighters to participate in out-of-state fire assignments to gain additional training and experience.

**Action 6.4.3:** Provide opportunities for other DNR personnel to attend the TN/KY wildland fire academy.

**Tactic 6.5:** Partner with other agencies to increase statewide wildfire fighting capacity.

**Measure:** Number of additional resources obtained.

**Baseline:** Number of other agency personnel trained.

**Action 6.5.1:** Engage KY Fire Commission to provide training for KDF; provide certified auxiliary wildland firefighters, and provide structure protection resources.

**Action 6.5.2:** Engage the KY Department of Corrections for the use of multiple inmate crews to be used during wildland firefighting.

**Action 6.5.3:** Engage the Kentucky Department of Fish & Wildlife Resources (KDFWR) in providing additional wildland firefighting resources.

**Objective 7: Provide regulatory oversight to ensure that commercial timber harvesting operations employ measures to protect water quality.**

**Tactic 7.1:** Inspect commercial timber harvesting sites while enforcing all pertinent Kentucky statutes and regulations.

**Measure:** Number of inspections annually.

**Baseline:** Three year average of inspections.

**Action 7.1.1:** Inspect commercial timber harvesting sites for protection of water quality.

**Tactic 7.2:** Ensure that loggers and operators use appropriate BMPs to protect water quality and have a certified Kentucky Master Logger on site and in charge.

**Measure:** Number of enforcement actions issued.

**Baseline:** Number of enforcement actions issued in 2018-2019.

**Action 7.2.1:** Conduct periodic audits of harvest inspections to monitor compliance.

**Tactic 7.3:** Promote the reduction of non-compliant logging practices by working with designated Bad Actors as they conduct logging operations to ensure appropriate BMP implementation.

**Measure:** Number of Bad Actors designations removed.

**Baseline:** Number of Bad Actors designations removed in 2018-2019.

**Action 7.3.1:** Inform Bad Actors of the conditions under which they can have their Bad Actor designation removed.

**Tactic 7.4:** Keep Bad Actors that have been designated three or more times and have non-mitigated sites and/or unpaid assessed penalties from logging in the Commonwealth.

**Measure:** Number of emergency orders issued to three or more time Bad Actors.

**Baseline:** Number of emergency orders issued to three or more time Bad Actors 2018-2019.

**Action 7.4.1:** Provide a list of all loggers which have been designated three or more times and have not mitigated their site and/or have unpaid penalty assessments to division inspectors.

## KENTUCKY OFFICE OF ENERGY POLICY

### **Overview**

The Kentucky Office of Energy Policy (“OEP”) was established by the Kentucky Legislature during 2018 legislative session through a reorganization of the Department for Energy Development and Independence (“DEDI”) with the legislative directives identified in KRS 152.712.

Funded partially through the U.S. Department of Energy’s State Energy Program (SEP), the OEP is part of a nationwide network of State Energy Offices and is tasked with enhancing energy security, advancing state-led energy initiatives, increasing investments and economic growth, and maximizing the benefits of decreasing energy waste. Programs and initiatives administered by the OEP are tailored for Kentucky’s unique energy resources, delivery capacity, and energy goals.

### ***Mission***

To utilize all of Kentucky’s energy resources for the betterment of the Commonwealth while protecting and improving our environment.

### ***Vision***

To be the state leader in providing effective, creative, and flexible pathways forward that address the energy needs of the Commonwealth in a holistic and integrated manner.

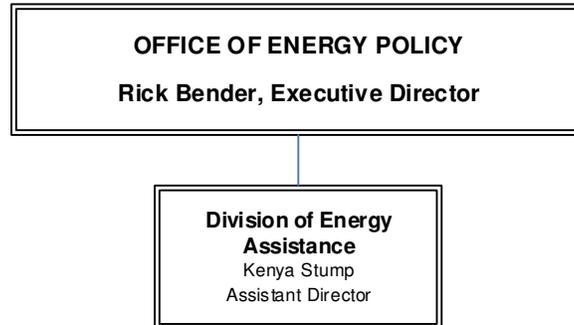
### ***Functional Areas***

Day-to-day, the OEP has four major functional areas that guide staff activities.

1. Provide policy and technical assistance to the Commonwealth and leadership on energy issues.
2. Administer grant programs across the Commonwealth to support the state’s energy goals.
3. Monitor, track, and analyze energy data and policies nationwide and in Kentucky to proactively identify trends, opportunities, and potential issues affecting the Commonwealth’s energy sector.
4. Increase energy literacy by proactively leveraging communication pathways and a variety of stakeholders to deliver relevant and reliable energy information across the Commonwealth.

The Office of Energy Policy has designed a revised strategic direction that guides informed decision-making in a way that best protects and develops our energy advantages; maintains

Kentucky’s position at the forefront of today’s energy landscape; and ensures a Commonwealth with reliable and resilient energy resources.



**Goal 1: Be the Customer-Driven Recognized State Energy Policy Authority**

*Provide assistance to industry, policymakers, and citizens in all energy related matters and issues that affect everyday lives and promote responsible energy policies that provide affordable, reliable, and sustainable energy to all citizens of the Commonwealth.*

The establishment of the OEP by the Kentucky Legislature clearly indicates that it is the desire and intent to make the OEP the recognized policy authority for all things energy related that affect the citizens of the Commonwealth. Therefore, it is the intent for the OEP to provide assistance to its stakeholders by means of policy, guidance, education, and training.

**Objective 1: Develop, maintain and revise accordingly the statewide energy plan.**

**Tactic 1.1:** At the directive of the Administration, review and revise the existing statewide energy plan for areas of improvement/relevance due to technological innovation, costs of resources, market changes, or validity of the strategy.

**Measure:** 2019 Comprehensive Energy Platform.

**Baseline:** 2008 Comprehensive Energy Plan.

**Action 1.1.1:** Assess and make recommendations if appropriate to the existing plan with regards to energy efficiency strategy in state owned buildings and schools based on technological improvements and lower costs of resources.

**Action 1.1.2:** Analyze and make recommendations if appropriate to the existing plan with regards to state owned vehicle fleet.

- Action 1.1.3:** Analyze and make recommendations if appropriate to the existing plan with regards to carbon capture and storage.
- Action 1.1.4:** Analyze and make recommendations if appropriate to the existing plan with regards to coal-to-gas.
- Action 1.1.5:** Analyze and make recommendations if appropriate to the existing plan with regards to coal-to-liquids.
- Action 1.1.6:** Analyze and make recommendations if appropriate to the existing plan with regards to goals on renewables.
- Action 1.1.7:** Analyze and make recommendations if appropriate to the existing plan with regards to nuclear power.

**Objective 2: Leverage resources to provide assistance and support for energy policies that provide affordable, reliable, and sustainable energy resources and technologies.**

**Tactic 2.1:** Identify and engage with collaborative partners that will help advance the goals of the Office, the Cabinet, and the administration.

**Measures:** No measure needed.  
**Baselines:** No measure needed.

- Action 2.1.1:** Research, identify and collaborate with partners both statewide and regionally for energy research and development.
- Action 2.1.2:** Form stakeholder groups as necessary to identify issues and potential solutions on energy topics.
- Action 2.1.3:** Attend state and national energy conferences/meetings to create a network of knowledgeable colleagues that can be used to solve issues and develop policies.
- Action 2.1.4:** Foster a relationship with U.S. Department of Energy, the national laboratories and other research funding sources to find common ground where support for energy research can be combined.

**Objective 3: Serve the citizens of the Commonwealth as it relates to energy issues.**

**Tactic 3.1:** Be available as necessary to provide information, recommendations or assistance.

**Measures:** Number of requests for information and assistance in SFY20-SFY24.  
**Baselines:** Number of requests for information and assistance in SFY18.

- Action 3.1.1:** Respond to requests for assistance and information.

**Action 3.1.2:** Develop and give presentations to stakeholder groups.

**Action 3.1.3:** Develop educational materials to assist citizens with energy issues.

**Action 3.1.4:** Maintain social media and the state energy website with current energy information.

**Action 3.1.5:** Help coordinate energy topics for state conferences.

**Objective 4: Ensure staff is knowledgeable on energy issues, policies, and technologies, including those related to the transportation sector.**

**Tactic 4.1:** Assign staff to attend continuing education on energy subject matters pertaining to their respective areas of expertise.

**Measures:** Number of training hours in SFY20-SFY24.

**Baselines:** Number of training hours in SFY18.

**Action 4.1.1:** Attend training events on energy topics.

**Action 4.1.2:** Meet with and assist, as requested, the Kentucky Public Service Commission on energy topics.

**Action 4.1.3:** Attend stakeholder meetings at the federal, regional, state, and local level.

**Action 4.1.4:** Attend webinars on technical topics and emerging issues.

**Action 4.1.5:** Collaborate with industry groups, government agencies, and others on energy-related policies, technologies, and initiatives.

**Objective 5: Conduct research and provide in-depth policy documents on energy resources and issues for executive branch leadership.**

**Tactic 5.1:** Assign staff to monitor federal and other states' activities and policies and share information.

**Measures:** No measure needed.

**Baselines:** No measure needed.

**Action 5.1.1:** Track federal regulations and legislation on energy and environmental issues.

**Action 5.1.2:** Monitor energy and electric utility policymaking activities in other states, especially surrounding states.

**Tactic 5.2:** Assign staff to monitor PSC activities and policies and share information.

**Measures:** No measure needed.

**Baselines:** No measure needed.

- Action 5.1.1:** Track PSC orders and cases on energy and environmental issues.
- Action 5.1.2:** Participate in PSC workgroups, meetings, and discussions as appropriate.
- Action 5.1.3:** Develop comments as appropriate on PSC Administrative Cases relating to energy and environmental issues.

**Goal 2: Promote Economic Growth and Employee Retention**

***Enhance the economic opportunities and benefits to Kentucky citizens and industry through expansion of current energy markets and the development of energy market opportunities for Kentucky.***

Kentucky is blessed with multiple resources for energy ranging from coal, oil, natural gas, rivers and streams, renewable resources such as solar, wind, and biofuels, and energy efficiency solutions. As such, electricity rates are among the lowest in the nation as a result of low-cost baseload coal generation and low natural gas prices. Affordable, relatively predictable electricity prices have led to a robust manufacturing sector as a basis of quality jobs within the state. Under new federal regulations requiring stricter controls on emissions, Kentucky must take steps to ensure that energy costs remain affordable, that energy supplies are reliable, fuel secure and that the resources utilized for energy supply are sustainable to retain current jobs and attract new businesses to the state. Kentucky must also recognize, as it navigates through this changing energy environment, the desire and direction of a growing number of businesses and manufacturers with sustainability goals seeking renewable energy resources.

**Objective 1: Track and analyze costs, reliability and sustainability of Kentucky’s energy sector, fossil and renewable.**

**Tactic 1.1:** Develop and maintain database on energy resources.

**Measures:** Energy sector employment as of CY20-CY24.  
 Energy resource production as of CY20-CY24.  
 Energy resource consumption in CY20-CY24.  
 Energy resource potential in CY20-CY24.

**Baselines:** Energy sector employment as of CY18.  
 Energy resource production in CY18.  
 Energy resource consumption in CY18.  
 Energy resource potential in CY18.

**Action 1.1.1:** Coordinate data collection activities and retention and verification of data with appropriate sources.

**Action 1.1.2:** Develop relationship with producers and consumers for data acquisition.

**Action 1.1.3:** Develop relationship with relevant partners for mine employment data and tonnage mined data verification.

**Tactic 1.2:** Modify and maintain database on electricity generating units, fossil and renewable.

**Measures:** Number of utility scale electricity generating units as of CY20-CY24.

Number of distributed electricity generation units as of CY20-CY24.

MW of installed utility scale electricity generating units as of CY20-CY24.

MW of distributed electricity generating units as of CY20-CY24.

MWh of utility scale electricity production as of CY20-CY24.

MWh of distributed electricity production as of CY20-CY24.

MW of energy storage as of CY20-CY24.

Percent capacity factor of electricity generating units as of CY20-CY24.

**Baseline:** Number of utility scale electricity generating units as of CY18.

Number of distributed electricity generation units as of CY18.

MW of installed utility scale electricity generating units as of CY18.

MW of distributed electricity generating units as of CY18.

MWh of utility scale electricity production as of CY18.

MWh of distributed electricity production as of CY18.

MW of energy storage as of CY18.

Percent capacity factor of electricity generating units as of CY18.

**Action 1.2.1:** Track all power plants—environmental controls, announced or planned closures, production and consumption.

**Action 1.2.2:** Develop and maintain relationships with utility stakeholders.

**Action 1.2.3:** Develop and maintain relationships with energy project developers.

**Tactic 1.3:** Track energy efficiency and demand reduction efforts (residential, commercial and industrial).

**Measures:** MW demand reduction as of SFY20-SFY24.  
MWh of energy saved in SFY20-SFY24.  
Dollars spent (by utilities, energy efficiency and demand reduction programs, and Energy Services Companies); \$/MW and \$/kWh; in SFY20-SFY24.

**Baselines:** MW of demand reduction as of SFY18.  
MWh of energy saved in SFY18.  
Dollars spent (by utilities, energy efficiency and demand reduction programs, and Energy Services Companies); \$/MW and \$/kWh; in SFY18.

**Action 1.3.1:** Develop and maintain relationship with stakeholders implementing energy efficiency and demand reduction programs.

**Action 1.3.2:** Track energy efficiency reductions in state owned buildings.

**Action 1.3.3:** Encourage Kentucky's industries to voluntarily share energy efficiency performance data, best practices, or case studies.

**Action 1.3.4:** Track demand side reduction programs in utility Integrated Resource Plans.

**Action 1.3.5:** Track school energy savings through the Kentucky Department of Education.

**Action 1.3.6:** Encourage Kentucky's local communities to voluntarily share case studies.

**Tactic 1.4:** Develop and maintain database for reporting purposes on emissions from electric generating units.

**Measures:** Tons of CO<sub>2</sub> emitted by electricity generating units as of CY20-CY24.  
Tons of CO<sub>2</sub> emitted per MWh by electricity generating units as of CY20-CY24.  
Tons of SO<sub>2</sub> emitted by electricity generating units as of CY20-CY24.

Tons NO<sub>x</sub> emitted by electricity generating units as of CY20-CY24.  
**Baselines:** Tons of CO<sub>2</sub> emitted by electricity generating units as of CY18.  
Tons CO<sub>2</sub> emitted per MWh by electricity generating units as of CY18.

Tons of SO<sub>2</sub> emitted by electricity generating units as of CY18.  
Tons of NO<sub>x</sub> emitted by electricity generating units as of CY18.

**Action 1.4.1:** Update and maintain state database as it becomes available from the Environmental Protection Agency.

**Tactic 1.5:** Develop and maintain database on electricity consumption.

**Measures:** Total MWh consumed in Kentucky as of CY20-CY24.  
MWh consumed by each sector (commercial, residential and industrial) as of CY20-CY24.  
Electricity intensity of manufacturing (\$/MWh) as of CY20-CY24.

**Baselines:** Total MWh consumed in Kentucky as of CY18.  
MWh consumed by each sector (commercial, residential and industrial) as of CY18.  
Electricity intensity of manufacturing (\$/MWh) as of CY18.

**Action 1.5.1:** Update and maintain state database as it becomes available from the Energy Information Administration and Bureau of Economic Analysis.

**Tactic 1.6:** Develop methodologies for tracking alternative fuels and alternative fuel vehicles, including electric.

**Measures:** Number of alternative fuel facilities as of CY20-CY24.  
**Baselines:** Number of alternative fuel facilities as of CY18.

**Action 1.6.1:** Assess alternative fuel markets in Kentucky.

**Action 1.6.2:** Identify partners to collect data on alternative fuel locations and manufacturers.

**Action 1.6.3:** Work with Kentucky Department of Transportation to track alternative fuel vehicle penetration in Kentucky.

**Objective 2: Identify opportunities for economic development that utilizes affordable and sustainable energy.**

**Tactic 2.1:** Promote Kentucky's mine lands and brownfields as suitable locations for the development of energy facilities.

