

Below is an Electronic Version of an Out-of-Print Publication

You can scroll to view or print this publication here, or you can borrow a paper copy from the Texas State Library, 512/463-5455. You can also view a copy at the TCEQ Library, 512/239-0020, or borrow one through your branch library using interlibrary loan.

The TCEQ's current print publications are listed in our catalog at <http://www.tceq.state.tx.us/publications/>.



October 2009
SFR-055/09-04

Fourth Quarter Report on Performance Measures

Fiscal Year 2009

Fourth Quarter Report on Performance Measures Fiscal Year 2009

Prepared by
Budget & Planning Division

SFR-055/09-04
October 2009



Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*

Mark R. Vickery, P.G., *Executive Director*

We authorize you to use or reproduce any original material contained in this publication—that is, any material we did not obtain from other sources. Please acknowledge the TCEQ as your source.

Copies of this publication are available for public use through the Texas State Library, other state depository libraries, and the TCEQ Library, in compliance with state depository law. For more information on TCEQ publications call 512-239-0028 or visit our Web site at:

www.tceq.state.tx.us/goto/publications

Published and distributed
by the
Texas Commission on Environmental Quality
PO Box 13087
Austin TX 78711-3087

The TCEQ is an equal opportunity employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation or veteran status. In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting the TCEQ at 512-239-0028, Fax 512-239-4488, or 1-800-RELAY-TX (TDD), or by writing P.O. Box 13087, Austin, TX 78711-3087.

TABLE OF CONTENTS

	<u>Page</u>
Strategic Planning Structure	
Fiscal Year 2009	1
Goal 01 Assessment, Permitting, and Prevention	
Strategy 01-01-01 Air Quality Assessment and Planning	8
Strategy 01-01-02 Water Resource Assessment and Planning	15
Strategy 01-01-03 Waste Assessment and Planning.....	18
Strategy 01-02-01 Air Quality Permitting.....	22
Strategy 01-02-02 Water Resource Permitting	25
Strategy 01-02-03 Waste Management and Permitting	28
Strategy 01-02-04 Occupational Licensing	31
Goal 02 Drinking Water and Water Utilities	
Strategy 02-01-01 Safe Drinking Water	37
Strategy 02-01-02 Water Utilities Oversight.....	38
Goal 03 Enforcement and Compliance Assistance	
Strategy 03-01-01 Field Inspections and Complaints	45
Strategy 03-01-02 Enforcement and Compliance Support	51
Strategy 03-01-03 Pollution Prevention and Recycling.....	54
Goal 04 Pollution Cleanup	
Strategy 04-01-01 Storage Tank Administration and Cleanup.....	59
Strategy 04-01-02 Hazardous Materials Cleanup	63
Goal 05 River Compact Commissions	70
Goal Historically Underutilized Businesses	
Historically Underutilized Businesses	72

Strategic Planning Structure

Fiscal Year 2009

Goal 01 — ASSESSMENT, PLANNING, AND PERMITTING

To protect public health and the environment by accurately assessing environmental conditions; by preventing or minimizing the level of contaminants released to the environment through regulation and permitting of facilities, individuals, or activities with potential to contribute to pollution levels.

Objective 01: To decrease the amount of toxics released and disposed of in Texas by 40 percent by 2011 from the 1992 level and reduce air, water, and waste pollutants through assessing the environment.

Strategy 01 — Air Quality Assessment and Planning: Reduce and prevent air pollution by monitoring and assessing air quality, developing and/or revising plans to address identified air quality problems, and assist in the implementation of approaches to reduce motor vehicle emissions.

Strategy 02 — Water Resource Assessment and Planning: Develop plans to ensure an adequate, affordable supply of clean water by monitoring and assessing water quality and availability.

Strategy 03 — Waste Assessment and Planning: Ensure the proper and safe disposal of pollutants by monitoring the generation, treatment, and storage of solid waste and assessing the capacity of waste disposal facilities; and by providing financial and technical assistance to municipal solid waste planning regions for the development and implementation of waste reduction plans.

Objective 02: To review and process 90% of air, water, and waste authorization applications within established time frames.

Strategy 01 — Air Quality Permitting: Perform complete and timely reviews of applications to release pollutants into the air.

Strategy 02 — Water Resource Permitting: Perform complete and timely reviews of applications to utilize the state's water resources or to discharge to the state's waterways.

Strategy 03 — Waste Management and Permitting: Perform complete and timely reviews of applications relating to the management and disposal of municipal and industrial solid and hazardous waste.

Strategy 04 — Occupational Licensing: Establish and maintain occupational certification programs to ensure compliance with statutes and regulations that protect public health and the environment.

Objective 03: To ensure the proper and safe disposal of low-level radioactive waste.

Strategy 01 — Low-Level Radioactive Waste Management: To ensure the proper and safe disposal of low-level radioactive waste.

Goal 02 — DRINKING WATER AND WATER UTILITIES

To protect public health and the environment by assuring the delivery of safe drinking water to the citizens of Texas consistent with requirements in the Safe Drinking Water Act; by providing regulatory oversight of water and sewer utilities; and by promoting regional water strategies.

Objective 01: To supply 95% of Texans served by public drinking water systems with drinking water consistent with requirements in the Safe Drinking Water Act. To provide regulatory oversight of water and sewer utilities and to promote regional water strategies.

Strategy 01 — Safe Drinking Water: Ensure the delivery of safe drinking water to all citizens through monitoring and oversight of drinking water sources consistent with the requirements of the Safe Drinking Water Act.

Strategy 02 — Water Utilities Oversight: Provide regulatory oversight of water and sewer utilities to ensure that charges to customers are necessary and cost-based and ensure adequate customer service.

Goal 03 – ENFORCEMENT AND COMPLIANCE ASSISTANCE

To protect public health and the environment by administering enforcement and environmental assistance programs that promote compliance with environmental laws and regulations, voluntary efforts to prevent pollution, and offer incentives for demonstrated environmental performance while providing strict, sure, and just enforcement when environmental laws are violated.

Objective 01: By fiscal year 2008, to maintain at least 95 percent of all regulated facilities in compliance with state environmental laws and regulations, and to respond appropriately to citizen inquiries and complaints and to achieve pollution prevention, resource conservation, and enhanced compliance.