**Measures:** Number of suitable sites for energy projects as of SFY20-SFY24.  
**Baselines:** Number of suitable sites for energy projects as of SFY18.

- Action 2.1.1:** Coordinate data collection activities and retention of data with Department of Natural Resources and Department for Environmental Protection.
- Action 2.1.2:** Catalog and keep current locations of suitable sites.
- Action 2.1.3:** Coordinate data with the EPA and DOE.
- Action 2.1.4:** Work with federal programs on identifying new sites for project development.
- Action 2.1.5:** Identify funding opportunities to aid in the project development of potential sites.

**Tactic 2.2:** Develop and implement programs for the conservation and utilization of energy in a manner to meet essential human needs while maintaining Kentucky's economy at the highest feasible level.

- Measures:** Number of Kentucky ENERGY STAR certified schools in SFY20-SFY24.  
 Quantify energy reductions and cost savings in Kentucky's schools in SFY20-SFY24.  
 Number of Kentucky commercial and industrial facilities earning ENERGY STAR certification in SFY20-SFY24.
- Baselines:** Number of ENERGY STAR certified schools as of SFY18.  
 Energy and cost savings recorded as of SFY18.  
 Number of Kentucky commercial and industrial facilities earning ENERGY STAR certification in SFY18.

- Action 2.2.1:** Identify opportunities for energy savings performance contracting within state and local governments.
- Action 2.2.2:** Identify opportunities for energy efficiency in schools through partnerships and ENERGY STAR recognition.
- Action 2.2.3:** Provide technical assistance to sister agencies on energy efficiency and "lead by example".
- Action 2.2.4:** Assist Kentucky's governmental/municipal entities in the development of a comprehensive suite of energy efficiency programs.
- Action 2.2.5:** Assist with technical and educational information that helps to improve the energy efficiency and resilience of buildings through consistent implementation of energy codes.
- Action 2.2.6:** Encourage and promote innovative efficiency financing options for energy efficiency and demand side management.
- Action 2.2.7:** Encourage and promote programs and policies that improve the efficiency of manufactured homes.

**Action 2.2.8:** Assist KDE with reporting on energy efficiency in Kentucky's K-12 schools per KRS 157.455.

**Action 2.2.9:** Encourage and promote energy efficiency in public facilities through education and outreach activities.

**Tactic 2.3:** Identify opportunities for the development and implementation of programs or projects that utilize fuel secure distributed energy resources (DER) to meet essential human needs while growing Kentucky's economy.

**Measures:** Number of potential projects identified and requests for assistance.

**Baseline:** Number and location of existing DER in operation in SFY18.

**Action 2.3.1:** Identify candidate facilities for Combined, Heat, and Power projects.

**Action 2.3.2:** Identify sectors and drivers for distributed energy resources.

**Action 2.2.3:** Identify public private partnerships for development of distributed energy resources.

**Action 2.2.4:** Coordinate with utilities on programs targeted at distributed energy resources.

**Action 2.2.5:** Review statutes, regulations, and codes as it relates to distributed energy resources.

**Action 2.2.6:** Encourage and promote incentives and financing mechanisms that are fair, just, and reasonable and increase customer choice.

**Objective 3: Promote Kentucky's energy resources as a driver for economic development.**

**Tactic 3.1:** Identify and develop programs that increase energy literacy.

**Measures:** Number of individuals trained as of SFY20-SFY24.  
Number of workshops OEP conducts as of SFY20-SFY24.  
Number of partner workshops as of SFY20-SFY24.

**Baselines:** Number of individuals trained as of SFY18.  
Number of workshops OEP conducted in SFY18.  
Number of partner workshops SFY18.

**Action 3.1.1:** Support programs that increase energy literacy among residential, commercial, and industrial customers.

**Action 3.1.2:** Coordinate activities with Kentucky's university and post-secondary institutions that increase energy literacy.

**Action 3.1.3:** Administer the coal education grants.

**Tactic 3.2:** Provide technical and educational assistance for developing energy technologies and resources as related to economic development.

**Measures:** Number of projects in which assistance was provided in SFY20-SFY24.

**Baselines:** Number of projects in which assistance was provided in SFY18.

**Action 3.2.1:** Track research on energy sector developments within Kentucky's institutions and nationwide.

**Action 3.2.2:** Identify energy resources in Kentucky for future development.

**Action 3.2.3:** Encourage programs and policies that promote new technologies and development of innovative energy sector opportunities.

**Action 3.2.4:** Serve as a technical advisor to the Cabinet for Economic Development on energy-related project proposals.

**Tactic 3.3:** Encourage increased investments to expand the use of energy resources in the Commonwealth

**Measures:** Number and type of energy barriers identified in SFY20-SFY24.

**Baselines:** Number and type of energy barriers identified in SFY18.

**Action 3.3.1:** Work with commercial and industrial operations and groups on energy topics of concern.

**Action 3.3.2:** Review regulations and statutes for barriers to energy resource development.

**Action 3.3.3:** Work with Cabinet for Economic Development on incentives and as a technical advisor on project development.

**Action 3.3.4:** Work with Cabinet for Economic Development identifying financial incentives to overcome economic barriers on energy projects.

### **Goal 3. Effectively Implement Energy Programs**

***Leverage federal State Energy Program funding and other energy funding sources by identifying and working with partners who can deliver cost-effective and credible energy activities.***

The U.S. Department of Energy (DOE) State Energy Program (SEP) provides grants and technical assistance to states and U.S. territories to increase the energy efficiency of the U.S. economy, implement energy security, resiliency, and emergency preparedness plans, reduce energy costs

and energy waste, increase investments to expand the use of energy resources abundant in states, and promote economic growth with improved environmental quality.

As the state energy office for Kentucky, the OEP uses SEP funding to support energy programs, projects and public outreach affecting all sectors of Kentucky's economy. Kentucky's State Energy Program (SEP) represents a combination of federal-state funding mechanisms. The seed monies provided by the Federal Government under the Energy Policy and Conservation Act (EPCA) and the Energy Conservation and Production Act (ECPA) allow OEP to implement programs that provide ongoing benefits, such as through reduced energy costs through energy efficiency.

Program activities are designed to meet the state's goals by focusing on sectors that provide the following:

- Have significant energy-savings potential.
- Offer significant opportunities for successful implementation through partnerships with local, regional, and national organizations.
- Have significant support from federal agencies that enable programs to be implemented in a cost effective manner.

**Objective 1: Act as a responsible fiscal agent for U.S. Department of Energy State Energy Program or other secured funding.**

**Tactic 1.1:** Comply with Kentucky contract and procurement statutes per KRS 45A and any corresponding state or federal flow-down requirements.

**Measures:** Reports and metrics submitted in SFY20-SFY24.  
Grant Applications submitted for funding in SFY20-SFY24.

**Baselines:** Reports and metrics submitted in SFY18.  
Grant Applications submitted for funding in SFY18.

**Action 1.1.1:** Attend relevant procurement training.

**Action 1.1.2:** Attend contract review meetings as required.

**Action 1.1.3:** Train staff on contract regulations as required.

**Action 1.1.4:** See approvals and clearinghouse reviews relative to state and federal requirements (e.g. environmental assessments, A-95 review, etc.).

**Action 1.1.5:** Document files and regularly report to funding authority to ensure clear fiscal and programmatic audit trail for all funded activities.

**Tactic 1.2:** Monitor and report on grant performance data to appropriate funding authority.

**Measures:** Grant performance measured and reported in SFY20-SFY24.

**Baselines:** Grant performance measured and reported in SFY18.

- Action 1.2.1:** Identify grant metrics for reporting period.
- Action 1.2.2:** Write narrative identifying accomplishments issues and challenges for the reporting period.
- Action 1.2.3:** Maintain regular communications with project partners.
- Action 1.2.4:** Conduct periodic site visits.
- Action 1.2.5:** Compile fiscal information for reporting period.

**Tactic 1.3:** Submit U.S. Department of Energy SEP or other identified grant applications.

**Measures:** Grant applications submitted in SFY20-SFY24.

**Baselines:** Grant applications submitted in SFY18.

- Action 1.3.1:** Research grant/funding opportunities.
- Action 1.3.2:** Coordinate grant/funding application development with Objective 2, Tactic 2.1.
- Action 1.3.3:** Disseminate grant announcements to staff with grant timeline.
- Action 1.3.4:** Determine grants for submittal.
- Action 1.3.5:** Assign grant writing duties to staff.
- Action 1.3.6:** Assemble and submit grant application package for approval.

**Objective 2: Provide project-based education and assistance in the Commonwealth in accordance with identified objectives of the State Energy Program and/or other secured funding.**

**Tactic 2.1:** Identify projects in the Commonwealth to be funded through the State Energy Program or other secured funding.

**Measures:** Number and types of projects identified for funding in SFY20-SFY24.  
Contracts for projects developed with identified partners SFY20-SFY24.

**Baselines:** Number and types of projects identified for funding in SFY18.  
Contracts completed for projects in SFY18.

- Action 2.1.1:** Analyze sector information and determine appropriate projects to receive funding.
- Action 2.1.2:** Identify knowledgeable partner organizations capable of meeting identified project goals.
- Action 2.1.3:** Coordinate with Objective 1, Tactic 1.3.
- Action 2.1.4:** Develop collaboratively a project work plan.

**Action 2.1.5:** Develop contracts for identified partners to achieve desired results based on objectives outlined by U.S. DOE and other funding sources.

**Tactic 2.2:** Implement current project work plans and contracts funded through the State Energy Program or other secured funding.

**Measures:** Milestones completed under funding awarded to EEC in SFY20-SFY24.

**Baselines:** Milestones completed under funding awarded to EEC in SFY18.

**Action 2.2.1:** Oversee technical assistance to commercial and industrial operations in the Commonwealth to help them improve the energy efficiency of their facilities.

**Action 2.2.2:** Oversee continuing education to building contractors, architects, local officials, facility managers and others on High Performance Buildings, a holistic approach to designing, retrofitting and operating energy efficient, sustainable buildings.

**Action 2.2.3:** Oversee project that provides workshops on information on designing, retrofitting and operating energy efficient, sustainable buildings.

**Action 2.2.4:** Oversee technical assistance to wastewater treatment facilities on energy efficiency opportunities that conserve resources and improve compliance.

**Action 2.2.5:** Oversee project designed to increase energy education among Kentucky's primary and secondary teachers.

**Tactic 2.3:** Evaluate the performance of funded projects.

**Measures:** Contracts completed under funding awarded to EEC in SFY20-SFY24.

**Baselines:** Contracts completed under funding awarded to EEC in SFY18.

**Action 2.3.1:** Monitor progress of partners in achieving milestones in contract work plans.

**Action 2.3.2:** Communicate monthly with project partners on contract obligations.

**Action 2.3.3:** Attend events or meetings conducted per the terms of the contract.

**Action 2.3.4:** Monitor reports and invoices submitted per contract conditions.

**Tactic 2.4:** Communicate information on the performance and impact of funded projects in the Commonwealth.

**Measures:** Number of project communication opportunities developed for SFY20-SFY24.

**Baselines:** Number of communication opportunities developed for SFY18.

**Action 2.4.1:** Prepare annual report of project performance.

**Action 2.4.2:** Write articles for cabinet webzine, press releases, posts for social media, and work with partners on other media outlets.

**Action 2.4.3:** Coordinate speaking engagements and events as they relate to funded projects.

**Objective 3: Act as the lead agency for the administration of the Volkswagen (VW) Mitigation Trust Fund for the Commonwealth.**

**Tactic 3.1:** Develop a Final Beneficiary Mitigation Plan for the Commonwealth

**Measures:** No measure identified.

**Baselines:** No measure identified.

**Action 3.1.1:** Develop and release Final Mitigation Plan.

**Action 3.1.2:** Submit Final Plan to the National Trustee

**Action 3.1.3:** Obtain Kentucky legislature funding appropriation for plan.

**Tactic 3.2:** Identify projects in the Commonwealth to be funded through the Volkswagen Mitigation Trust Fund.

**Measures:** Number and types of projects identified for funding in SFY21-SFY24.

Contracts for projects developed with identified partners SFY21-SFY24.

**Baselines:** No baseline identified

**Action 3.2.1:** Identify partner organizations for communication.

**Action 3.2.2:** Issue requests for proposals in compliance with procurement regulations.

**Action 3.2.3:** Develop collaboratively a project work plan.

**Action 3.2.4:** Develop contracts for identified partners to achieve desired results based on objectives outlined by federal Consent Decree.

**Tactic 3.3:** Evaluate the performance of VW Trust funded projects.

**Measures:** Contracts completed under funding awarded in SFY21-SFY24.

**Baselines:** No baseline Identified

**Action 3.3.1:** Monitor progress of partners in achieving milestones in contract work plans.

**Action 3.3.2:** Communicate monthly with project partners on contract obligations.

**Action 3.3.3:** Attend events or meetings conducted per the terms of the contract.

**Action 3.3.4:** Monitor reports and invoices submitted per contract conditions.

**Tactic 3.4:** Communicate information on the performance and impact of VW funded projects in the Commonwealth.

**Measures:** Number of project communication opportunities developed for SFY21-SFY24.

**Baselines:** Number of communication opportunities developed for SFY18.

**Action 3.4.1:** Prepare reports of project performance.

**Action 3.4.2:** Write articles for cabinet webzine, press releases, posts for social media, and work with partners on other media outlets.

**Action 3.4.3:** Coordinate speaking engagements and events as they relate to funded projects.

#### **Goal 4. Promote Energy Resilience in the Commonwealth**

***Enhance energy resilience and security efforts by identifying opportunities that leads to the ability of citizens, businesses, and state and local governments to respond effectively and recover quickly from an energy emergency or disruption.***

Energy security means the uninterrupted availability of energy sources at affordable prices. Energy resilience is the ability of the Commonwealth to respond effectively to an energy emergency and to recover quickly from any damage. One element of resilience is energy assurance or the preparation and planning, mitigation and response, and education and outreach. Energy assurance involves fuel security (i.e. a redundancy of fuel supply).

As the state energy office for Kentucky, the OEP uses SEP funding to support agency actions regarding energy security, resilience, and assurance. The OEP serves as the lead agency under Emergency Support Function-12 (Energy) of the Kentucky Emergency Operations Plan. Energy functions are coordinated through ESF-12 agencies and partners as well as the Energy

Management Response Board. The mission of ESF-12 is to provide for the organization, coordination, and direction of all energy resources within the Commonwealth for use during an emergency. This is done by defining and establishing responsibility and authority in energy matters at the various levels within the Commonwealth and by establishing close working relationships with public and private sector energy producers, marketers, and transporters.

**Objective 1: Ensure the integration of energy issues in Kentucky’s Emergency Response/Preparedness Plans and activities.**

**Tactic 1.1:** Serve in the Emergency Support Function-12 capacity (Energy) for the Commonwealth’s emergency operations relating to fuel assurance.

**Measures:** Updated contact list in SFY20-SFY24.  
Updated plan in SFY20-SFY24.  
Energy emergency assistance provided in SFY20-SFY24.

**Baselines:** Updated contact list in SFY18.  
Updated plan in SFY18.  
Energy emergency assistance provided in SFY18.

**Action 1.1.1:** Update annually the Energy Assurance Plan and contact information.

**Action 1.1.2:** Monitor critical facilities and industry fuel conditions as well as fuel infrastructure to issue appropriate advance advisories, such as but not limited to hours of service waivers, to help avert emergency situations.

**Action 1.1.3:** Monitor and coordinate events to ensure timely response and mitigation of energy emergencies.

**Action 1.1.4:** Maintain GIS data and maps for use during an energy emergency.

**Action 1.1.5:** Stay current with staff of the Cabinet ERT group, the Kentucky PSC, utilities, private sector entities and other ESFs regarding ESF-12 functions.

**Action 1.1.6:** Maintain WebEOC access.

**Tactic 1.2:** Ensure communication and exchange of information relating to energy resilience and security information and actions with federal and state agencies and stakeholders.

**Measures:** Number of training events in SFY20-SFY24.  
Number of conference calls in SFY20-SFY24.  
Number of disruptions identified in SFY20-SFY24.

**Baselines:** Number of training events in SFY18.  
Number of conference calls SFY18.  
Number of disruptions identified in SFY18

- Action 1.2.1:** Maintain communication with members of Infrastructure Security & Energy Restoration (ISER) and attend trainings.
- Action 1.2.2:** Maintain ISERnet communication and contact information.
- Action 1.2.3:** Maintain communications with members of Energy Resource Management Board and host meetings as needed.
- Action 1.2.4:** Maintain EAGLE-I subscription to view and map the nation's energy infrastructure and obtain near real-time informational updates concerning the electric, petroleum and natural gas sectors within one visualization platform.
- Action 1.2.5:** Participate in energy assurance, security, and resilience training events.
- Action 1.2.6:** Monitor energy prices, availability, and delivery of services for potential disruptions or issues.

**Objective 2: Identify resources for citizens, businesses, and state and local governments to enhance energy assurance activities.**

**Tactic 2.1:** Increase the energy disruption preparedness and planning activities of citizens, businesses, and state and local governments.

**Measures:** Number of training events in SFY20-SFY24.  
Number of assessments in SFY20-SFY24.

**Baselines:** Number of training events in SFY18.  
Number of assessments SFY18.

**Action 2.1.1:** Help local governments and businesses identify and assess emergency operations plans for energy assurance inclusion.

**Action 2.1.2:** Prepare resources for inclusion of OEP newsletters and webpages regarding citizen preparedness and planning for an energy disruption.

**Action 2.1.3:** Work with partner organizations on training activities as well as sharing of information relating to energy assurance.

**Tactic 2.2:** Enhance the mitigation and response activities relating to energy disruption of citizens, businesses, and state and local governments.

**Measures:** Number of training events in SFY20-SFY24.  
Dollars identified and leveraged in SFY20-SFY24.

**Baselines:** Number of training events in SFY18.

Dollars identified and leveraged in SFY18.

- Action 2.2.1:** Assist local governments and businesses identify funding for mitigation activities to minimize energy disruptions.
- Action 2.2.2:** Prepare resources for inclusion in the OEP newsletters and webpages regarding citizen mitigation and response actions for an energy disruption.
- Action 2.2.3:** Work with partner organizations on training activities as well as sharing of information relating to mitigating and responding to an energy disruption.

## OFFICE OF KENTUCKY NATURE PRESERVES

The mission of the Office of Kentucky Nature Preserves (OKNP) is *to promote understanding and appreciation of the aesthetic, cultural, scientific and spiritual values of our unpolluted and unspoiled environment* by identifying, acquiring, and managing natural areas that represent the best known occurrences of rare native species, natural communities, and significant natural features in a statewide nature preserves system (KRS 146.410-535). To increase organizational efficiency, in the 2018 statutory EEC administrative reorganization the OKNP was formed by merger of the Kentucky State Nature Preserves Commission with two of the EEC's other habitat conservation programs: the Kentucky Wild Rivers Program (KWRP), whose mission is *to afford the citizens of the Commonwealth an opportunity to enjoy natural streams, to attract out-of-state visitors, to assure the well-being of our tourist industry, to preserve for future generations the beauty of certain areas untrammelled by man* (KRS 146.200-360), and the Kentucky Heritage Land Conservation Fund (KHLCF), whose mission is to benefit the citizens of Kentucky [through] *the acquisition and maintenance of certain lands for use as state parks, recreation areas, state forests, nature preserves, wildlife management areas, and wetlands* (KRS 146.550-570). In 2019 revised administrative regulations were promulgated to enhance synergy between these programs and reduce inefficiencies.

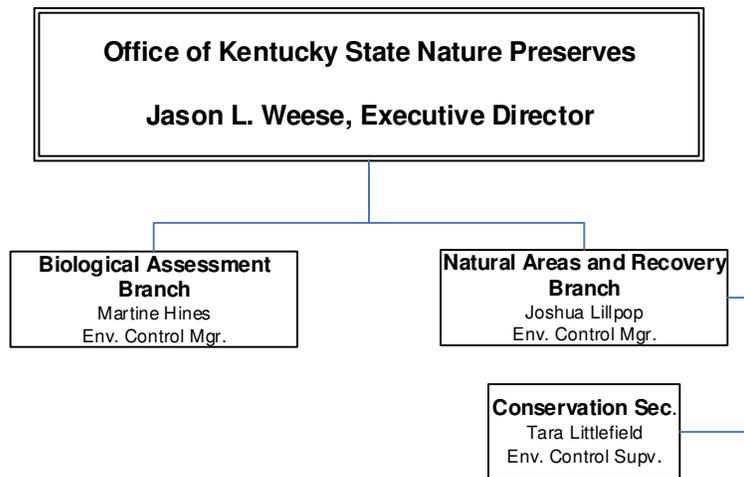
In addition to the natural areas programs, the OKNP is the Commonwealth's central source for information about Kentucky's natural habitats and rare native species, acting as a clearinghouse for environmental reviews through its database. OKNP also has the only botanical conservation program in state government (KRS 146.600-.619), and it is the formally designated state cooperator of the U.S. Fish and Wildlife Service for the assessment, monitoring and recovery of federally listed plants in Kentucky under Section 6 of the Endangered Species Act. A list of the 312 state endangered and threatened plants is published in 400 KAR 3:040. These listing are non-regulatory and intended to identify at-risk species to prioritize habitat management and alleviate federal listing. There are currently eleven federally listed plants in Kentucky

### ***Principles:***

- **The OKNP will ensure safe public access on natural areas.** Safe public access on all hiking trails and parking areas will be the highest priority for OKNP natural areas, including nature preserves, natural areas, and heritage land conservation easements.
- **The OKNP will manage habitat on Kentucky's natural areas with future generations in mind.** Land management decisions will be based on the most current scientific data to ensure that Kentucky's most unique natural areas remain as living museums for future generations.
- **The OKNP will work collaboratively to conserve rare species and habitats, with the ultimate goal of removing species from federal listing.** As Kentucky's only rare plant program and designated cooperator under Section 6 of the Endangered Species Act, gathering information on rare plant species and managing them to secure or increase

their populations in order to prevent or eliminate ESA restrictions will remain an agency priority. Similarly, the agency will work with mitigation programs to conserve appropriate resources to enable development projects to proceed in an efficient manner.

- **The OKNP will remain the Commonwealth’s primary clearinghouse for natural areas and rare species information.** Kentucky has 116 endemic species of plants and animals, meaning they are found nowhere else in the world. Kentucky ranks fourth nationally in aquatic species with 105 different kinds of freshwater mussels and 245 native fishes, and 60 species of crayfish recorded. OKNP will continue as Kentucky’s constituent Natural Heritage Program within the international NatureServe network. Gathering the highest quality field data on Kentucky’s native species and habitat and delivering that to the public and private sectors will be the highest priority for the Biological Assessment Branch.
- **The OKNP will showcase the natural beauty of Kentucky.** Our staff of experts will present public programs, hikes, and other opportunities to showcase the natural wonders and native species of Kentucky.



## **Goal 1: Sustainable Natural Areas Management**

### ***Manage natural areas for sustainable passive recreation and long-term biological integrity.***

The primary purpose of the OKNP lands system, according to KRS 146.410, is to “secure for the people of present and future generations the benefits of an enduring resource of natural areas.”

The OKNP will continue to manage state nature preserves to improve endangered species habitat and provide areas for hiking and birdwatching, additional state natural areas will provide fishing, paddling, and hunting opportunities, and the KHLCF’s conservation easements will offer a wide range of outdoor recreation and educational opportunities in nature parks throughout the state.

Each site has a management plan which includes information on (1) recreational attributes and appropriate public access, (2) rare species and the proper management of their populations and habitats, and (3) natural community identification, delineation, restoration, and maintenance. By creating and following detailed management plans for each natural area, the KNSP has and will continue to set a new standard for rare species protection and research, land management techniques, and appropriate visitor use in the state of Kentucky. The OKNP will continue to promote the concept of ecosystem management and sustainable passive outdoor recreation by developing constituency bases around each natural area through community outreach and environmental education programs. OKNP must involve local organizations and citizen volunteers to the maximum extent possible in order to care for nature preserves and acquire the active support and sense of ownership for preserves among Kentuckians.

Eco-tourism is a growing part of Kentucky’s economy. Nature preserves and natural areas generally provide more of an undeveloped “wilderness” or peaceful experience than many parks and provide habitat for species not often seen, creating destinations for birders, botanists, and wildlife watchers.

- A 2019 National Park Service report shows 260,964 people visited Abraham Lincoln Birthplace National Historical Park in Larue County in 2018, spending \$15.4 million in communities near the park. That spending supports 227 jobs in the area and had a cumulative benefit to the local economy of \$20.8 million, according to the report. The site includes the Knob Creek Farm, an OKNP natural area.
- A 2019 report on Mammoth Cave National Park, which encompasses the ONKP Wild Rivers Program’s Green Rivers segment, shows visitors spent \$45 million in 2018, helping support nearly 600 local jobs and generate \$61.6 million into nearby economies.
- The 2019 Kentucky Outdoor Recreation Economy Report indicates that Kentucky generates \$12.8 billion in consumer spending, 120,000 direct jobs, \$3.6 billion in wages, and \$756 million in taxes annually from outdoor recreation (<https://outdoorindustry.org/state/kentucky/>).

- The current National Census Bureau National Survey of Fishing, Hunting, and Wildlife-Associated Recreation for Kentucky estimates there are 827,000 birdwatchers and \$773 million spent on non-consumptive wildlife watching annually in the Commonwealth (<https://www.census.gov/prod/2013pubs/fhw11-ky.pdf>).
- The Kentucky Chamber of Commerce's Potential for Tourism Development in Eastern Kentucky report, which led to the establishment of SOAR, indicates that the most popular outdoor activities are hiking and wildlife viewing (<https://www.kychamber.com/sites/default/files/pdfs/EasternKyTourism2013.pdf>).

The OKNP has several different levels of involvement with natural areas:

- The total of the below OKNP land programs is approximately 113,000 acres or 0.45% of Kentucky's 25,000,000 acres.
- The OKNP owns 19,217 acres in its nature preserves system in 30 counties at 41 sites. These areas are primarily managed for endangered species habitat, although most do have designated hiking trails and wildlife watching areas. OKNP is the primary owner and manager of these areas.
- The OKNP owns 6,417.35 acres in its natural areas system in 7 counties at 6 sites. These are managed for hiking, hunting, fishing, paddling, and wildlife watching as well as forest watershed conservation. OKNP is the primary owner and manager of these areas.
- Another 7,324 acres owned by other organizations are dedicated into the nature preserves system. These include some wilderness areas on Kentucky's state parks. OKNP's role is to monitor compliance with the articles of dedication and assist with management as appropriate.
- The KHLCF program has 12,641 acres enrolled in conservation easements at 54 sites owned by local governments and NGO's for nature parks. OKNP's role is monitoring areas for KHLCF management plan compliance and assisting with hiking trails and wildlife watching programs.
- The KHLCF program also has 60,110 acres of deed restricted land at 26 sites owned by other state agencies. OKNP's role is monitoring areas for KHLCF management plan compliance and assisting with habitat management as appropriate.
- Private landowners and organizations throughout the state have enrolled 8,259 acres at 59 sites into the Kentucky Natural Areas Registry Program. This is a voluntary program for landowners interested in conservation of the rare species and natural features known from their property, but it is not binding in any way and does not transfer if the property changes hands. OKNP's role is limited to biannual visits.
- The Wild Rivers System includes 26,382 acres owned by federal and state agencies and some private landowners in nine designated Wild Rivers Corridors. These are managed for hiking, hunting, fishing, paddling, and wildlife watching as well as forest watershed conservation. OKNP's role is monitoring areas for management plan compliance and assisting with habitat management as appropriate.

**Objective 1 - Provide opportunities for passive recreation such as hiking, nature photography, birdwatching, and wildlife watching in naturally scenic areas.**

OKNP natural areas include hundreds of miles of hiking trails managed either solely by OKNP or in partnership with other agencies. It is imperative that visitors to these areas have a safe and enjoyable experience.

**Tactic 1.1:** Maintain safety and stability of existing trails, parking lots, and public areas.

**Action 1.1.1:** Monitor all public trails and parking lots on owned property at least annually; monitor other property access points and Wild River corridors at least bi-annually.

**Action 1.1.2:** Utilize maintenance pool, KHLFCF funds, or other funds to address safety issues as appropriate within one week of identification as available.

**Action 1.1.3:** Increase number of partnerships with scout troops, master gardeners, school groups, NGOs, and other civic groups to improve trail conditions, safety, and signage at all public trails, such as the partnership with Lewis County Fiscal Court at Crooked Creek State Nature Preserve and Hancock County Fiscal Court at Jeffrey's Cliff Heritage Land.

**Action 1.1.3:** Recruit, design, and implement management agreements with willing partners as a strategy to help meet the demands of preserve management. Custodial care has been assigned to partner conservation organizations at three owned sites and agreements with other public agencies and private conservation organizations for partial responsibility for the costs of preserve maintenance are in effect on many others.

**Action 1.1.4:** Continue to develop and implement comprehensive preserve management plans of all owned natural areas by addressing the following: rare species population management and enhancement; natural community delineation, evaluation, maintenance, and restoration (as necessary); maintenance of property boundaries; development and maintenance of appropriate public use facilities; development of educational and interpretive materials and programs for use by visitors, neighbors, the general public, and agencies; and the maintenance of good neighbor, community, constituency, and agency relations.

**Action 1.1.5:** Facilitate or assist management plan implementation on KHLFCF easement partners, such as trail and parking lot improvements at Jessamine Creek Gorge with Jessamine County Fiscal Court.

## **Objective 2 - Conserve populations of rare species and their habitat.**

There are currently 49 species in Kentucky federally listed as Threatened or Endangered, and 31 more that have been petitioned for listing. Through increased biological monitoring efforts, restoration projects on public land, and acquisition of designated habitats, the OKNP will prioritize efforts to prevent Kentucky species from becoming

listed and/or remove currently listed species. Many of Kentucky's natural communities are represented within OKNP natural areas and contain the best remaining examples of a rare community or species population known in the state. Conserving these areas reduces the risk that species found there will become federally endangered, helps the recovery of already federally listed species and moves these species closer towards their delisting.

**Tactic 2.1:** Manage populations and habitats of rare species on natural areas in accordance to US Fish and Wildlife Service Recovery Plans to promote removal of Kentucky species from Federal endangered species listing, or prevent federal listing.

**Action 2.1.1:** Utilize funding from KHLCF and other sources to update biological inventories of natural areas.

**Action 2.1.2:** Manage all natural areas according to the relevant USFWS recovery plans for listed species and KHLCF or IBCF management plans as applicable.

**Action 2.1.3:** Manage populations and habitats of at-risk species to prevent listing of Kentucky species on the Federal endangered species list that are being considered due to their rarity or habitat loss.

**Action 2.1.4:** Increase the number of listed plant species conserved on OKNP natural areas. Currently of 372 plant species listed as state endangered, threatened or special concern, 206 are conserved in perpetuity on OKNP lands up from 143 in the last biennium.

**Action 2.1.5:** Increase the number of listed animal species conserved on OKNP natural areas. Currently of 339 animal species listed as endangered, threatened or special concern, 172 have been conserved on OKNP land up from 96 in the last biennium.

**Action 2.1.6:** Increase the number of high-quality natural community types conserved on OKNP natural areas. Currently of 70 natural community types, 30 high-quality examples have been conserved on OKNP lands up from 23 in the last biennium.

**Tactic 2.2:** Implement partnerships to accomplish habitat management goals.

**Action 2.2.1:** New or updated cooperative efforts with other agencies, organizations, and individuals will be employed to assure the conservation assist in implementing all other goals, sub-goals, objectives, and actions of management plans.