Strategy 01 – Field Inspections and Complaints: Promote compliance with environmental laws and regulations by conducting field inspections and responding to citizen complaints.

Strategy 02—Enforcement and Compliance Support: Maximize voluntary compliance with environmental laws and regulations by providing educational outreach and assistance to businesses and units of local governments; and assure compliance with environmental laws and regulations by taking swift, sure and just enforcement actions to address violation situations.

Strategy 03 – Pollution Prevention and Recycling: Enhance environmental performance, pollution prevention, recycling, and innovative programs through technical assistance, public education, and innovative programs implementation.

Goal 04 – POLLUTION CLEANUP

To protect public health and the environment by identifying, assessing, and prioritizing contaminated sites, and by assuring timely and cost-effective cleanup based on good science and current risk factors.

Objective 01: By fiscal year 2008, to identify, assess and remediate up to 56 percent of the known Superfund sites and/or other sites contaminated by hazardous materials. To identify, assess and remediate up to 85% of the leaking petroleum storage tank sites.

Strategy 01 – Storage Tank Administration and Cleanup: Regulate the installation and operation of underground storage tanks and administer a program to identify and remediate sites contaminated by leaking storage tanks. Provide prompt and appropriate reimbursement to contractors and owners for the cost of remediating sites contaminated by leaking storage tanks.

Strategy 02 – Hazardous Materials Cleanup: Aggressively pursue the investigation, design and cleanup of federal and state Superfund sites; and facilitate voluntary cleanup activities at other sites and respond immediately to spills which threaten human health and environment.

Goal 05 – TEXAS RIVER COMPACTS

To ensure the delivery of Texas' equitable share of water.

Objective 01: To ensure the delivery of 100% of Texas' equitable share of water as apportioned by the River Compacts.

Goal – HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM

To establish and carry out policies and practices governing purchasing and public works contracts that foster meaningful and substantive inclusion of historically underutilized businesses (HUBs). The agency strives to conduct a good faith effort program that will encourage inclusion of HUBs in all purchasing and procurement opportunities as set forth by 1 TAC 111.11 - 111.23, as adopted by the TCEQ. The HUB program will develop and implement a plan for increasing the use of HUBs in purchasing and public works contracts and subcontracts.

Goal 01-01: Assessment, Planning and Permitting

Outcome Measure 01:

Annual Percent of Stationary and Mobile Source Pollution Reductions in Non-Attainment Areas (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	6.00%	-7.29%	-121.50%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Annual Percent of Stationary and Mobile Source Pollution Reductions in Non-Attainment areas is below projections for FY 2009. This measure compares the percent change in volatile organic compounds and nitrogen oxides emitted in ozone nonattainment areas from point, area, on-road mobile, and non-road mobile sources. The addition of a new source category (oil and gas exploration drilling rig engines, especially in the Dallas/FT. Worth area) in the area source emissions inventory resulted in an increase in emissions that offset the reductions from the point, on-road mobile, and non-road mobile sources. For the upcoming fiscal year, the annual percent of stationary and mobile source pollution reductions in nonattainment areas is expected to be met.

Outcome Measure 02:

Nitrogen Oxides (NOx) Emissions Reduced Through the Texas Emissions Reduction Plan (TERP) (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	86.43	27.79	32.15%

*This measure is expressed as tons per day reduction in NOx emissions.

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Nitrogen Oxide Emissions Reduced through the Texas Emissions Reduction Plan (TERP) was below projections for FY 2009. This measure reports the actual tons per day (TPD) of emissions reductions as reported by grantees for all projects funded to date. Approximately 65 percent of the grants awarded to date have phased into the performance period and are reporting usage data. The results reported for this measure are less than the projected performance due to the time it has taken some of the larger and more complex projects to complete the purchases and begin using the grant-funded vehicles and equipment. Of the projects reporting usage data, the projects achieved over 87 percent of the usage and emissions reduction targets for those projects. It is also noted that this longer period for implementing the projects will help the program in the long term because the period over which the program can claim the TPD reductions will extend further into the future to meet the new State Implementation Plan (SIP) emission reduction targets under EPA's new 8-hr monitoring standards for ground-level ozone.

Goal 01-01: Assessment, Planning and Permitting

Outcome Measure 03:

Percent of Texans Living Where the Air Meets Federal Air Quality Standards

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	53%	53.80%	101.51%

Variance Explanation:

Performance met projections. No variance explanation required.

Outcome Measure 04:

Annual Percent Reduction in Pollution from Permitted Wastewater Facilities Discharging to the Waters of the State (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	0.10%	.39%	390.00%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Percent Reduction in Pollution from Permitted Wastewater Facilities Discharging to the Waters of the State was above projections for FY 2009. This measure reflects the reduction in the pollution load from all facilities discharging to the waters of the state. Performance was better due to a 30%-50% reduction in organic loading from multiple municipal wastewater treatment plants in the Houston ship channel. As TCEQ continues to issue permits in FY 2010 for this region of the state, similar type reductions are anticipated; however over the long term lower reductions more in line with projections are anticipated.

Outcome Measure 05:

Percent of Texas Surface Waters Meeting or Exceeding Water Quality Standards (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	67%	64.3%	95.97%

Variance Explanation:

Performance met projections. No variance explanation required.

Goal 01-01: Assessment, Planning and Permitting

Outcome Measure 06:

Annual Percent Reduction in Disposal of Municipal Solid Waste per Capita (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	-.02%	2.6%	-13,000.00%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Annual Percent Reduction in Disposal of Municipal Solid Waste per Capita was above projections for FY 2009. This measure reflects the effectiveness of statewide solid waste reduction and planning efforts. A very slight increase in waste disposed per capita was projected. Population growth was anticipated to be in those areas of Texas where recycling programs are less available or where the population is not as familiar with recycling programs. However, Texas has experienced a 2.6% reduction in waste disposed per capita. This reduction is attributable to the economic downturn, the positive impact of waste reduction/recycling campaigns, and the effect of ongoing public education efforts.