**Action 2.2.2:** Continue lead coordination and implementation with Kentucky Division of Forestry and US Forest Service to improve prescribed fire program on OKNP sites and assist other agencies on burns. Under a "Good Neighbors Agreement" with the USFS and a 2018 National Fish and Wildlife Foundation Shortleaf Pine Restoration Grant secured by

OKNP, this multi-agency prescribed fire and habitat management project has benefited conservation areas in the Cumberland Plateau.

- Action 2.2.3:** Continue to work with the US Fish and Wildlife Service, Imperiled Bat Conservation Fund, KYTC, mitigations funds, and other sources to secure management funding for staff and technicians to manage rare species habitat on both public and private land.
- Action 2.2.4:** Continue secured IBCF and KDFWR FILO mitigation projects on forest management along the Little South Fork Wild River natural areas in McCreary/Wayne Counties.
- Action 2.2.5:** Work with KDFWR, KYTC, and Kentucky Department of Agriculture on Pollinator Conservation Plan and implement secured funded projects to implement monarch butterfly habitat management across managed sites to reduce likelihood of federal listing.
- Action 2.2.6:** Evaluate and issue permits and required follow up on Wild River corridor change-of-use permits as regulations dictate.

### **Objective 3 - Conserve additional natural areas.**

Protection and restoration of endangered species habitats and populations on permanent natural areas are an integral part to endangered species recovery and the delisting process. Natural areas acquisition planning and implementation will be conducted utilizing natural heritage program methodology and the Biological and Conservation Data system to determine site significance and representation in the current natural areas system. Other considerations will include the availability of sites for acquisition; proximity to other natural areas; real and potential threats and management problems; capacity to manage the site; outdoor recreational opportunities in the area; Wild Rivers watershed protection; application assessment by KHLCF Board; and other factors as necessary. OKNP will place priority on (1) the expansion of existing natural areas over new discrete tracts; (2) increase of passive outdoor recreational opportunities, particularly in underserved communities; (3) acquisition of high-quality examples of communities not represented in the preserve system; and (4) acquiring the habitat of high quality populations of endangered species.

**Tactic 3.1:** Acquire or conserve additional land for conservation and passive outdoor recreation.

- Action 3.1.1:** Work with Finance Cabinet to complete acquisition of KHLCF projects already in progress, including those by Garrard County Fiscal Court and Perryville Battlefield.
- Action 3.1.2:** Secure funding from USFWS Recovery Land Acquisition program as available for sites with known populations of Kentucky glade cress, running buffalo clover, or other federally listed plant species with potential for delisting upon verifiable population increase or stabilization.

- Action 3.1.3:** Secure funding from Imperiled Bat Conservation Fund as available for sites with known populations of federally listed species.
- Action 3.1.4:** Secure funding from other sources to expand existing natural areas with high recreational or conservation use or potential, including EPA 319 grant in partnership with the Division of Water at Lower Howard's Creek in Clark County.
- Action 3.1.5:** Landowner contact/registry program will be maintained as an active program that uses heritage data and landowner inquiries to target areas for landowner contact. Areas meeting written criteria will be offered registry documents and be given publicity if approved by the owner. Registered areas will be visited by staff at least once per year for inspection and/or management advice, and owners will be contacted by phone at least twice per year. Substantially degraded or destroyed areas will be promptly removed from registry, with data retained in a permanent registry file.
- Action 3.1.6:** Complete significant sections of the Pine Mountain State Scenic Trail. For nearly two decades, OKNP/KHLCF has worked with partners to complete the Pine Mountain State Scenic Trail, a hiking trail from Breaks Interstate Park in Pike County to Cumberland Gap National Park in Bell County. Approximately 40% of the trail is complete. In 2019 OKNP worked with the TAH Cabinet/Dept. of Parks to complete a 4 mile section in Bell County, including a major trailhead in Pineville very near the proposed Appalachian Wildlife Center.
- Action 3.1.7:** Work with KHLCF Board to evaluate and facilitate new project applications as appropriate.

**Goal 2: Continue OKNP's role as the Commonwealth's only rare plant species program.**

The OKNP rare plant species program has had success in recent years delisting or avoiding ESA listing of Kentucky plants. In 2019 the USFWS initiated the delisting of running buffalo-clover (*Trifolium stoloniferum*) from the federal endangered species list thanks in part to the extensive survey and monitoring work done by OKNP biologists. This will join the 2016 delisting of white-haired goldenrod (*Solidago albopilosa*). In the last two years OKNP biological monitoring efforts successfully removed the rare plants Rockcastle aster (*Eurybia saxicastellii*) and water stichwort (*Stellaria fontinalis*) from consideration for federally endangered species listing.

**Objective 1 - Identify and manage rare plant populations with the ultimate goal of removal from the Endangered Species Act through Section 6.**

**Tactic 1.1:** Seek out funding and collaboration with a variety of partners to conserve and inventory rare plants.

- Action 1.1.1:** Work with public and private sector entities to conserve and delist at-risk plant species on their property, targeting running buffalo-clover (*Trifolium stoloniferum*).

- Action 1.1.2:** Implement secured transportation mitigation funded project for management of habitat for the federally endangered Kentucky glade grass (*Leavenworthia exigua laciniata*) in Jefferson/Bullitt counties. Mitigation projects enable road construction and other development projects to move forward while also conserving endangered habitat and creating outdoor recreational opportunities.
- Action 1.1.3:** Continue lead coordination and implementation of cooperative statewide highway right-of-way pollinator habitat assessment and inventory project secured by the Kentucky Department of Transportation. This will lead to conservation on important habitat and lower roadside maintenance costs by DOT.
- Action 1.1.4:** Implement secured US Forest Service funded project for continued management of White-haired goldenrod in the Red River Gorge.
- Action 1.1.5:** Continue lead coordination and implementation of cooperative statewide ginseng monitoring program with funding secured by the Kentucky Department of Agriculture.
- Action 1.1.6:** Continue monitoring and restoration efforts to stabilize or increase populations to reduce the number of state endangered or threatened plant species, which have declined from 388 to 312 in the last biennium.

**Goal 3: Collect the highest quality scientific data and interpretation services on the Commonwealth's rare and native species and make it available to the public and private sectors in an efficient manner to inform, enable and advance the conservation of Kentucky's native species by other individuals, organizations, and agencies and to expedite development projects in a responsible manner.**

OKNPC's database is the most accurate database of information on rare species, natural habitats, and conservation lands available in Kentucky, and is updated regularly. It currently contains 15,336 records of 820 tracked species and 59 ecological communities, 781 high quality site records, and 824 conservation lands records. This is an increase of 3,065 records from the land biennium. Most of these records were collected by OKNP field staff.

OKNP's data enables land managers and developers, in both private and public sectors, to make decisions more efficiently to benefit society and the economy by avoiding impacts on sensitive areas. The OKNP provides information that facilitates ecologically sound development and infrastructure projects, such as pipeline corridors, roads, communication towers, and municipal utility projects. OKNP provides these data to agencies, organizations, businesses, and individuals for the purposes of resource management, development planning, and research.

In providing these services to other users, OKNP has several obligations: (1) to support the expense of OKNP data processing services (2) to identify avoidable negative impacts to a natural resource, (3) to ensure that data are interpreted correctly, and (5) to protect the Commonwealth's investment in the data gathering process. The Kentucky Biotics5 data is

exchanged with NatureServe, a centralized data aggregator, and thereby becomes part of an international biological database compiled with data from natural heritage programs in all U.S. states, Canada and 11 countries in Latin America. This data is utilized by various federal agencies, regional and international development entities, researchers and international conservation organizations.

**Objective 1 - Make OKNP biological data more complete and accessible.**

**Tactic 1.1:** Modernize database services.

- Action 1.1.1:** Provide information and information analysis services through data services program. Provide accurate, usable information and OKNP analysis of the information to legitimate data users and recover response and database maintenance costs when appropriate. OKNP will actively publicize availability of services and limitations of data.
- Action 1.1.2:** Update OKNP's *Kentucky Biological Assessment Tool* through NatureServe. This is a fee-based online environmental review process in use in several other states that makes biological data more accessible to project developers, greatly reduces time to complete reviews, reduces agency staff time spent on reviews, and generates agency revenue.
- Action 1.1.3:** Expand Biotics data sharing agreements. Biotics is currently provided via data license agreements with the Division of Mine Reclamation and Enforcement, Division of Abandoned Mine Lands, NRCS, UK Forestry, the TVA, and the Kentucky Field Office of the USFWS. The software applications created by the OKNP streamlined the process for reviewing surface coal mining permits and reclamation reviews, allowing real-time access to the latest imagery and spatial data available. This saves time and money while facilitating projects by accelerating project reviews.
- Action 1.1.4:** Update the conservation mapping database. In addition to the Biotics database the OKNP has mapped all public and privately owned conservation lands in ArcGIS format, as well as all of the conservation easements in Kentucky. Work to update all OKNP tracts is underway.
- Action 1.1.6:** Data management and analysis shall be performed to natural heritage program standards. Data must be entered into Biotics and digitally retained in a prompt, consistent, and reliable manner. Quality control checks shall be built into all steps of data processing. Information about the elements of Kentucky's natural diversity, occurrences of rarer elements, managed areas, natural areas, and data sources should be complete and current. These data should be analyzed at regular intervals in order to support and guide OKNP operations.

**Tactic 2.2:** Gather additional biological records for the OKNP database through funded projects.

- Action 2.2.1:** Complete the USFWS funded aquatic species and riparian vegetation assessment of the Green River at the proposed lock and dam #5 removal site.
- Action 2.2.2:** Complete the USFWS funded native grassland vegetation assessment of the Fort Knox Military Base.
- Action 2.2.3:** Complete the IBCF funded assessment of aquatic species and native vegetation along the Nolin River in Hardin County.
- Action 2.2.4:** Complete the KHLCF funded assessments of bat species and native vegetation at Jeffry's Cliff in Hancock County and other sites.
- Action 2.2.5:** Facilitate research on natural areas; promptly evaluate and issue permits and follow up on required data and report collection.
- Action 2.2.6:** Conduct all biological inventories to accepted KHLCF and natural heritage standards. Biological inventory and other data collection must be planned, integrated activities that address the need for information on species biology and distribution; natural community classification, composition, evaluation, and distribution; natural areas identification, evaluation, and classification; nature preserve history, design, monitoring, and stewardship; Kentucky's managed areas; and literature review and monitoring of other secondary information sources.

**Goal 4: Increase public awareness of Kentucky natural areas and native species.**

**Objective 1 - Bring OKNP's biological expertise to both the general public and professional biologists.**

**Tactic 1.1:** Collaborate with a variety of groups and organizations at public events.

- Action 1.1.1:** Work with WKYU-PBS to film a 30 minute special on historic sites that also protect rare species. Filming will include the Perryville Battlefield in Boyle County, Blue Licks Battlefield in Nicholas County, and sites along the Green River in Hart and Taylor Counties.
- Action 1.1.2:** Host and organize the annual conference with the Kentucky Native Plant Society. This event brings together close to 100 academics, biologists, land managers, and citizen scientists annually and has been instrumental in building the botanical and habitat management community within Kentucky.
- Action 1.1.3:** Host workshops on identification and management of native plant species for natural resources professionals from federal and state agencies and private organizations. These programs are highly

regarded by conservation professionals as valuable training for those managing for our natural habitats.

- Action 1.1.4:** Continue updating the OKNP website to provide information on recreational opportunities on natural areas throughout the state and make the *Kentucky Biological Assessment Tool* more accessible, including location maps and GIS based web and smartphone applications.
- Action 1.1.4:** Work with the Tourism, Arts, and Heritage Cabinet to showcase passive recreational opportunities on OKNP natural areas, particularly paddling on Wild Rivers and hiking and birding on all sites.
- Action 1.1.5:** Participate in public events including Earth Day.
- Action 1.1.6:** Present annual KHLCF Stewardship Award and OKNP Biodiversity Award to deserving partners at the Governor's Conference on Energy and the Environment.
- Action 1.1.7:** Continue working with state and local partners, school groups, scouts, and others on environmental education and outreach events, such as Earth Day celebrations.

#### **Goal 5: Improve agency operations from the Director's office.**

##### **Objective 1 - Increase administrative efficiency and organization within the agency from the Director's office.**

**Tactic 1.1:** Director's office shall reevaluate all agency operations, and reallocate staff responsibilities as appropriate.

- Action 1.1.1:** Cross-train across programs, have multiple staff with knowledge of each natural area.
- Action 1.1.2:** Provide training for all field staff across programs in use of Biotics5 database and standardize biological data collection methods.
- Action 1.1.3:** Continue working with the Kentucky Prescribed Fire Council to bring all land management staff up to NWCG standards for prescribed fire.
- Action 1.1.4:** Work with NatureServe to modernize and standardize all biological data collection methodology to be compatible with KY-BAT.
- Action 1.1.5:** Ensure staff understands their role OKNP strategic plans by ensuring that employees are clear about the objectives, goals and directions of the agency through monthly staff, project, branch, and program meetings.
- Action 1.1.6:** Review and develop Memoranda of Agreement (MOAs) for all programs.
- Action 1.1.7:** Oversee and maintain the OKNP Motor Pool.
- Action 1.1.8:** Reduce all paper files.

**Tactic 2.1:** Director's office shall secure additional funding for operations and actively manage budget of all programs

**Action 2.1.1:** Solicit and secure additional funding for land management and biological data collection from conservation entities, including USFWS, USFS, NRCS, and mitigation programs.

**Action 2.1.2:** Continue reevaluation of fee structure for environmental reviews through the KY-BAT and increase appropriate to fund additional data collection.

**Action 2.1.3:** Coordinate OKNP and KHLCF budgetary activities including submission of annual and biennial operating budgets.

**Action 2.1.4:** Coordinate KHLCF financial activities including quarterly treasurer's report to the KHLCF Board and all transactions from KHLCF restricted funds related to projects and administration.

**Action 2.1.5:** Monitor all restricted funds weekly for OKNP, KHLCF, and KWRP.

## Office of Administrative Services

### *Mission*

To support our agency partners in fostering an understanding of and adherence to regulatory requirements and create a positive, supportive work environment that values all employees.

### *Vision*

The Office of Administrative Services regards our employees and stakeholders as a trusted and valuable resource for innovative, accessible and responsive human resource services, financial management and information services.

### *Principles*

- **The Office of Administrative Services will provide leadership and guidance to attract, develop, motivate and retain a talented diverse workforce.** The decisions made by the OAS will be prudent, defensible and consistent with the EEC mission and in the best interest of the citizens of the Commonwealth.
- **The Office of Administrative Services will focus on providing quality customer service.** We will continually review our business processes based on customer needs and establish measures by which we will monitor our effectiveness.
- **The Office of Administrative Services will provide high quality financial analysis.** We will offer sound advice, objective research and oversight regarding budget management and to ensure fiscal integrity for EEC.
- **The Office of Administrative Services will enable a proficient digital government supportive of our EEC agencies.** We will be a trusted and valued business partner with unyielding commitment to cost-effective service delivery.
- **The Office of Administrative Services will continue standardization of Cabinet administrative processes and procedures.** We will review current standard operating processes and update them to reflect the Cabinet's management philosophy. In addition, new standard operating procedures will be developed to address key issues within the Cabinet.



## **Division of Human Resources Management**

### **Objective 1 – Recruit and retain qualified employees for positions at EEC.**

**Tactic 1.1:** Continue ongoing efforts to identify resources that will assist in the hiring and retaining of qualified employees.

**Action 1.1.1:** Continue to provide recommendations to present to the Personnel Cabinet to increase employee retention and recruitment. Modify job specifications to reflect current agency needs and continue to eliminate obsolete job specifications.

**Action 1.1.2:** Continue to work with EEC client agencies to develop program specific training opportunities.

**Tactic 1.2:** Continue implementation of annual Cabinet Leadership Training to prepare staff for management roles within the organization by providing a structured program of critical leadership topics.

**Action 1.2.1:** Provide skills that will increase the knowledge of future leaders within the Cabinet.

### **Objective 2 – Coordinate Ongoing OAS Division of Human Resources Activities.**

**Tactic 2.1:** Continue to identify recommendations that will assist in providing continued customer service to EEC client agencies on all aspects of human resources and initiate actions required for carrying out the day-to-day activities in OAS/DHRM.