Outcome Measure 07:

Annual Percent Decrease in the Toxic Releases in Texas (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	2%	9.3%	465.00%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Annual Percent Decrease in the Toxic Releases in Texas was above projections for FY 2009. This measure compares the most current year reported and the previous year reported for the total on-site releases of the core 1988 chemicals released from all industries located in Texas subject to the Toxic Release Inventory (TRI) reporting requirements. In comparison to the previous TRI reporting year, there was a significant reduction in air emission releases which caused performance to be above the projected target. In FY 2010 the target projected for this measure is expected to be met.

Goal 01-01: Assessment, Planning and Permitting

Outcome Measure 08:

Annual Percent Decrease in the Amount of Municipal Solid Waste Going into Texas landfills

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	-2.00%	0.40%	-20.00%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Annual Percent Decrease in the Amount of Municipal Solid Waste Going into Texas Landfills was above projections for FY 2009. The measure counts the difference between the amount of municipal solid waste disposed of in Texas in 2007 and the amount disposed of in 2008 and is expressed as a percentage of the 2007 figure. The reduction in the amount disposed of is a result of the economic downturn, the positive impact of waste reduction/recycling campaigns, and the effect of ongoing public education efforts. Continuing population increases dictate that the amount of municipal solid waste disposed of will continue to increase, but it should continue to increase less due to the downturn in the economy. A reasonable projected performance for this measure is -2%.

Outcome Measure 09:

Percent of TERP Grants Derived From New Technology Research and Development (NTRD) Technologies

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	15%	0%	0.00%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percent of TERP Grants Derived from NTRD Technologies was below projections for FY 2009. This measure shows the percent of the total dollar amount of TERP grants derived from grants of the NTRD program. To date, no TERP grants have been derived from NTRD funded technologies. The implementation of the NTRD program was transferred by HB 2481, 79th Texas Legislature, Regular Session, to the Texas Environmental Research Consortium (TERC). Prior to that, NTRD awards were made and managed by the TCEQ. Six technologies from TCEQ awarded grants have been verified/certified while no TERC funded technologies have yet completed the certification or verification process. The NTRD funded technologies certified/verified to date have specialized markets and are moving toward acceptance in those markets. The TCEQ anticipates that the NTRD funded railroad certifications are the most likely to be commercially implemented in the near future.

Goal 01-01: Assessment, Planning and Permitting

Outcome Measure 10:

Percent of High and Significant Hazard Dams Inspected within Established Timeframes

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	85%	76%	89.41%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percent of High and Significant Hazard Dams Inspected within Established Timeframes was below projections for FY 2009. The measure reflects assessments conducted to ensure the safe design, construction, maintenance, repair and removal of dams in the state. The high and significant hazard dams require engineering investigations and evaluations of the dam and are much more time-consuming than other types of investigations. The agency received 17 additional staff in the Dam Safety Program in FY 2009. Dam inspections have been used to train this new staff and have taken longer as a result. There are over 1,730 high and significant hazard dams in the state. It is anticipated that TCEQ will meet projections in the required five year timeframe.

Outcome Measure 11:

Number of acres of Habitats Created, Restored, and Protected through Implementation of Estuary Action Plans

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	2,000	3,277	163.85%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Acres of Habitat Created, Restored, and Protected was above projections for FY 2009. This measure reports the number of acres of habitat created, restored, and/or protected through implementation of Galveston Estuary Bay Program (GBEP) and Coastal Bend Bay Estuary Program (CBBEP) estuary action plans. In FY 2009, the combined performance of both programs exceeded the projection due to the completion of ongoing projects addressing 1,794 acres.

Strategy 01-01-01: Assessment, Planning, and Permitting

Output Measure 01:
Number of Point Source Air Quality Assessments (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	500	427	21.35%
2nd Quarter	500	496	24.80%
3rd Quarter	500	426	21.30%
4th Quarter	500	1,199	59.95%
Total Performance	2,000	2,548	127.40%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Point Source Air Quality Assessments was above the projections for FY 2009. This measure counts the number of point source air emissions inventories that have been reviewed and entered into the State of Texas Air Reporting System (STARS) database. During the fourth quarter, additional resources were allocated to reviewing the point source emissions inventory data and entering the data into the STARS database to enable the agency to mail the 2009 point source emissions inventories by the end of the calendar year so that the new EPA reporting requirements could be met.

Output Measure 02:
Number of Area Source Air Quality Assessments (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	625	409	16.36%
2nd Quarter	625	762	30.48%
3rd Quarter	625	246	9.84%
4th Quarter	625	1,060	42.40%
Total Performance	2,500	2,477	99.08%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 01-01-01: Assessment, Planning, and Permitting

**Output Measure 03:
Number of Mobile Source Air Quality Assessments (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	312.50	84	6.72%
2nd Quarter	312.50	279	22.32%
3rd Quarter	312.50	432	34.56%
4th Quarter	312.50	438	35.04%
Total Performance	1,250	1,233	98.64%

Variance Explanation:
 MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

**Output Measure 04:
Number of Non-Road Mobile Source Air Quality Assessments**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	516.50	205	9.92%
2nd Quarter	516.50	1,604	77.64%
3rd Quarter	516.50	69	3.34%
4th Quarter	516.50	287	13.89%
Total Performance	2,066	2,165	104.79%

Variance Explanation:
 MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

**Output Measure 05:
Number of Air Monitors Operated**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	610	592	97.05%
2nd Quarter	610	595	97.54%
3rd Quarter	610	595	97.54%
4th Quarter	610	601	98.52%
Total Performance	610	601	98.52%

Variance Explanation:

MEETS PROJECTIONS
Performance met projections. No variance explanation required.

**Output Measure 06:
Tons of Nitrogen Oxide (NOx) Reduced through the Texas Emissions Reduction Plan (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	7,329.50	7,775	26.52%
2nd Quarter	7,329.50	4,967	16.94%
3rd Quarter	7,329.50	451	1.54%
4th Quarter	7,329.50	8,863	30.23%
Total Performance	29,318	22,056	75.23%

Variance Explanation:

BELOW PROJECTED LEVEL

The Tons of NOx Reduced through the Texas Emissions Reduction Plan (TERP) was below projections for FY 2009. This measure shows the amount of NOx emissions projected to be reduced through projects funded by TERP incentive grants. Third quarter activity was dedicated only to rebate projects. Fourth quarter activity showed a resumption of normal grant workload. The average cost per ton of NOx reduced in the projects awarded continues to be higher than originally projected. The original projections were based on an average cost per ton for projects funded of \$5,000. The higher average cost per ton is due to the increase in the maximum cost per ton limits for projects funded this biennium. This increase was made in response to the Legislature increasing the statutory cost-effectiveness limits from the previous legislative session and the agency's recognition that a higher cost per ton limit would help to bring more projects into the program.

Strategy 01-01-01: Assessment, Planning, and Permitting

Output Measure 07:

Number of Vehicles Repaired or Replaced through LIRAP Assistance (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	5,000	2,661	13.31%
2nd Quarter	5,000	5,033	25.17%
3rd Quarter	5,000	5,284	26.42%
4th Quarter	5,000	5,139	25.70%
Total Performance	20,000	18,117	90.59%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Vehicles Repaired or Replaced through LIRAP is below projections at the end of FY 2009. This measure determines the number of vehicle repairs and replacements that have taken place in the five county Houston/Galveston/Brazoria HGB) area, nine county Dallas-Fort Worth (DFW) area, and the two county Austin area. In FY 2009, the Dallas-Fort Worth area repaired or retired 9,575 vehicles. The Houston-Galveston-Brazoria area repaired or retired 7,516 vehicles. The Central Texas area repaired or retired 1,026 vehicles. Increases in repairs and replacements in the second, third, and fourth quarters could not make up for a weak first quarter. Local programs received a significant increase in applications/participation at the end of the fourth quarter, but many of these approved repair or replacement vouchers will not be redeemed until the first quarter of FY 2010. TCEQ has increased outreach efforts through billboard campaigns and radio interviews to try to increase participation levels at the beginning of FY 2010.

Output Measure 08:

Number of New Technology Grant Proposals Reviewed (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	16	0	0.00%
2nd Quarter	16	34	53.13%
3rd Quarter	16	36	56.25%
4th Quarter	16	0	0.00%
Total Performance	64	70	109.38%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of New Technology Grant Proposals Reviewed is above projections at the end of FY 2009. The implementation of the NTRD program was transferred by HB 2481, 79th Texas Legislature, Regular Session, to the Texas Environmental Research Consortium (TERC). TERC closed and reviewed all applications for large grant rounds during the second and third quarters of the fiscal year, but had no plans for a grant round during the fourth quarter. Year end performance exceeds projections.

Strategy 01-01-01: Assessment, Planning, and Permitting

Efficiency Measure 01:

Percent of Data Collected by TCEQ Continuous and Non-Continuous Air Monitoring Networks

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	90%	92%	102.22%
2nd Quarter	90%	93%	103.33%
3rd Quarter	90%	93%	103.33%
4th Quarter	90%	93%	103.33%
Total Performance	90%	93%	103.33%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Efficiency Measure 02:

Average Cost per Air Quality Assessment

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	\$ 370	\$ 487	131.62%
2nd Quarter	\$ 370	\$ 170	45.95%
3rd Quarter	\$ 370	\$ 377	101.89%
4th Quarter	\$ 370	\$ 140	37.84%
Total Performance	\$ 370	\$ 293.50	79.32%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Cost Per Air Quality Assessment was below projections on an annual basis at the end of the fourth quarter for FY 2009. This measure accounts for the funds expended on salaries and other operating expenses related to staff work on air quality assessments. The number of air quality assessments completed year to date is higher than projected resulting in a lower cost per assessment for the year.

Efficiency Measure 03:

Average Cost of LIRAP Vehicle Emissions Repairs/Retrofits (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	\$ 525	\$ 496.53	94.58%
2nd Quarter	\$ 525	\$ 515.92	98.27%
3rd Quarter	\$ 525	\$ 510.62	97.26%
4th Quarter	\$ 525	\$ 506.90	96.55%
Total Performance	\$ 525	\$ 509.03	96.96%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Efficiency Measure 04:

Average Cost Per Ton of NOx Reduced through the Texas Emissions Reduction Plan (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	\$ 5,000	\$ 6,435	128.70%
2nd Quarter	\$ 5,000	\$ 8,873	177.46%
3rd Quarter	\$ 5,000	\$ 9,868	197.36%
4th Quarter	\$ 5,000	\$ 5,878	117.56%
Total Performance	\$ 5,000	\$ 7,369	147.38%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Average Cost Per Ton of NOx Reduced through the Texas Emissions Reduction Plan (TERP) is above projections at the end of FY 2009. This measure shows the average cost per ton of NOx reduced through projects funded by the TERP incentive grants. The higher average cost per ton is due to the increase in the maximum cost per ton grant limits, which were instituted in response to legislative changes to the statutory cost-effectiveness limits for the program. A higher average cost per ton is expected to further continue the tremendous interest in the program.

Efficiency Measure 05:

Average Number of Days to Review a Grant Proposal (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	1	0	0.00%
2nd Quarter	1	0.50	50.00%
3rd Quarter	1	0.50	50.00%
4th Quarter	1	0	0.00%
Total Performance	1	0.50	50.00%

Variance Explanation:

BELOW PROJECTED LEVEL

The Average Number of Days to Review a Grant Proposal was below projections at the end of the fourth quarter for FY 2009. This measure reflects the number of days it takes to review a New Technology Research and Development (NTRD) grant proposal. The implementation of the NTRD program was transferred by HB 2481, 79th Legislature, Regular Session, to the Texas Environmental Research Consortium (TERC). TERC closed and reviewed all applications for large grant rounds during the second and third quarters of the fiscal year with an average review time of 1/2 day or less. Performance below the projected level is desirable for this measure.

Explanatory Measure 01:

Number of Days Ozone Exceedances are Recorded in Texas

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	42	9.00	21.43%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of Days Ozone Exceedances are Recorded in Texas was lower than projected. During FY 2009, ozone levels across the state were substantially lower than in previous years, resulting in fewer days exceeding the Federal ozone standard. Favorable factors contributing to fewer days of ozone exceedance in FY 2009 are: 1) emissions of ozone precursors have been decreasing in non-attainment areas; and 2) meteorological factors (i.e., wind, solar radiation, and temperature) have not been conducive to ozone formation. Performance below projected levels is desirable for this measure.