**Action 2.1.1:** Continue to cross train all Division of Human Resource employees to have a base knowledge in all support aspects.

**Action 2.1.2:** Coordinate personnel activities including the EEO/ADA, Affirmative Action Plans and Title VI activities. Schedule Title VI training for all Human Resources Branch staff.

**Action 2.1.3:** Maintain Cabinet-wide system for tracking personnel action submittals.

**Action 2.1.4:** Streamline and update American Disabilities Act (ADA) reviews and procedures.

**Action 2.1.5:** Streamline and update FMLA reviews and procedures.

**Action 2.1.6:** Streamline and update I-9 reviews and procedures.

**Action 2.1.7:** Continued education for all division staff specific to their assigned duties.

### **Objective 3 – Continued Implementation of Facilities Coordination.**

**Tactic 3.1:** Continued elimination of facility and equipment redundancies on a Cabinet level.

**Action 3.1.1:** Coordinate EEC vehicle motor pool maintenance.

**Action 3.1.2:** Continue to work to right size the EEC motor pool.

**Action 3.1.3:** Continue to coordinate Cabinet processes for uniforms, inventory and mail delivery services.

**Action 3.1.4:** Serve as liaison with Real Properties to coordinate EEC efforts related to space request and janitorial contracts for leased buildings.

**Action 3.1.5:** Ensure all 300 Sower Building and maintenance issues are entered into Facility Dude for response and corrective action by the property owner.

**Action 3.1.6:** Ensure the 150 Sower Building that houses staff who operate the Cabinet motor pool is maintained.

### **Objective 4 – Provide adequate training to EEC employees.**

**Tactic 4.1:** The goal of the Office of Administrative Services is to provide the best, cost-effective services to the EEC. This goal is to be achieved by maintaining a qualified and healthy workforce.

**Action 4.1.1:** Offer the OAS New Employee Orientation program on a semi-monthly basis to all new EEC employees and maintain the manual (and PowerPoint presentation) to ensure that the content is appropriate and current.

**Action 4.1.2:** Coordinate EEC Management Training (includes training on employee relations, enforcement of state/Cabinet/department-level policies, etc.)

**Action 4.1.3:** Assist the EEC in identification of specialized training needs and provide approval and support for the training.

**Action 4.1.4:** Coordinate EEC employee participation in the Kentucky Employee Health Plan, Living Well initiatives, Go 365 and KECC activities.

**Action 4.1.5:** Ensure that EEC maintains the required number of internal certified trainers to meet annual training requirements to teach CPR/FA/BBP to Cabinet employees. Continue to transition all CPR training to American Health & Safety Institute (ASHI) curriculum.

**Action 4.1.6:** Ensure that all management staff have received Reasonable Suspicion Training as part of the Cabinet's Policy and Protocol on Employee Drug and Alcohol Testing (EEC 01-2017).

**Objective 5 – Develop Cabinet wide policies and standard operating procedures.**

**Tactic 5.1:** Analyze current processes/procedures, policies within the departments and implement consistent Cabinet wide policies/procedures & SOP's

**Action 5.1.1:** Continue to maintain and update a central location on the share drive to house all EEC policies and procedures. Have all employees sign policy acknowledgement forms to ensure they have received a copy of the policies; have read the policies; and have agreed to abide by the policies.

**Objective 6 – Develop a Cabinet-wide safety program.**

**Tactic 6.1:** Analyze current safety practices and procedures across the Cabinet and ensure consistency in maintaining a qualified and healthy workforce.

**Action 6.1.1:** Coordinate scheduling and provide oversight of safety training for EEC employees to include fire drills, tornado drills, earthquake drills, building evacuation procedures, and active shooter training in FY20. Work with other agencies in the 300 Sower Building to develop safety programs and coordinate scheduling to train all EEC staff designated as Team Leaders and Rally Point Captains on procedures for reporting to command post. Evaluate existing procedures to improve communication and coordination.

**Action 6.1.2:** Work with Cabinet staff to coordinate new safety training curriculums in the Cornerstone database.

**Action 6.1.3:** Implement a building security plan for the 300 Sower complex.

**Action 6.1.4:** Coordinate scheduling and provide oversight of all Safety Training for EEC employees. Ensure certification and/or completion of all training is identified by individual and entered in the Cornerstone database.

**Action 6.1.5:** Hire Executive Staff Advisor to develop and coordinate safety strategies for all EEC agencies.

## **Division of Information Services**

**Objective 1 – Accurately scan and quality check all documents that are to be converted to electronic form and submitted to ARM or other approved state database systems.**

**Tactic 1.1:** Scan and quality check all documents received in the file room within one business day of arrival in the scanning area.

**Action 1.1.1:** Run monthly report to measure the number of pages and documents scanned and number of documents scanned by individual staff.

**Action 1.1.2:** Monitor and manage the number of documents that land on error page.

**Action 1.1.3:** Run monthly report to track the actual time it takes a document to be submitted to ARM from when it was received in the file room.

**Action 1.1.4:** DIB manager will record and report progress to OAS.

**Action 1.1.5:** Perform a second quality check for all scanned documents to ensure quality.

**Tactic 1.2:** Scan and prep all historical and special project files to be converted to electronic form to reduce paper storage for the Cabinet.

**Action 1.2.1:** Run monthly report to measure the number of historical/special project pages and documents scanned and number of documents scanned by individual staff.

**Action 1.2.2:** Coordinate and plan special scanning requests with other agencies.

**Action 1.2.3:** Continue to track and report the status of the Oil & Gas historical scanning project.

**Action 1.2.4:** Continue to track and report the status of the Nature Preserve historical scanning project.

**Action 1.2.5:** DIB manager will record and report progress to OAS.

**Action 1.2.6:** Perform a second quality check for all scanned documents to ensure quality.

**Objective 2 – Manage public records in a manner that is cost-effective and provides timely, accurate access to paper files and electronic documents to the public.**

**Tactic 2.1:** Respond to all Open Records requests within three business days

**Action 2.1.1:** Continue to enforce a standard process that requires immediate entry of open records requests and receipt dates into ARM.

- Action 2.1.2:** Continue running ARM reports that show the response times for open records requests. Reports should include data on how many requests have been received and processed for each Department within the Cabinet.
- Action 2.1.3:** Continue to coordinate with the Office of General Counsel in order to effectively process and complete open records request from attorneys and media.
- Action 2.1.4:** Implement any needed changes to the open records response process in accordance with Office of General Counsel recommendations.
- Action 2.1.5:** Continue to cross-train all Public Records Branch employees to fulfill requests for DNR as well as DEP.
- Action 2.1.6:** Work with program staff to standardize the method in which they assist this office with gathering documents for production.

**Tactic 2.2:** Ensure all agency records retention schedules are up to date and records are properly maintained for the time period directed in the schedule.

- Action 2.2.1:** Review all schedules for each Department within the Energy and Environment Cabinet to determine if they contain any inaccuracies. Work with Departmental Program staff if necessary to determine accuracy of the categories of records listed.
- Action 2.2.2:** In the event, outdated or inaccurate information is found on any record retention schedule work with Program Staff and Kentucky Department for Library and Archive staff to update the schedule.

**Objective 3 – Provide technical, personnel and administrative support for OAS IT-Based grants.**

**Tactic 3.1:** Meet goals of USEPA and other grant-based projects on time and on budget.

- Action 3.1.1:** Complete KATTS Enhancements as noted in project plan.
- Action 3.1.2:** Complete initial phase of KWADE Enhancements.
- Action 3.1.3:** Complete the “Access to Data” Exchange Network grant project as noted in the project plan.

**Tactic 3.2:** Meet goals of ANE grant-based projects on time and on budget.

- Action 3.2.1:** Finalize SMIS and WebSMIS re-write by August 2019.
- Action 3.2.2:** Finalize ORGF Rewrite and Enhancements by February 2020.
- Action 3.2.3:** Implement all DMRE Coal and Non-Coal eForms (currently developed and in testing).
- Action 3.2.4:** Convert all Mine Permit (DMP) Applications from Microsoft Access-based forms to eForms. Implement by end of FY21.

**Action 3.2.5:** Complete AML project analysis and proposal for new application/database.

#### **Objective 4 – Develop, enhance and support EEC-specific IT applications**

**Tactic 4.1:** Manage Projects on IT project list

**Action 4.1.1:** Continue to utilize Agile Kanban methodologies for development.

**Action 4.1.2:** Utilize JIRA, Project Online and PowerBi to communicate the status of projects to management and interested parties.

**Action 4.1.3:** Fully implement ARM version 2.5

**Action 4.1.4:** Continue to conduct bi-weekly project status meetings.

**Action 4.1.5:** Re-write ePortal to utilize eForms.

**Action 4.1.6:** Upgrade/Consolidate all 2008 Servers to Server 2016.

**Action 4.1.7:** Rewrite old GAPS applications to .NET including Pay Forecaster, Cash Receipts, etc.

**Action 4.1.8:** Finalize implementation of phase one and fully complete phase two of the OAH HERO project.

**Action 4.1.9:** Implement and enhance Reports Tool throughout Cabinet

**Tactic 4.2:** Provide Database Support.

**Action 4.2.1:** Provide timely Help Desk Support for all EEC applications.

**Action 4.2.2:** Continue on-going support of recent implementations such as Reports Tool, DEPORA and PSTEAF.

**Action 4.2.3:** Convert existing DNR workflows from Staffware/WWF to Nintex and integrate with EEC SharePoint environment.

**Action 4.2.4:** Even though grant funding was not provided by EPA for state-specific enhancements, DEP is obligated to complete the requirements of the eReporting rule for data collection and data flow to EPA.

**Action 4.2.5:** Integrate recently created 'Doc-In' and 'Doc-Out' Services into more EEC applications.

**Action 4.2.6:** Implement Asbestos and Lab Certification in ARM.

**Tactic 4.3:** Provide business analysis in order to improve Cabinet efficiency and make IT infrastructure more effective.

**Action 4.3.1:** Analyze current business processes and identify opportunities to improve them, leading to initiation of projects.

**Action 4.3.2:** Identify and manage requirements for IT projects.

**Action 4.3.3:** Collaborate with development team and project team(s) to ensure that the results of the project satisfy the needs identified in the requirements.

- Action 4.3.4:** Facilitate a project post-mortem meeting with project stakeholders.
- Action 4.3.5:** Provide improved technology planning and coordination of all Department technology staff in order to upgrade all legacy applications. Due to the rising cost of Linux-One (Oracle) transition from Oracle to SQL as much as possible.
- Action 4.3.6:** Provide guidance to consolidate servers in order to save Cabinet funds.

**Tactic 4.4:** Provide IT application training

- Action 4.4.1:** Create and modify training videos to reflect enhancements in EEC Applications, including ARM, ARM Reports Tool, eForms, KOG, SMIS, and DNR applications.
- Action 4.4.2:** Develop documentation for new applications

**Tactic 4.5:** Provide intra-agency and inter-agency IT related coordination.

- Action 4.5.1:** Initiate assistance within one business day of receipt of request.
- Action 4.5.2:** Coordinate with intra- and inter- agency IT operations staff and users to solve technical problems, which impede or delay the processing of data.
- Action 4.5.3:** Evaluate and determine automation needs.
- Action 4.5.4:** Relay information regarding user needs.
- Action 4.5.5:** Follow-up to ensure user needs met in timely fashion.
- Action 4.5.6:** Establish and maintain effective working relationships.
- Action 4.5.7:** Coordinate with Human Resources staff and with COT in order to complete on-boarding, separation and transfer activities prior to the personnel action effective date.
- Action 4.5.8:** Create Standard Operating Procedures for coordination with COT related to Enterprise Identity Management and personnel actions.

## **Objective 5 – Coordinate Ongoing OAS Division of Information Services Activities.**

**Tactic 5.1:** Identify recommendations that will assist in providing the service and responsiveness required for carrying out the day-to-day activities in the EEC.

- Action 5.1.1:** Work with Cabinet staff as required ensuring that all IT software licenses are kept current and/or retained under the realm of COT.
- Action 5.1.2:** Cross train technology staff to support applications for all agencies to avoid interruption of service. Specific short-term needs are backup IT staff for Oracle, InfoImage, MIST, GIS mapping applications
- Action 5.1.3:** Facilitate necessary discussions with COT in order to prioritize projects and issues and to keep EEC IT infrastructure operational.

## **Objective 6 – Develop, enhance and support EEC-wide GIS implementations**

**Tactic 6.1:** Implement recommendations from ESRI Enterprise Advantage program.

**Action 6.1.1:** Follow and implement the guidance document provided by ESRI.

**Tactic 6.2:** GIS Data and Service Reliability.

**Action 6.2.1:** Establish tracking & project management system for GIS to better track and report on projects, requests/issues, staff time, department use and tasks.

**Action 6.2.2:** Formalize GIS data standards throughout the organization to ensure consistency and quality of GIS data over the long term.

**Tactic 6.3:** Accessible GIS Data and Applications Ease of Use.

**Action 6.3.1:** Develop and implement a comprehensive strategy to incorporate identified user input to improve content management of GIS data and applications.

**Action 6.3.2:** Update the GIS Training Plan to include additional methods/techniques/technologies to inform the public and train staff of GIS applications and data.

**Tactic 6.4:** Seek opportunities to further integrate GIS.

**Action 6.4.1:** Actively seek out integration opportunities with other agencies to further integrate and streamline workflows and improve knowledge sharing.

**Action 6.4.2:** Research and develop easy to use metrics/analytical tools to help further extend GIS' role in metrics and analysis throughout the Cabinet.

**Tactic 6.5:** Leverage New/Emerging GIS Technologies.

**Action 6.5.1:** Establish and implement GIS Technology Strategy to systematically evolve into new or emerging technologies.

## **Division of Financial Management**

### **Objective 1 – Coordinate Ongoing OAS Division of Financial Management Activities.**

**Tactic 1.1:** Identify recommendations that will assist in providing the service and responsiveness required for carrying out the day-to-day activities in the OAS.

**Action 1.1.1:** Coordinate EEC budgetary activities including submission of annual and biennial operating budgets, and fiscal year closeout.

**Action 1.1.2:** Identify subject matter experts to serve as a point of contact and assistance for all departmental procurement needs. Maintain a database to track payment status for EEC purchases and/or utility costs.

**Action 1.1.3:** Expand historical data tracking to encompass areas and categories throughout EEC to assist in high-level decisions.

**Action 1.1.4:** Establish annual personnel CAP levels for EEC. Work with Cabinet leadership, Commissioners/Directors to determine CAP allocations. Ensure adequate funding is available. Develop and submit CAP increase requests to Office of State Budget Director as needed.

**Action 1.1.5:** Update/develop standardized reporting tools for eMARS, budgeting, etc. Provide Cabinet-wide training for eMARS reporting tools for all eMARS users.

**Action 1.1.6:** Ensure that all divisions within the Department for Environmental Protection have adequate funding budgeted to support the DEP Scholarship Program provided through the University of Kentucky.

**Action 1.1.7:** Develop and/or update standard operating procedures and Cabinet policies that support administrative functions within OAS and the Cabinet as a whole.

### **Objective 2 – Manage and Implement the EEC biennial and annual operating budgets.**

**Tactic 2.1:** Manage and present Cabinet budgetary information in meaningful and useful ways to assist in sound policy decision making.

**Action 2.1.1:** Train budget staff to provide budget information in a timely and accurate manner.

**Action 2.1.2:** Manage Cabinet allotments and cash accounts. Maximize Cabinet funding by identifying overlapping goals/directives within the Cabinet.

**Action 2.1.3:** Develop informative and educational budget/grant meetings. Ensure there is adequate funding available for Cabinet/department priorities.

**Action 2.1.4:** Present relative budgetary data analysis to Cabinet Secretary, Commissioners and Directors giving them information needed to make informed policy decisions.

**Action 2.1.5:** Process emars documents for budgetary approval in a timely manner.

**Objective 3 – Implement Cabinet wide procurement coordination.**

**Tactic 3.1:** Coordinate and implement Cabinet procurement guidelines and training to ensure financial integrity.

**Action 3.1.1:** Establish EEC standard operating procedures and procurement guidelines that incorporate state procurement laws.

**Action 3.1.2:** Approve procurement documents in a timely manner.

**Action 3.1.3:** Train DFM staff on statewide procurement regulations and processes.

**Action 3.1.4:** Provide High-level procurement training to Commissioners and Directors to ensure fiscal integrity for EEC.

**Action 3.1.5:** Continue procurement education for EEC procurement staff.

**Action 3.1.6:** Monitor contracts and look for efficiencies and ways to consolidate orders and/or contracted work to ensure better values related to costs.

**Objective 4 - Coordinate and implement federal grants for EEC.**

**Tactic 4.1:** Coordinate EEC Federal Grant approval process. Serve as point of contact for grant reporting.

**Action 4.1.1:** Submit required grant reporting to federal government for EEC grants within established timeframes.

**Action 4.1.2:** Work with Cabinet grant contacts to manage grant budgets within statewide accounting system (emars).

**Action 4.1.3:** Train all DFM grant staff on federal grant application process.

**Action 4.1.4:** Grant accountants and budget staff work together to ensure maximum use of grant funding within EEC.

**Action 4.1.5:** Complete federal draws accurately and timely to ensure the Cabinet is fully reimbursed.

## **Office of Communication**

### **Overview**

The Office of Communication is an essential component of the Kentucky Energy and Environment Cabinet's role of protecting the Commonwealth's environment and of regulating the businesses and industry that can potentially affect the Commonwealth's land, air or water. The office acts with professionalism, speed, accuracy and transparency to ensure that the Cabinet is viewed by stakeholders, permit holders, citizens of the Commonwealth, employees and the media, as an agency that works with the Governor's mandate to enforce the law, protect the health and welfare of its citizens and environment and be a collaborative partner to those it regulates.

The office uses a variety of tools to communicate with media, stakeholders, the public and the regulated community, including blogs, press releases, social media, photos, video, podcasts, and decides how best to use each to convey accurate and timely information. Part of the mission of the office is to oversee the outward-facing website. Both the public and the regulated community use the website daily to find information, submit forms, sign up for training and contact key Cabinet personnel. A recently developed interactive calendar is a valuable resource to help users find and sign up for relevant meetings, hearings, training, presentations, etc.

The office also is a valuable communication resource for divisions within the Cabinet who wish to reach internal or external targeted audiences. The office offers a wide range of services that include video presentations, graphics design, newsletter assistance and photography.

**OFFICE OF COMMUNICATION**

**John Mura, Executive Director**

## Objective

Ensure that the Cabinet is viewed by stakeholders, permit holders, citizens of the Commonwealth, employees, and the media as an agency that works with the Governor's mandate to enforce the law, protect the health and welfare of its citizens, and be a collaborative partner to those it regulates.

**Tactic 1.0:** Develop responsive and transparent relationships with the media.

**Measure:** Track time/date of initial inquiry against time/date of response.

**Baseline:** the number of media queries and responses month over month.

**Action 1.1.1:** Respond to media inquiries with timely and accurate information, meeting reporters' deadlines when possible.

**Action 1.1.2:** When responding to issues that cross state agencies, coordinate early with other agencies and the governor's communication team to ensure the information released serves all parties well.

**Action 1.1.3:** When possible and appropriate, and with oversight, give reporters direct access to Cabinet source-matter experts.

**Action 1.1.4:** Communicate media/information requests so that management chain-of-command is observed and the information given is accurate.

**Action 1.1.5:** Respond to open records requests in as timely a way as possible, providing requested information in a transparent manner.

**Action 1.1.6:** Proactively announce/release information regarding projects, activities or decisions of interest.

**Action 1.1.7:** Provide honest but constructive feedback to media on published content.

**Tactic 1.2:** Be an innovator in the use of digital and social media platforms

**Measure:** Track the number of likes, shares and comments for posts and pages and the growth of page followers before and after the announcement or posting of particular information (video, employee features, community involvement, incidents, etc.)

**Baseline:** The number of Facebook and Twitter followers month over month.

**Action 1.2.1:** Communicate transformative Cabinet information to our target audiences on multiple social media platforms in a timely way.

**Action 1.2.2:** Use the posts to create an awareness in the public of the Cabinet's efforts to work with the regulated community to protect the environment and improve public health and safety.

**Action 1.2.3:** Use video-storytelling whenever possible to keep the public informed about ongoing emergency situation.

**Action 1.2.4:** Use video-storytelling to make Cabinet employees more aware of job or training opportunities within the Cabinet.

**Action 1.2.5:** Use Facebook and Twitter to post daily updates that communities seek when dealing with local emergency situations.

**Action 1.2.6:** Respond quickly and appropriately to inquiries received on social media.

**Action 1.2.7:** Personalize the Cabinet using employee features, interviews, Facebook live, etc.

**Action 1.2.8:** Tell our story and explain our work through in-depth blog postings.

**Action 1.2.9:** Connect with our audience by highlighting community involvement activities.

**Tactic 1.3:** Foster communication that improves and encourages inter-division and inter-agency understanding of mission and collaboration.

**Measure:** Track the number of articles, video, photographs, contributed posts, etc. by those outside the Office of Communication.

**Baseline:** The number of employee contributions to Cabinet communication vehicles and also the number of Facebook and Twitter reposts month over month.

**Action 1.3.1:** Coordinate social media platforms, combine where appropriate, and create a social media working team.

**Action 1.3.2:** Make the internal SharePoint site a dynamic tool for disseminating information throughout the Cabinet.

**Action 1.3.3:** Create a cohesive web team, adding tools to help them coordinate information and events (i.e. calendar).

**Action 1.3.4:** Develop a communications calendar for the internal SharePoint site with the intention of highlighting projects within all areas of the Cabinet.

**Action 1.3.5:** Use the Land, Air & Water webzine to increase inter-agency awareness of mission.

**Action 1.3.6:** Strategize and develop new content for the internal SharePoint site so that it can be used as a viable vehicle for shared information throughout the Cabinet.

**Action 1.3.7:** Regularly publicize to all Divisions the internal communication services offered by the office.

**Tactic 1.4:** Give citizens of the Commonwealth up-to-date, important information about environmental emergencies that could affect their health or welfare.

**Measure:** Track the number of articles, video, photographs, digital posts, etc. that follow our posting of significant environmental emergencies.

**Baseline:** The number of Facebook and Twitter reposts, likes and increased followers month over month.

**Action 1.4.1:** Coordinate with internal emergency response team to quickly obtain relevant information and multimedia.

**Action 1.4.2:** Post daily accurate and timely information to social media platforms.

**Action 1.4.3:** Issue advisories or press releases with key information when appropriate.

**Action 1.4.4:** Use Facebook Live or other digital technologies to livestream crucial information.

**Action 1.4.5:** If necessary and appropriate, hold press conferences/briefings to inform the public of emergencies and recommendations.

**Action 1.4.6:** Coordinate with other involved agencies in the release of information and messaging.

**Tactic 1.5:** Support employee recognition, and foster a sense of teamwork among employees.

**Measure:** Track the number of employee recognition pieces published.

**Baseline:** The number of employee recognition pieces year over year.

**Action 1.5.1:** Continue employee profiles on social media, highlighting the work of employees.

**Action 1.5.2:** Promote the myriad work of divisions through media channels including blogs, press releases, the webzine and social media.

**Action 1.5.3:** Use the Land, Air & Water webzine to increase inter-agency awareness and highlight employees' valuable contributions to mission.

**Action 1.5.4:** Feature activities of various divisions when out in the field, at schools, conferences, receiving awards.

**Action 1.5.5:** Recognize the efforts of our emergency response teams, fire fighters and others who are involved in emergency/environmental incidents through social media and in the media.

## Public Service Commission

### Overview

The Kentucky Public Service Commission (PSC) is a three-member administrative body with quasi-legislative and quasi-judicial duties and powers regulating approximately 1,100 utilities. The Commission is funded by an assessment paid by all utilities under the Commission's jurisdiction based on a utility's annual gross intrastate revenues. The Commission, created by the Acts of the 1934 General Assembly, the current version of which forms Chapter 278 of the Kentucky Revised Statutes (KRS), performs its regulatory functions through issuance of written orders, following adjudicative and rulemaking procedures outlined in Chapter 278 and administrative regulations promulgated by the Commission in Chapter 807 of the Kentucky Administrative Regulations (KAR).

### Mission

The mission of the Kentucky Public Service Commission is to foster the provision of safe and reliable service at a reasonable price to the customers of jurisdictional utilities while providing for the financial stability of those utilities by setting fair and just rates, and supporting their operational competence by overseeing regulated activities.

### Vision

The Public Service Commission envisions well-run, financially viable utilities throughout the Commonwealth providing safe and reliable electric, gas, water, sewer, and telecommunications services to Kentuckians, enhancing their quality of life and financial well-being.

### Core Values and Principles

- **Trust:** The Commission will make sound decisions that earn the public's confidence. The decisions made by the Commission will be prudent, defensible, consistent with the Commission's mission and in the best interest of the citizens of the Commonwealth.
- **Effective:** The Commission will focus on business results rather than a "one-size-fits-all" approach to programs or procedures. The success of programs will be measured in terms of achieving consumer/utility benefits and desirable outcomes in the most efficient manner possible. We will evaluate programs and procedures in relation to their contribution to the mission.
- **Financial Integrity:** The Commission will use good financial information to aid in its decision making. The very foundation of the Commission's work depends upon an

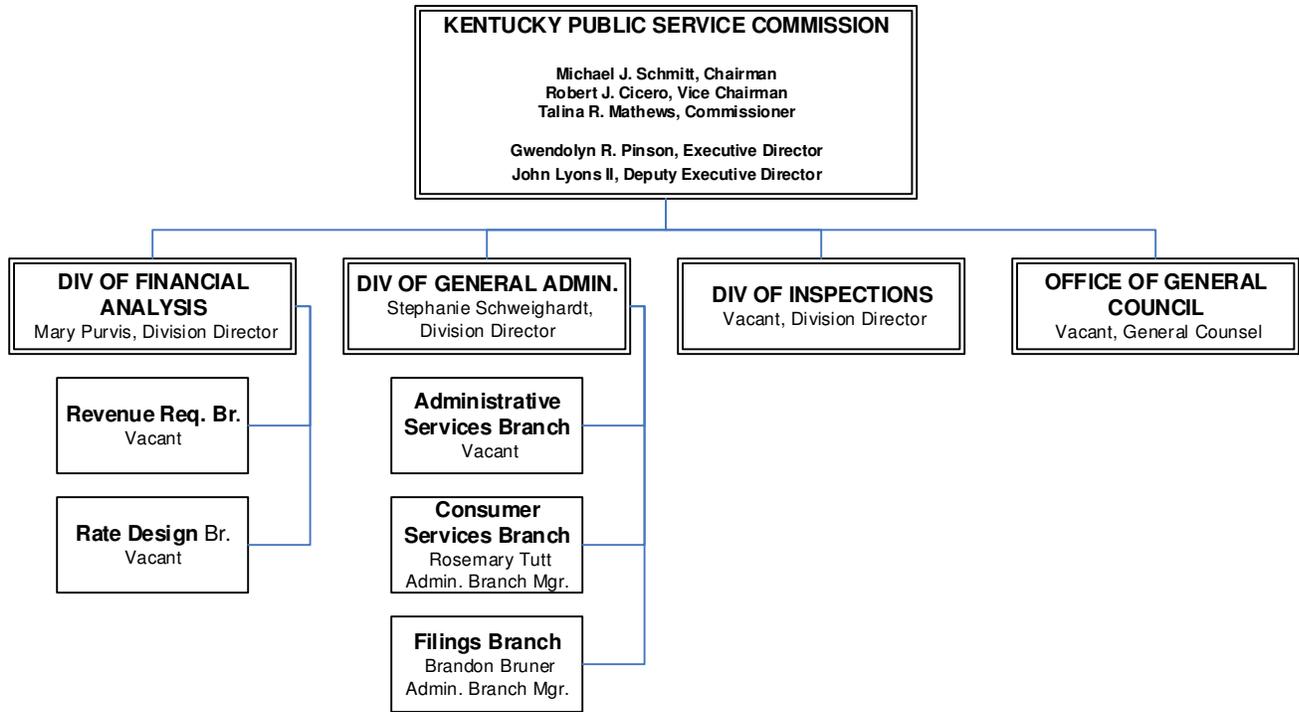
understanding of the causes and effects resulting from transactions of and for utilities. Financial information is critical to the assessment and evaluation of existing utility conditions and the determination of the effectiveness of our programs and procedures.

- **Fairness:** The Commission will consider the range of benefits and consequences of proposed actions before making final decisions. Ethical public policy encourages government agencies to promote actions that maximize benefits to society while minimizing adverse effects. While individual statutes, regulations, programs and organizational units may have a narrow focus upon the utility at issue along with its customer base, we will always consider the benefits and consequences of our actions upon the regulated community and stakeholders at large.
- **Reliable:** The Commission will regulate utilities so as to ensure the construction and maintenance of safe and reliable utility infrastructure that supports residential, commercial and industrial consumers and enhances economic opportunities for the Commonwealth.
- **Accountable:** The Commission will evaluate the utilities and the Commission's performance in the regulation thereof to ensure adherence to standards that promote safety and financial feasibility.

## Scope

The Commission regulates the intrastate rates and services of investor-owned electric, natural gas, water and sewage utilities; customer-owned electric and telephone cooperatives; and water districts and associations along with certain aspects of intrastate gas pipelines. The following are some of the areas for which the Commission has regulatory responsibility:

- Rate increase or reduction
- Expansion or reduction of utility service boundaries
- Construction and operation of utility facilities
- Operating conditions of a utility
- Compliance with service and safety regulations
- Valuation of utility property
- Management audits
- Natural gas and coal purchasing practices
- Issuance or assumption of securities by a utility
- Meter accuracy
- Consumer complaints



## Alignment of Commission Strategic Plan with the Governor's Goals

Evident in the PSC strategic plan are executed and planned efforts to create an economic balance between consumers and utilities, ensure safe and reliable infrastructure, provide infrastructure for economic development, and encourage responsible governance. As a regulatory agency, the Commission maintains a broad range of financial standards designed to protect the consumer and maintain the viability of the utilities that provide critical services to the citizens of the Commonwealth. Fair and just utility rates are integral to a healthy economy and prospects for job creation. The Commission is committed to reducing the "red tape" bureaucratic process where there are redundancies or undue regulatory burdens.

### **Goal 1: Ensure Programmatic Integrity and Efficiency**

*Foster the provision of safe and reliable services for public consumption at fair and just rates with comprehensive procedural processes to ensure a proficient staff.*

#### **Objective 1 - Promote Agency Evaluation and Improvements.**

**Tactic 1.1:** Provide dynamic and consistent agency policy and procedures.

**Measure:** The number of policies and procedures that are developed, updated or eliminated, as necessary.

**Baseline:** Agency policy and procedures modifications completed in the previous biennium.

**Action 1.1.1:** Meet annually with management level staff to evaluate existing policies and procedures.

**Action 1.1.2:** Identify policies and procedures that align with current business processes.

**Action 1.1.3:** Update policies and procedures with language suitable to the current technological or strategic advancements made by the agency.

**Action 1.1.4:** Modify or eliminate redundant, outdated or no longer necessary policies and procedures.

**Tactic 1.2:** Improve agency efficiency with process evaluation.

**Measure:** The number of process improvements made for each division of the agency.

**Baseline:** Agency process improvements completed in the previous biennium.

**Action 1.2.1:** Meet annually with staff to evaluate the current processes.

**Action 1.2.2:** Outline improvements to business processes.

**Action 1.2.3:** Set obtainable timeframes for each phase of the business process.

**Action 1.2.4:** Document and test the new process to correct any failings or areas of concern.

**Action 1.2.5:** Implement the improved business process.

**Action 1.2.6:** Design and implement monthly management-based metrics for all programmatic areas to track, evaluate, and analyze for any potential adjustments, as necessary.