Strategy 01-01-02: Water Resource Assessment and Planning

**Output Measure 01:
Number of Surface Water Assessments (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	29.75	21	17.65%
2nd Quarter	29.75	2	1.68%
3rd Quarter	29.75	37	31.09%
4th Quarter	29.75	22	18.49%
Total Performance	119	82	68.91%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Surface Water Assessments was below projections for FY 2009. This measure quantifies a number of surface water quality assessment activities of the agency which are essential to identification of impacted water bodies, development of water quality standards, development of effluent standards for wastewater discharges, and development of watershed restoration and implementation strategies. All of the individual assessment types met or exceeded their projections for FY 2009 with the exception of TMDLs/I-Plans. For Total Maximum Daily Loads (TMDL), a new improved, streamlined, and cost effective approach was implemented this fiscal year. Use Attainability Analyses (UAAs) are being conducted prior to conducting TMDL projects to ensure the appropriate water quality standard is assessed, areas requiring water quality restoration are appropriately targeted, and resources are effectively and efficiently used. UAA work was initiated for 41 stream segments in addition to the 41 TMDLs completed. The new approach resulted in fewer TMDLs this fiscal year, and the projection was not met.

**Output Measure 02:
Number of Groundwater Assessments (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	15	6	10.00%
2nd Quarter	15	13	21.67%
3rd Quarter	15	12	20.00%
4th Quarter	15	30	50.00%
Total Performance	60	61	101.67%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 01-01-02: Water Resource Assessment and Planning

**Output Measure 03:
Number of Dam Safety Assessments**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	107.5	171	39.77%
2nd Quarter	107.5	147	34.19%
3rd Quarter	107.5	140	32.56%
4th Quarter	107.5	221	51.40%
Total Performance	430	679	157.91%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Dam Safety Assessments was above projections at the end of FY 2009. This measure includes on-site investigations as well as in-house review of plans and specifications for dams, spillway adequacies, breach analyses, emergency action plans, engineering reports and water use permit applications involving dams. The Dam Safety program received more emergency action plans and engineering inspections reports than expected. Also, as a result of the emergency contract issued in FY 2009, more contractor final dam inspection reports were received than anticipated.

**Efficiency Measure 01:
Average Cost per Dam Safety Assessment**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	\$ 1,200	\$ 632	52.67%
2nd Quarter	\$ 1,200	\$ 624	52.00%
3rd Quarter	\$ 1,200	\$ 1,882	156.86%
4th Quarter	\$ 1,200	\$ 1,493	124.42%
Total Performance	\$ 1,200	\$ 1,199	99.92%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 01-01-02: Water Resource Assessment and Planning

Explanatory Measure 01:

Percent of Texas' Rivers, Streams, Wetlands and Bays Protected by Site-Specific Water Quality Standards

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	36%	35.70%	99.17%

Variance Explanation:
 MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

Explanatory Measure 02:

Percentage of Surface Water Impairments that are Addressed Within 13 Years of Impairment Listing

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	95%	68%	71.58%

Variance Explanation:
 BELOW PROJECTED LEVEL
 Performance for the Percentage of Surface Water Impairments that are Addressed Within 13 Years of Impairment Listing was below projected levels for FY 2009. This measure reports the percentage of surface water impairments that are addressed within 13 years of impairment listing, which is the Environmental Protection Agency's benchmark for completion. The number of surface water impairments is re-evaluated every two years. Reporting for FY 2009 is based on the 1996 impairment listing. Additional impairments have been identified as a result of the re-evaluation, and staff resources were allocated to address the most severe surface water impairments. The re-evaluation and prioritization of impairments has resulted in the performance for this measure, which uses the 1996 listing, being below target.

Explanatory Measure 03:

Number of Dams in the Texas Dam Inventory

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	7,542	7,226	95.81%

Variance Explanation:
 MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

Strategy 01-01-03: Waste Management Assessment Planning

Output Measure 01:

Number of Municipal Solid Waste Facility Capacity Assessments (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	62.50	7	2.80%
2nd Quarter	62.50	35	14.00%
3rd Quarter	62.50	204	81.60%
4th Quarter	62.50	17	6.80%
Total Performance	250	263	105.20%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Municipal Solid Waste Facility Capacity Assessments was slightly higher than projected for FY 2009. The increase is due to the multiple calls made to municipal solid waste sites which historically do not send in an Annual Waste Summary report. Staff's diligence resulted in the receipt of 13 more Annual Waste Summaries for the year.

Efficiency Measure 01:

Average Cost Per Municipal Solid Waste Facility Capacity Assessment (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	\$ 35	\$ 35	100.00%
2nd Quarter	\$ 35	\$ 35	100.00%
3rd Quarter	\$ 35	\$ 35	100.00%
4th Quarter	\$ 35	\$ 35	100.00%
Total Performance	\$ 35	\$ 35	100.00%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 01-01-03: Waste Management Assessment Planning

Explanatory Measure 01:

Number of Council of Government Regions in the State with 10 or More Years of Disposal Capacity

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	22	22	100.00%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Goal 01-02: Assessment, Planning, and Permitting

Outcome Measure 01:

Percent of Air Quality Permit Applications Reviewed within Established Time Frames

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	90.00%	86.35%	95.94%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Outcome Measure 02:

Percent of Water Quality Permit Applications Reviewed within Established Time Frames

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	90.00%	85.80%	95.33%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Goal 01-02: Assessment, Planning, and Permitting

Outcome Measure 03:

Percent of Water Rights Permit Applications Reviewed within Established Time Frames

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	80.00%	73.00%	91.25%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percent of Water Rights Permit Applications Reviewed Within Established Timeframes was below target for FY 2009. This measure tracks the percent of water rights permits that were reviewed within the established 300-day time frame. Performance for this measure was below projections for the year due to the number of applications now subject to the Commission directed Water Rights Amendment Notice review. A large number of permit applications which would have been granted with no notice this fiscal year have been placed on hold by the applicants pending a final Commission determination on notice for these applications. Another factor impacting performance for this measure was the continuing severe drought across much of the state. A significant portion of the staff assigned to process permit applications has been required to work on drought response activities. This level of performance is expected to continue for the duration of the drought.

Outcome Measure 04:

Percent of Waste Management Permit Applications Reviewed within Established Time Frames

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	90.00%	90.89%	100.99%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 01-02-01: Air Quality Permitting

Output Measure 01:

Number of State and Federal New Source Review Air Quality Permit Applications Reviewed (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	1,500	1,347	22.45%
2nd Quarter	1,500	1,243	20.72%
3rd Quarter	1,500	1,318	21.97%
4th Quarter	1,500	1,543	25.72%
Total Performance	6,000	5,451	90.85%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of State and Federal New Source Air Quality Permit Applications Reviewed was below projections for FY 2009. This measure quantifies the permitting workload of the Air Permits Division (APD) staff assigned to review state and federal new source review permit applications. The reported performance variance is attributable to applications submitted to authorize planned maintenance, startup, and shutdown (MSS) emissions. Permit reviewers are behind in the review of the refinery projects and APD has approximately 400 chemical plant MSS applications to review. The high level of effort has extended the time to review and issue other permits. The reported variance is also attributable to changes to state air quality rules, changes to federal air permitting rules resulting from federal court actions, and pending state implementation plan revisions that contain key air permitting rules regarding flexible permits and control technology procedures. These factors increased complexity of projects received and the amount of time needed to complete the associated technical review.

Output Measure 02:

Number of Federal Air Quality Operating Permits Reviewed (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	275	263	23.91%
2nd Quarter	275	290	26.36%
3rd Quarter	275	289	26.27%
4th Quarter	275	327	29.73%
Total Performance	1,100	1,169	106.27%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Federal Air Quality Operating Permits Reviewed was above projections for FY 2009. This measure quantifies the permitting workload of the Air Permits Division staff assigned to review federal operating permit applications. The reported variance is attributable to a concerted effort in the fourth quarter to complete withdrawal requests of General Operating Permit applications.

Strategy 01-02-01: Air Quality Permitting

Output Measure 03:

Number of Emissions Banking and Trading Transaction (EBT) Applications Reviewed

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	250	238	23.80%
2nd Quarter	250	292	29.20%
3rd Quarter	250	471	47.10%
4th Quarter	250	273	27.30%
Total Performance	1,000	1,274	127.40%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Emissions Banking and Trading (EBT) Applications Reviewed is above projections for FY 2009. This measure quantifies the workload of the Air Quality Division staff assigned to review EBT applications.

Performance is above projections due to increased market activity resulting from new emission specifications, increased rule applicability and program awareness, and the costs of alternatives.

Explanatory Measure 01:

Number of State and Federal Air Quality Permits Issued

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	5,600	4,921	87.88%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of State and Federal Air Quality Permit Applications Issued was below projections for FY 2009. This measure reports the number of state and federal new source review permits issued under the Texas Clean Air Act and Title I of the Federal Clean Air Act. The reported variance is attributable to changes to state air quality rules, changes to federal air permitting rules resulting from federal court actions, and pending state implementation plan revisions that contain key air permitting rules regarding flexible permits and control technology procedures. These factors increased the number and complexity of projects received and the amount of time needed to complete the associated technical reviews.

Strategy 01-02-01: Air Quality Permitting

Explanatory Measure 02: Number of Federal Air Quality Permits Issued

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	900	774	86.00%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the number of Federal Air Quality Permits Issued was below projections for FY 2009. This measure reports the number of federal air quality permits issued under Title V of the Federal Clean Air Act. The reported variance is attributable to changes to state air quality rules, changes to federal air permitting rules resulting from federal court actions, and pending state implementation plan revisions that contain key air permitting rules regarding flexible permits and control technology procedures. These factors increased the number and complexity of projects received and the amount of time needed to complete the associated technical reviews.

Strategy 01-02-02: Water Resource Permitting

Output Measure 01:

Number of Applications to Address Water Quality Impacts Applications Reviewed (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	4,539.50	2,801	15.43%
2nd Quarter	4,539.50	2,282	12.57%
3rd Quarter	4,539.50	2,355	12.97%
4th Quarter	4,539.50	2,260	12.45%
Total Performance	18,158	9,698	53.41%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of Applications to Address Water Quality Impacts Reviewed was below projections for FY 2009. This measure counts all individual wastewater, sludge, and storm water permits filed with the Chief Clerk of the Commission following technical review and all general permit authorizations that have been issued. The total number of general permit notice of intents (NOIs) processed for FY 2009 was 7,487, which is less than the projected submittal rate. A review of the submittal rate of NOIs for FY 2009 as compared to the average submittal rate for the last three fiscal years showed a decrease by greater than 50%. The Water Quality Division believes this is due to the current economy and a slow down in new construction in the state. Submittal rates for FY 2010 are anticipated to be below projections for the same reason.

Output Measure 02:

Number of Applications to Address Water Rights Impacts Reviewed

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	148.75	96	16.13%
2nd Quarter	148.75	105	17.65%
3rd Quarter	148.75	159	26.72%
4th Quarter	148.75	239	40.17%
Total Performance	595	599	100.67%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 01-02-02: Water Resource Permitting

Output Measure 03:

Number of Concentrated Animal Feeding Operation (CAFO) Authorizations Reviewed (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	22.5	42	46.67%
2nd Quarter	22.5	35	38.89%
3rd Quarter	22.5	12	13.33%
4th Quarter	22.5	73	81.11%
Total Performance	90	162	180.00%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Concentrated Animal Feeding Operation (CAFO) Authorizations Reviewed was above projections for FY 2009. This measure counts the number of concentrated animal feeding operation (CAFO) individual permits filed with the Chief Clerk's Office and General Permit (GP) Notice of Intents (NOIs) acknowledged for new and existing facilities. The CAFO general permit was renewed during the fourth quarter of FY 2009. All facilities authorized under the CAFO general permit must submit a renewal NOI. Of the 73 NOIs processed this quarter, 57 were renewal NOIs. Renewal of the CAFO general permit and processing of NOI renewals only occurs once every five years. The Water Quality Division expects to be significantly above performance for FY 2010 based on processing additional NOI renewals under the reissued general permit.

Explanatory Measure 01:

Number of Water Quality Permits Issued

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	850	1,268.00	149.18%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Water Quality Permits Issued was above projections for FY 2009. This measure counts the number of TPDES and state authorizations issued for the fiscal year (FY) which are processed through the Chief Clerk's Office. The Commission recently issued the TPDES general permit for Small Municipal Separate Storm Sewer Systems, and 357 first time authorizations were processed/issued during FY 2009.