## **Objective 2 – Ensure Data Integrity and Evaluation.**

**Tactic 2.1:** Accurately evaluate agency decisions based on the integrity of the data analysis process.

**Measure:** The number of agency decisions that are based on comprehensive utility data that can be compiled from multiple divisions of agency filings and/or reports.

**Baseline:** Each filing and/or report that is incorporated into a value-added decision making process for the agency.

**Action 2.1.1:** Set parameters for which agency decisions should include particular data from each division and what analysis is performed.

**Action 2.1.2:** Make the data available in a format that is conducive to reference, statistical or financial analysis.

**Action 2.1.3:** Continue to move toward a standardization of data warehousing and storage in formats that are easily extractable and manipulated for query purposes.

**Action 2.1.4:** Identify any agency data that should be captured for analysis purposes that is currently not being captured; implement a new mechanism to obtain this data.

**Action 2.1.5:** Identify any agency analysis techniques that may be improved; implement a new mechanism to obtain this improvement.

**Action 2.1.6:** Create an agency steering committee that meets quarterly to discuss agency process improvements and change management.

**Action 2.1.7:** Conduct semi-monthly meetings at the division level to discuss relative topics, important agency issues, staff assignments, calendar items, suggestions, and other items as necessary.

**Tactic 2.2:** Conduct ethics training for all employees.

**Measure:** The number of staff trained in the Ethical Code of Conduct.

**Baseline:** The number of staff trained in the prior fiscal year.

**Action 2.2.1:** Host the Kentucky Ethics Commission annually to present the code of conduct expected of state employees.

**Action 2.2.2:** Maintain ethics training records of Commission employees.

**Action 2.2.3:** Encourage employees to contact the Kentucky Ethics Commission for any further guidance or inquiries.

**Objective 3 – Knowledge transfer and agency programmatic continuity**

**Tactic 3.1:** Strategically plan for knowledge transfer and continuity within divisions and maintain a complete list of current standard operating procedures (SOPs).

**Measure:** Fiscal year strategic plan and SOPs.

**Baseline:** Strategic plan and SOPs from the previous biennium.

**Action 3.1.1:** Annually, each division shall evaluate its strategic plan to ensure knowledge transfer and programmatic continuity, which includes, among other things, ensuring that each division has more than one subject matter expert on each critical function/regulatory segment.

**Action 3.1.2:** The Commission shall ensure that all SOPs reflect current policy and practice. The Commission shall maintain all current SOPs along with other policy, procedure and process documentation uniformly on the agency servers for electronic preservation.

**Objective 4 – Maintain knowledgeable and competent staff with expertise in their fields.**

**Tactic 4.1:** Maintain staffing levels in order to perform agency functions.

**Measure:** Current Commission staffing level.

**Baseline:** Office of State Budget Director's funded position levels as of August 1 of each year.

**Action 4.1.1:** Fill positions to the full-funded personnel capacity.

**Action 4.1.2:** Analyze and replace positions with the most urgent need.

**Action 4.1.3:** Immediately backfill all mid-level management positions that become vacant.

**Action 4.1.4:** Each director shall rank their personnel need by branch and strategically value which positions to fill as vacancies occur.

**Action 4.1.5:** Anticipate vacancies due to attrition and retirements and plan an agency- wide hiring strategy.

**Tactic 4.2:** Maintain subject matter expertise in all functional areas of the Commission.

**Measure:** The number of positions considered to require a subject matter expert.

**Baseline:** The subject matter expert staffing levels for each program during the previous biennium.

- Action 4.2.1:** Ensure that management is aware of expectations of knowledge transfer.
- Action 4.2.2:** For executive staff meetings, include an agenda item regarding resources and staffing levels essential to Commission programs.
- Action 4.2.3:** Maintain training and subject matter knowledge transfer from seasoned employees to all employees in that program area.
- Action 4.2.4:** Maintain personnel classifications to provide employees with a suitable career ladder that is competitive with the private sector.
- Action 4.2.5:** Seek out external training, seminars and educational opportunities for staff to incorporate in their duties.
- Action 4.2.6:** Participate in job fair and recruitment efforts to seek out qualified candidates.
- Action 4.2.7:** Ensure that staff are exposed to the appropriate internal trainings and cross-divisional understanding of how the entire Commission works.
- Action 4.2.8:** Ensure that staff who might be called to testify in a case, speak at conferences, or appear in other public-facing forums are trained appropriately or have the necessary experience.
- Action 4.2.9:** Promote hiring practices that will create a diverse work force for the agency.
- Action 4.2.10:** Analyze the reasons for separations to try to address areas of concern.
- Action 4.2.11:** Properly train managers to oversee personnel and processes. Encourage managers, and especially new or aspiring managers, to attend managerial training as offered by the Personnel Cabinet.
- Action 4.2.12:** To the extent possible, recruit personnel with utility experience.

**Objective 5 – Properly Fund the Agency and Procure Goods for the Agency.**

**Tactic 5.1:** Analyze historical expenditures, integrate future needs, and estimate costs for growth and expansion requests in the biennial budget request.

**Measure:** Total funding identified and justified in the biennial budget submission.

**Baseline:** Funding is submitted relative to the previous enacted biennial budget.

- Action 5.1.1:** Develop Commission budget request in accordance with the Biennial Branch Budget Request manual.
- Action 5.1.2:** Review the Catalogue of Federal Domestic Assistance (CFDA) for applicable grants and apply in accordance with grant guidelines.
- Action 5.1.3:** Submit grant requests in accordance with CFDA grant guidelines.
- Action 5.1.4:** Follow the Model Procurement Code (KRS 45A) and review internal processes for ways to make more streamlined. Use best practices for all purchases.

**Action 5.1.5:** For existing equipment that has reached the end of its life cycle, obtain quotes for replacement and submit for budget and Executive Staff review.

**Action 5.1.6:** Work with Commission staff to enhance utilization of current resources.

**Goal 2: Provide Legal Representation and Docket Control for the Commission**

*Promote consumer and utility confidence with exemplary legal representation and management.*

**Objective 1 – Manage Active Docket.**

**Tactic 1.1:** Expediently work legal proceedings to completion.

**Measure:** Number of case proceedings

**Baseline:** Case proceedings from the previous biennium.

**Action 1.1.1:** Conduct Executive Staff Docket review every two weeks.

**Action 1.1.2:** Assign legal representation in which it can be the most efficiently and effectively managed.

**Action 1.1.3:** Conduct weekly Office of General Counsel staff meeting to discuss legal progress of proceedings, obstacles, needs, etc.

**Tactic 1.2:** Assess Office of General Counsel Performance.

**Measure:** Track cases/case assignments to ensure that the goals listed below are met, taking into account non-case work activity such as court cases and statute/legislative/regulation activity.

**Baseline:** Performance from previous biennium in terms of meeting the goals listed below.

**Action 1.2.1:** Ensure that all outstanding motions, particularly motions for confidential treatment, are addressed before the closing of a case.

**Action 1.2.2:** The attorney, if Team Leader, ensures that cases are completed by or before any statutory date.

**Action 1.2.3:** If case has no statutory deadline, the target deadline shall be moved only one time, absent extenuating and compelling circumstances.

**Action 1.2.4:** Improve document drafting by using updated templates to eliminate errors.

**Action 1.2.5:** Follow Standard Operating Procedures (SOPs) when processing cases.

**Action 1.2.6:** Develop SOP for specific case types.

**Action 1.2.7:** Prepare informal conference memos within 3-business days of the meeting.

**Action 1.2.8:** Apprise Supervisory/Executive Staff and Commission all important or controversial matters.

**Action 1.2.9:** Update docket contemporaneously with action/event.

**Action 1.2.10:** Ensure that the Commission meets all deadlines in court cases

**Action 1.2.11:** Provide ample time for General Counsel and/or Assistant General Counsel review of all court filings.

## **Objective 2 – Ensure Statutes, Regulations, and Orders Support Agency Functions.**

**Tactic 2.1:** Actively evaluate the statutes, regulations, and orders to ensure they align with the processes and resources available to the Commission and jurisdictional utilities.

**Measure:** The number of statutory, regulatory or order modifications.

**Baseline:** The number of modifications from the previous ten fiscal years.

**Action 2.1.1:** Meet with staff to solicit suggestions on statutes or regulations that require modifications.

**Action 2.1.2:** Propose amendments to or repeal of statutes and regulations as necessary, especially as needed to comply with current technological or instrument standards.

**Action 2.1.3:** Issue orders when appropriate for items that are not specifically covered by federal or state laws.

**Tactic 2.2:** Examine laws governing other states' public utility regulatory agencies as appropriate and relevant for best practices and emerging trends.

**Measure:** Number of actions related to working with other states' regulatory agencies to compare and contrast legal standardization.

**Baseline:** Actions from the previous biennium.

**Action 2.2.1:** Meet with other state agencies to discuss regulations that may be beneficial if the Commonwealth adopted or abolished based on other states' or regulatory entities' experience.

**Action 2.2.2:** Coordinate with the Energy and Environment Cabinet to ensure regulations are consistent or not in conflict, as applicable.

**Action 2.2.3:** Solicit suggestions from associations or utilities that represent or operate in multiple states, with the caveat that differences among states may preclude adoption of some laws and regulations.

**Goal 3: Support Policies that Promote Cost-Effective Energy Solutions.**

*Enrich the Commonwealth's economy and citizens' wellbeing through timely action and proactive programs.*

**Objective 1 – Process Electric Utility Integrated Resource Plans In a Timely Manner.**

**Tactic1.1:** Accurately evaluate utilities' integrated resource plans.

**Measure:** The number of integrated resource plans reviewed and approved per year.

**Baseline:** The number of integrated resource plans reviewed in the last five years.

**Action 1.1.1:** Establish procedural schedule per regulations.

**Action 1.1.2:** Review forecasted peak and energy demand per electric utility.

**Action 1.1.3:** Analyze assumptions and conclusions to ensure utility forecasts align with current technological and market trends.

**Action 1.1.4:** Analyze the combination of supply side and demand side resources available for future periods to ensure consumer reliability.

**Action 1.1.5:** Enlist technical support from the Office of Energy Policy.

**Action 1.1.6:** Convene conferences as necessary.

**Action 1.1.7:** Prepare staff report and make recommendations to the utility within nine months of receipt of a utility's Integrated Resource Plan.

**Objective 2 – Process Electric Generation and Transmission Siting Applications in Accordance with Statutory and Regulatory Provisions.**

**Tactic 2.1:** Process all applications in a thorough and timely manner.

**Measure:** The number of applications processed.

**Baseline:** The number of applications processed in the previous biennium.

**Action 2.1.1:** Convene the Siting Board for review of applications, as necessary per statutory provisions.

**Action 2.1.2:** Ensure Commission staff provide expert legal and technical support to the Siting Board.

**Action 2.1.3:** Evaluate whether existing statutes and regulations governing merchant facility generation align with evolving generation technologies.

**Objective 3 – Actively Participate with Relevant Interstate Electric Generation and Transmission Entities in regard to Interstate Electric Transmission Issues.**

**Tactic 3.1:** Fulfill obligations as a member Commission of the intergovernmental Organization of MISO States (OMS) and the Organization of PJM States (OPSI).

**Measure:** Annual and semi-annual meetings attended, regular conference calls, and proposals reviewed.

**Baseline:** Number of meetings, regular conference calls, and proposals from previous biennium.

**Action 3.1.1:** Participate in regular staff and board conference calls conducted by OMS and OPSI.

**Action 3.1.2:** Keep abreast of issues affecting jurisdictional utilities that participate in wholesale markets (MISO and PJM).

**Action 3.1.3** Regularly track Federal Energy Regulatory Commissions actions and decisions and apprise Commissioners as necessary.

**Action 3.1.4** Provide staff support as necessary for planning meetings.

**Action 3.1.5** Research and provide feedback, or initiate drafts, on OPSI and OMS position documents, proposed comments to FERC, and proposed comments to MISO and PJM.

**Action 3.1.6:** Work with other states' commissions or regulatory agencies on interstate matters.

#### **Objective 4 – Evaluate Utility Demand Side Management Programs for Cost-Effectiveness and Benefit to Customers.**

**Tactic 4.1:** As technologies, market conditions, and demographics change, existing utility Demand Side Management (DSM) programs that are intended to benefit the customer should be evaluated and modified or discontinued, as appropriate.

**Measure:** Identification and review of programs to ensure fairness and avoidance of cost-shifting

**Baseline:** Existing Demand Side Management Programs

**Action 4.1.1:** Evaluate each utility's demand-side management programs on a case-by-case basis.

**Action 4.1.2:** Establish and follow consistent metrics for determining cost-effectiveness of individual programs.

**Action 4.1.3:** Communicate to utilities and stakeholders rationale for DSM program evaluation.

**Action 4.1.4:** Discontinue DSM programs that do not pass generally accepted cost-benefit analyses or that pose undue cost shifts within a customer class.

**Objective 5 – Evaluate Voluntary Utility Heating Assistance Programs for Consistency and Benefit to Customers.**

**Tactic 5.1:** Ensure voluntary utility heating assistance programs are implemented uniformly across the state.

**Measure:** Number of heating assistance programs that are modified to reflect program changes

**Baseline:** Existing voluntary utility heating assistance program guidelines

**Action 5.2.1:** Evaluate funding mechanism for each utility’s voluntary heating assistance program.

**Action 5.2.2:** Evaluate metrics for establishing eligibility of assistance.

**Action 5.2.3:** Review program delivery across utility service territories.

**Action 5.2.4:** Convene stakeholders and program delivery agencies to develop standards and procedures for consistent availability of heating assistance.

**Objective 6 – Implement the 2019 Net Metering Act.**

**Tactic 6.1:** Implement provisions of Senate Bill 100 (2019 Legislative Session) in accordance in accordance with ratemaking procedures.

**Measure:** Number of Utility Rate Filings to Adjust Retail Rate for Net Metered Customers

**Baseline:** New Program

**Action 6.2.1:** Prepare report from comments received pursuant to Case No. 2019-00256.

**Action 6.2.2:** Incorporate comments received into subsequent utility net metering rate proceedings.

**Action 6.2.2:** Issue a Request for Proposal to hire consultant with expertise in evaluating net metering programs

**Goal 4: Enhance Integrity of Water Systems**

*Ensure Kentucky’s citizens have access to reliable and safe water at fair, just and reasonable rates.*

**Objective 1 – Mitigate problems associated with jurisdictional water utilities that have persistently high levels of water loss.**

**Tactic 1.1:** Follow-up on calendar year 2019 investigations into water utilities that have reported water loss in excess of 35 percent during calendar year.

**Measure:** Reports from water utilities pursuant to Case numbers 2014-00267; 2016-00142; and 2019-00041  
**Baseline:** Water utilities investigated in Case numbers 2014-00267; 2016-00142; and 2019-00041

- Action 1.1.1:** Review reports required by water utilities to address persistent water loss.
- Action 1.1.2:** Review policies and procedures developed to mitigate and prevent future water loss.
- Action 1.1.3:** Track compliance with training requirements for board members of water utilities.
- Action 1.1.4:** Amend training requirements based upon the findings of the Water Loss investigations as needed; Coordinate with other agencies and organizations that provide training to water board members, general managers and operators to provide PSC-specific training.
- Action 1.1.5:** Take steps to implement recommendations from 2019 Water Loss Report.

**Goal 5: Ensure Correspondence, Record Retention and Website are Appropriately Maintained and/or Preserved**

*Keep agency documentation preserved for historical reference while incorporating paper into new and existing technological solutions.*

**Objective 1 – Receive and Maintain Commission Correspondence.**

**Tactic 1.1:** Process all correspondence into the appropriate filing or technological system (Docket) within one business day of receipt.

**Measure:** The number of documents received and entered into Docket  
**Baseline:** Correspondence received and entered during the previous biennium

- Action 1.1.1:** Examine the current processes for each type of correspondence and evaluate the current filing (or technological) solution.
- Action 1.1.2:** Provide for evaluation training for the filings branch on new technologies.
- Action 1.1.3:** Work with all divisions to get a better understanding of the documentation, its relevance and how the filing branch could advance the Commission processes.