Strategy 01-02-02: Water Resource Permitting

Explanatory Measure 02: Number of Water Rights Permits Issued

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	100	78	78.00%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Water Rights Permits Issued was below target for FY 2009. This measure tracks the number of water rights permit applications that were recommended for issuance and granted. Performance for this measure was below projections for the year due to the number of applications now subject to the Commission directed Water Rights Amendment Notice review. A large number of permit applications which would have been granted with no notice this fiscal year have been placed on hold by the applicants pending a final Commission determination on notice for these applications. Another factor impacting performance for this measure was the continuing severe drought across much of the state. A significant portion of the staff assigned to process permit applications has been required to work on drought response activities. This level of performance is expected to continue for the duration of the drought.

Strategy 01-02-03: Waste Management and Permitting

**Output Measure 01:
Number of New System Waste Evaluations Conducted**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	142.50	142	24.91%
2nd Quarter	142.50	124	21.75%
3rd Quarter	142.50	161	28.25%
4th Quarter	142.50	142	24.91%
Total Performance	570	569	99.82%

<p><u>Variance Explanation:</u> MEETS PROJECTIONS Performance met projections. No variance explanation required.</p>
--

**Output Measure 02:
Number of Non-Hazardous Waste Permit Applications Reviewed (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	59	59	25.00%
2nd Quarter	59	51	21.61%
3rd Quarter	59	58	24.58%
4th Quarter	59	46	19.49%
Total Performance	236	214	90.68%

<p><u>Variance Explanation:</u> BELOW PROJECTED LEVEL The Number of Non-Hazardous Waste Permit Application Reviewed is below the projection for FY 2009. This measure quantifies the number of permit and registration applications reviewed and recommended by TCEQ staff. A decrease in performance is attributed to requested delays by the regulated community for permit modifications during the fourth quarter.</p>
--

Strategy 01-02-03: Waste Management and Permitting

Output Measure 03:

Number of Hazardous Waste Permit Applications Reviewed (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	40	40	25.00%
2nd Quarter	40	45	28.13%
3rd Quarter	40	38	23.75%
4th Quarter	40	54	33.75%
Total Performance	160	177	110.63%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Hazardous Waste Permit Applications Reviewed was above projections for FY 2009. This measure quantifies the number of permit and registration applications recommended by TCEQ staff. Performance is attributed to the large number of minor permit modifications. These modifications reflect requests for authorization made by the regulated community in response to changing business needs (updated contingency plans, addresses, contact information, etc.). These requests are difficult to anticipate and project.

Explanatory Measure 01:

Number of Non-Hazardous Waste Permits issued

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	236	195	82.63%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of Non-Hazardous Waste Permits Issued is below the projection for FY 2009. This measure quantifies the number of permits issued for facilities that are protective of human health and the environment. A decrease in performance is attributed to requested delays by the regulated community for permit modifications.

Strategy 01-02-03: Waste Management and Permitting

Explanatory Measure 02: Number of Hazardous Waste Permits Issued

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	160	159	99.38%

Variance Explanation:
MEETS PROJECTIONS
Performance met projections. No variance explanation required.

Explanatory Measure 03: Number of Corrective Actions Implemented by Responsible Parties for Solid Waste Sites

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	3	3	100.00%

Variance Explanation:
MEETS PROJECTIONS
Performance met projections. No variance explanation required.

Strategy 01-02-04: Occupational Licensing

**Output Measure 01:
Number of Applications for Occupational Licensing**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	5,750	5,523	24.01%
2nd Quarter	5,750	6,034	26.23%
3rd Quarter	5,750	6,409	27.87%
4th Quarter	5,750	5,982	26.01%
Total Performance	23,000	23,948	104.12%

Variance Explanation:
 MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

**Output Measure 02:
Number of Examinations Administered (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	2,625	2,335	22.24%
2nd Quarter	2,625	2,397	22.83%
3rd Quarter	2,625	2,706	25.77%
4th Quarter	2,625	2,643	25.17%
Total Performance	10,500	10,081	96.01%

Variance Explanation:
 MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

Strategy 01-02-04: Occupational Licensing

**Output Measure 03:
Number of Licenses and Registrations Issued**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	5,500	5,074	22.06%
2nd Quarter	5,500	5,191	22.57%
3rd Quarter	5,500	5,560	24.17%
4th Quarter	5,500	5,235	22.76%
Total Performance	22,000	21,060	95.73%

<p><u>Variance Explanation:</u> MEETS PROJECTIONS Performance met projections. No variance explanation required.</p>
--

**Efficiency Measure 01:
Average Annualized Cost Per License and Registration**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	\$ 18	\$ 19.43	107.94%
2nd Quarter	\$ 18	\$ 19.48	108.22%
3rd Quarter	\$ 18	\$ 19.38	107.67%
4th Quarter	\$ 18	\$ 19.20	106.67%
Total Performance	\$ 18	\$ 19.20	106.67%

<p><u>Variance Explanation:</u> ABOVE PROJECTED LEVEL Performance for the Average Annualized Cost Per License and Registration was above projections for FY 2009. This measure reports the average cost to issue, renew and maintain licenses and registrations issued by the occupational licensing section. The average cost is derived from taking the FY 2009 adjusted operation budget for the section and dividing it by the number of licensees and registrants. The higher cost is attributed to a higher adjusted operating budget due to the 2% legislative approved salary increases in FY 2008 and FY 2009 and normal salary growth.</p>
--

Strategy 01-02-04: Occupational Licensing

Explanatory Measure 01:

Number of TCEQ Licensed Environmental Professionals and Registered Companies

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	48,500	50,925	105.00%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Goal 01-03: Assessment, Planning, and Permitting

Outcome Measure 01:
Percent of Scheduled Licensing Activities Complete (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	100.00%	95.00%	95.00%

Variance Explanation:
MEETS PROJECTIONS
Performance met projections. No variance explanation required.

Goal 02-01: Drinking Water and Water Utilities

Outcome Measure 01:

Percent of Texas Population Served by Public Water Systems which Meet Drinking Water Standards (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	90.00%	97.13%	107.92%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Percent of Texas Population Served by Public Water Systems Which Meet Drinking Water Standards was above the projected level for FY 2009. This measure reports the percent population served by all public water systems which have not had maximum contaminant level (MCL) or micro violations. Performance is above projections due to a higher compliance rate with the Disinfection By-Product Rule and the Total Coliform Rule.