**Objective 2 – Convert Paper to Electronic Files**

**Tactic 2.1:** Identify all records that can be converted from paper to digital record.

**Measure:** Number of categories of documents eligible for conversion  
**Baseline:** The lists of categories of documents compiled by each office and division

**Action 2.1.1:** Meet with executive staff to discuss the conversion of paper records to digital format.

**Action 2.1.2:** Identify how the records are to be converted and to which file system storage is appropriate.

**Action 2.1.3:** Identify what records can be converted per Kentucky Department of Library and Archives Record Retention Schedule and work with KDLA to amend schedule as needed.

**Action 2.1.4:** Create software solutions to house digital records if necessary.

**Tactic 2.2:** Convert all appropriate paper files to digital format.

**Measure:** The number of linear feet of paper that is converted to digital format and recycled

**Baseline:** The number of linear feet of paper that was converted in the prior biennium

**Action 2.2.1:** Maintain standard operating procedures for each file type of paper that is to be converted to digital format.

**Action 2.2.2:** Convert each file type and keep the paper documentation.

**Action 2.2.3:** If there is documentation that does not need to be converted or maintained by the agency per Kentucky Department of Library and Archives or historical reference, the executive staff may decide if the paper documentation can be recycled.

### **Objective 3 – Ensure that the Commission Website is Dynamic and a Useful Tool for Consumers, Utilities and Other Stakeholders.**

**Tactic 3.1:** Ensure the PSC.ky.gov stays dynamic and changes as the agency's documentation, processes, regulations, forms and other pertinent information change.

**Measure:** Updates, revisions, improvements to the website

**Baseline:** Previous version of the website

**Action 3.1.1:** Update the website with all appropriate forms and general information.

**Action 3.1.2:** Update the website with all appropriate information for the consumer and utility.

**Action 3.1.3:** Update the website with all appropriate Commission records.

**Action 3.1.4:** Evaluate website modifications that provide ease of access to information.

**Action 3.1.5:** Continue to program the website as a portal for the utilities and/or the consumers to submit reports, filings or complaints.

**Action 3.1.6:** Maintain working hyperlinks on the website.

**Goal 6: Improve the Utility Inspection Program**

***Foster the provision of safe and reliable utility services for public consumption at fair and just rates by conducting inspections of each utility.***

**Objective 1 – Maintain an Inspection Schedule Calendar.**

**Tactic 1.1:** Ensure each utility is inspected in a timely manner to check for violation(s) of the regulations, protect the consumer and maintain the safety of the utility.

**Measure:** The elapsed time between inspections for utilities by utility type

**Baseline:** Inspection Risk ranking for the previous calendar year

**Action 1.1.1:** Update standard operating procedures that outline the frequency each type of utility should be inspected.

**Action 1.1.2:** Conduct annual risk ranking of utility types which will determine the inspection priorities for the upcoming year.

**Objective 2 – Maintain an Accurate Inspection and Outage Reporting System.**

**Tactic 2.1:** Accurately enter and maintain all inspection documentation into the Inspection Record System (IRS)

**Measure:** The number of inspection records entered and closed in the software system

**Baseline:** The last fiscal year of inspection records

**Action 2.1.1:** Enter inspection records into the IRS and close when appropriate.

**Action 2.1.2:** Run IRS reports to find frequency of visits, overdue responses or open/incomplete records.

**Tactic 2.2:** Maintain the Outage Reporting System on the Commission website.

**Measure:** The number of outage reports that exist and the amount of open records.

**Baseline:** The number of entered and open records per year over the previous biennial.

**Action 2.2.1:** Continue to enter and monitor outage records into the system and close when appropriate.

**Action 2.2.2:** Run outage reports to find open/incomplete records.

**Tactic 3.2:** Transition violations from the inspection process to enforcement action.

**Measure:** The number of civil penalties issued and/or show causes cases initiated.

**Baseline:** The prior two years of civil penalties and show cause cases initiated.

**Action 3.2.1:** Ensure proper tracking of civil penalties.

**Action 3.2.2:** Transition the inspection process from the inspection phase to the enforcement and legal phase with multi-divisional tracking, cash receipts, documentation and work flow from the IRS system

**Action 3.2.4:** Ensure that civil penalties are received, credited, documented and deposited in an appropriate and timely manner.

### **Objective 5 – Ensure Continued PHMSA Accreditation and Compliance with Audit Findings.**

**Tactic 5.1:** Maintain PHMSA accreditation and federal funding.

**Measure:** The accreditation of PHMSA certification of inspectors

**Baseline:** The number of inspectors certified to inspect PHMSA regulated utilities and maintenance of PHMSA accreditation

**Action 5.1.1:** Manage staff to conduct inspections and keep all appropriate documentation required by PHMSA.

**Action 5.1.2:** Create and keep reports or records that PHMSA requires.

**Action 5.1.3:** Work with the PHMSA to ensure our statutes and regulations continue to be in line with federal requirements.

**Tactic 5.2:** Maintain federal funding through successful PHMSA program audits.

**Measure:** The number of audit findings listed each year in the PHMSA audit and the amount of federal dollars awarded to the Commission

**Baseline:** Audit findings and federal award from previous biennium

**Action 5.2.1:** Track the audit findings, responses, solutions implemented in a document that summarizes this data on a yearly basis.

**Action 5.2.2:** Track the federal award on a yearly basis to measure against prior years funding and estimate future funding availability.

**Action 5.2.3:** Implement standard operating procedures that will reduce audit findings in the future.

**Action 5.2.4:** Respond accordingly to audit findings via a letter from the Chairman.

### **Objective 6 – Manage the Federally Approved Damage Prevention Program for Kentucky.**

**Tactic 6.1:** Evaluate the first year of the Federally Designated Program

**Measure:** Statistical analysis of damaged utility infrastructure in relation to the amount of calls for locations and the markings of the locations per utility/location/third party contractor

**Baseline:** Implementation of the program during its first year

**Action 6.1.1:** Review compliance with federal and state regulations involving damage prevention.

**Action 6.1.2:** Update statistical analysis of the current volume of damage prevention calls, locates, damage caused.

**Action 6.1.3:** Evaluate funding mechanism necessary to continue implementation of the regulatory program and annually apply for all federal grants for the program.

**Action 6.1.4:** Review functions of the program and the appropriate personnel to carry out those functions.

**Action 6.1.5:** Maintain the appropriate technological, human, operating resources necessary for program implementation.

**Action 6.1.6:** Continue program evaluation and modify as need arises.

#### **Goal 7: Provide Consumer Services and Complaint Resolution**

***Foster the provision of safe and reliable services for public consumption at fair and just rates by maintaining positive consumer services and complaint resolution.***

**Objective 1 –** Provide Assistance to the Citizens of the Commonwealth with Issues regarding regulated utility service.

**Tactic 1.1:** Answer calls in a courteous manner, while assisting customers quickly and efficiently.

**Measure:** Track statistics on number of callers, complaints by utility type, etc.

**Baseline:** Data on requests for assistance from the previous biennium.

**Action 1.1.1:** Identify issue customer has with utility service.

**Action 1.1.2:** Coordinate with utility representatives to address the issue and contact the customer with resolution, as applicable.

**Action 1.1.3:** Report statistical finding by week, month, and year to PSC management staff.

#### **Goal 8: Provide Utility Assistance Programs**

***Foster the provision of safe and reliable services for public consumption at fair and just rates by providing utility assistance programs.***

**Objective 1 –** Provide Management Audits

**Tactic 1.1:** Evaluate utilities through management audits.

**Measure:** The number and results of the management audits per year.

**Baseline:** Management audits from the previous biennium.

**Action 1.1.1:** Designate staff to perform management audits. At a minimum, one person should be designated to do non-recurring focused audits. As resources allow, scheduled, recurring audits should occur as originally envisioned.

**Action 1.1.2:** Set up an assessment of order of utilities to audit and the frequency of the recurring audits. Perform focused audits as set out by the Commission.

**Action 1.1.3:** Perform the management audits.

**Action 1.1.4:** Keep all records of the management audits for future reference for the agency.

## **Objective 2 – Rate Case Analysis**

**Tactic 2.1:** Provide staffing and financial resources for processing rate cases.

**Measure:** The number of rate cases per year.

**Baseline:** The number of rate cases the prior ten fiscal years.

**Action 2.1.1:** Process rate cases as filed by utilities.

**Action 2.1.2:** Process cases, providing any necessary interrogatories and financial analytical resources to the Commission. Team-Assist in hearings on as needed basis.

**Action 2.1.3:** Provide assistance in rate cases for utilities with less than \$5,000,000 in gross intrastate revenue and who request alternative rate filing procedures.

**Action 2.1.3:** If staffing is insufficient to process cases, ensure that any professional service contract for financial consultation results in a contractor that has a thorough understanding of utility finances and regulations.

**Tactic 2.2:** Financing Case and Certificate of Public Convenience and Necessity analysis

**Measure:** The number of Orders for financing cases and CPCN cases issued each year.

**Baseline:** The number from the previous ten fiscal years.

**Action 2.2.1:** Analyze utility request for authorization for construction of facilities in conjunction with financing, or refinancing, proposed by utility in

accordance with the Statutes and Regulations guiding the Commission.

**Action 2.2.2:** For financing proposals, use sound financial principles including net present value analysis to analyze utility debt and how financing would affect the current debt structure and overall debt expense. For CPCN and financing cases, provide analysis regarding need for facilities and analysis of cost of facilities.

**Action 2.2.3.:** For CPCNs and rate increases for water utilities due to receipt of federal funding, ensure that all necessary documentation is filed and that the case is processed within the statutory timeline.

**Action 2.2.4:** Maintain all appropriate documentation for agency consideration or reference.

### **Goal 9: Provide Information and Data and Improve Technology**

*Promote consumer, utility and shareholder confidence through education, media relations and technological solutions.*

#### **Objective 1 – Provide Public, Consumer and Utility Education and Outreach.**

**Tactic 1.1:** Make relevant and current information available to the public.

**Measure:** The number of informational distributions each year.

**Baseline:** Information provided during the previous biennium.

**Action 1.1.1:** Host public meetings as appropriate.

**Action 1.1.2:** Maintain distribution system for regulatory changes, newsletters, rate information, reminders of filings due, change of contacts, process changes, etc.

**Action 1.1.3:** Ensure the website is interactive where both utilities and consumers can “Contact Us” or list individual email accounts for different subject matters.

**Action 1.1.4:** Post all necessary public information on the website.

#### **Objective 2 – Manage Media Relations.**

**Tactic 2.1:** Ensure media relations exist in and positive manner for the Commission.

**Measure:** The number of media correspondence made each year.

**Baseline:** Media correspondence and inquiries from the previous biennium.

**Action 2.1.1:** Maintain a media distribution list and/or contact list for distinct areas of information.

- Action 2.1.2:** Have a media protocol standard operating procedure to guide Commission employees if contacted by members of the media.
- Action 2.1.3:** Ensure that trained staff conduct all media relations with approval of Commission executives.
- Action 2.1.4:** Provide formal training to any staff prior who might have interaction with the media.
- Action 2.1.5:** Maintain a social media presence.

**Objective 3 – Enable Technological Solutions.**

**Tactic 3.1:** Analyze all reporting to the Commission from the utilities and provide a technological solution for data storage and statistical analysis.

**Measure:** The number of reports that come into PSC that are captured in a database format that can be queried and designed to run reports.

**Baseline:** The number of reports from the previous biennium.

- Action 3.1.1:** Meet with staff to identify all reports that come to the agency which are regulatory required.
- Action 3.1.2:** Identify how each report is used, should be used, or could be improved.
- Action 3.1.3:** Analyze if any reports are no longer needed, can be combined by the utility or received in a more efficient manner.
- Action 3.1.4:** Program the E-form and E-filings of simplified reporting after eliminating or reducing any red tape reductions on behalf of the utility.
- Action 3.1.5:** Document new processes, technology and implement the technological solution.

**Tactic 3.2:** Incorporate and maintain all data into an enterprise wide technological system solution(s).

**Measure:** The amount of data points that can be assembled under a unified utility query or inquiry.

**Baseline:** The current fiscal year data points that are outside of one action query.

- Action 3.2.1:** Identify all data that is not available for query.
- Action 3.2.2:** Incorporate that data to a system that will bring it to a full utility query.

**Tactic 3.3:** Maintain hardware and software needs for the agency.

**Measure:** The number of information technology requests and implementations.

**Baseline:** The number of requests sent to EEC PSC IT per year.

- Action 3.3.1:** Obtain the appropriate access to import or export data when in the office or via mobile application.
- Action 3.3.2:** Provide solutions that will allow staff to have the technology or data when they are not at their desk or office.
- Action 3.3.3:** Utilize SharePoint and/or other routing software to eliminate paper, document tracking and other manual duties.
- Action 3.3.4:** Maintain appropriate hardware that will promote the agency in fulfilling the strategic plan.
- Action 3.3.5:** Upgrade and implement new software to improve the efficiency of the agency.
- Action 3.3.6:** Evaluate and update procedures in presenting case-related hearings to allow more options in public viewing and efficiency for all parties involved.

## **Contact Information**

Public Service Commission  
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P.O. Box 615  
Frankfort, KY 40601  
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Hotline: 1-800-772-4636  
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Office Hours: Monday-Friday 8am-5pm

## **History**

**The Kentucky Public Service Commission (PSC)** was created in Chapter 145 of the Acts of the Kentucky 1934 General Assembly. Utilities under PSC jurisdiction include investor-owned electric, natural gas, telecommunications, certain water and sewage utilities, electric cooperatives and telephone cooperatives, and water districts and associations. The PSC does not regulate utilities subject to the control of cities, political subdivisions or those served by the Tennessee Valley Authority.

The Commission performs its regulatory functions through written orders following procedures outlined in Chapter 278 of the Kentucky Revised Statutes and administrative regulations promulgated by the Commission in Chapter 807 of the Kentucky Administrative Regulations. Changes in PSC jurisdiction have included the removal of municipally owned utilities from Commission authority in 1936 by the Kentucky General Assembly.

In 1950, the legislature transferred street railways from the Commission's jurisdiction to that of the Department of Motor Transportation. In 1964, the PSC's jurisdiction was expanded to include water districts; again in 1972 to include water associations; and in 1975 to include privately owned sewage companies. In 1987 sanitation districts were removed from Commission jurisdiction. In 1994, the Kentucky Supreme Court in the case of Simpson County Water District V. City of Franklin, Kentucky, Ky., 872 S.W.2d 460 (1994), concluded that the Commission retained jurisdiction to review the wholesale rates of municipal utilities that provide service to jurisdictional utilities.

In 2002, the Kentucky General Assembly relieved the PSC of its responsibility to determine cellular telephone tower placement in jurisdictions with local planning and zoning authority. Also in 2002, the legislature created the Kentucky State Board on Electric Generation and Transmission Siting. All three PSC commissioners are ex officio members of the board. The PSC provides staff support to the Siting Board. The board considers requests for the construction of non-jurisdictional (merchant) power plants and transmission lines.

Legislation enacted in 2004 placed under PSC jurisdiction the construction of any electric transmission lines of more than 138 kilovolts and more than a mile in length. The legislation created a process for public participation in the PSC's consideration of construction requests. The 2004 session of the General Assembly also enacted legislation that generally removed state regulation over broadband services. In 2006, the legislature deregulated most aspects of telephone service, with the exception of basic service and some wholesale transactions. The PSC retained its jurisdiction over consumer complaints. During the 2018 General Session, KRS 367.4901-4917 (Kentucky Underground Facilities Protection Act) was amended to give the Commission the authority to investigate all damages to natural gas or hazardous liquids pipelines and initiate civil enforcement action when appropriate. In 2019, the legislature revised Kentucky's net metering statutes, placing authority for establishing the rate individual jurisdictional electric utilities will reimburse net-metered customers with Commission.