Outcome Measure 02:

Percent of Texas Public Water Systems Protected by a Source Water Protection Program

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	95.00%	95.00%	100.00%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Goal 02-01: Drinking Water and Water Utilities

Outcome Measure 03:

Percent of Texas Population Served by Public Water Systems Protected by a Program Which Prevents Connection between Potable and Non-Potable Water Sources

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	95.00%	92.11%	96.96%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 02-01-01: Safe Drinking Water

Output Measure 01:

Number of Public Drinking Water Systems which Meet Primary Drinking Water Standards (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	6,200	6,485	104.60%
2nd Quarter	6,200	6,525	105.24%
3rd Quarter	6,200	6,538	105.45%
4th Quarter	6,200	6,489	104.66%
Total Performance	6,200	6,489	104.66%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Output Measure 02:

Number of Drinking Water Samples Collected (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	9,012.75	9,641	26.74%
2nd Quarter	9,012.75	9,952	27.61%
3rd Quarter	9,012.75	12,711	35.26%
4th Quarter	9,012.75	14,215	39.43%
Total Performance	36,051	46,519	129.04%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for The Number of Drinking Water Samples Collected was above the projected level for FY 2009. The variance in the number of chemical samples collected resulted from normal fluctuations in the seasonality of required sampling at public water systems. During the fall, less sampling is required. This is offset by increased sampling in the spring and summer. In spring, the required sampling for organic chemicals such as pesticides and herbicides increases. In summer, the requirement to sample for disinfection byproducts increases. An overall increase in sampling due to adoption of the Stage 2 Disinfection Byproducts Rule (DBP2) also contributes to performance above projected levels.

Strategy 02-01-02: Water Utilities Oversight

**Output Measure 01:
Number of Utility Rate Reviews Performed (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	20	30	37.50%
2nd Quarter	20	37	46.25%
3rd Quarter	20	38	47.50%
4th Quarter	20	20	25.00%
Total Performance	80	125	156.25%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Utility Rate Reviews is higher than expected for FY 2009. This measure reflects the number of applications received and processed by agency staff and either approved, dismissed, withdrawn, or referred to Legal staff as a contested matter during the reporting period. The number of rate and tariff change applications filed by water and/or sewer utilities has increased over the past nine months. This may be partially attributed to economic factors involving increased costs of running a business and increased costs of labor arising from a recent increase in minimum wage. The drought has also played a key role in the need for some utilities to drill additional wells, thereby increasing the cost of maintaining and operating a utility. As the cost of service for water and/or sewer utilities increases, the need for utilities to increase their rates also increases, which in turn, increases the number of reviews staff must perform.

**Output Measure 02:
Number of District Applications Processed**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	137.5	241	43.82%
2nd Quarter	137.5	193	35.09%
3rd Quarter	137.5	150	27.27%
4th Quarter	137.5	114	20.73%
Total Performance	550	698	126.91%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for The Number of District Applications was above the projected level for FY 2009. This measure represents the number of Water District applications submitted for Commission approval. The number of applications processed in the first two quarters is the primary reason for the positive variance for the year. During the first two quarters staff made additional efforts to reduce the number of applications in backlog. The backlog reduction effort covered the period September 1 - December 31, 2008.

Strategy 02-01-02: Water Utilities Oversight

Output Measure 03:

Number of Certificates of Convenience and Necessity Applications Processed

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	56.25	73	32.44%
2nd Quarter	56.25	83	36.89%
3rd Quarter	56.25	77	34.22%
4th Quarter	56.25	54	24.00%
Total Performance	225	287	127.56%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for The Number of Certificate of Convenience and Necessity (CCN) applications processed was above projections for FY 2009. This measure reflects the number of applications received and processed by the agency staff and either approved, dismissed, referred to Legal staff as a contested matter or withdrawn by the applicant within the reporting period. The number also includes the number of Sale, Transfer, or Merger (STM) applications filed and processed. The higher number of applications may be attributed to economic factors involving utilities attempting to sell, transfer or merge with other utilities.

Goal 03-01: Enforcement and Compliance Assistance

Outcome Measure 01:

Percent of Inspected or Investigated Air Sites in Compliance (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	98.00%	96.07%	98.03%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Outcome Measure 02:

Percent of Inspected or Investigated Water Sites and Facilities in Compliance (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	97.00%	98.84%	101.90%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Outcome Measure 03:

Percent of Inspected or Investigated Waste Sites in Compliance (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	97.00%	94.14%	97.05%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Goal 03-01: Enforcement and Compliance Assistance

Outcome Measure 04:

Percent of Identified Non-Compliant Sites and Facilities for which Appropriate Action is Taken (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	85.00%	78.07%	91.85%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percent of Identified Noncompliant Sites and Facilities for Which Timely and Appropriate Enforcement Action is Taken was below projections for FY2009. This measure reflects the time it takes from screening a case to getting the respondent to settle. The performance was below projected levels due to the Litigation Division efforts to reduce case backlog.

Outcome Measure 05:

Percent of Investigated Occupational Licensees in Compliance

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	82.00%	72.73%	88.70%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percent of Investigated Occupational Licensees in Compliance was below projections for FY 2009. This measure determines the percentage of investigated licenses that were not found to have significant violations. There were a significant number of complaints investigated against occupational licensees and also individuals operating without occupational licenses in this fiscal year which resulted in lower rates of compliance. This trend is expected to continue in the future.

Goal 03-01: Enforcement and Compliance Assistance

**Outcome Measure 06:
Percent of Administrative Orders Settled**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	85.00%	68.79%	80.93%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percent of Administrative Orders Settled was below projections for FY2009. This measure reflects a percentage of the enforcement orders issued during a fiscal year that were settled by the Enforcement Division without litigation. In FY 2009, the agency temporarily focused resources on reducing the number of backlog cases in litigation. This increase in the number of litigation cases resulted in a slightly lower number of orders settled by the Enforcement Division and issued by the Commission.

**Outcome Measure 07:
Percent of Administrative Penalties Collected (KEY)**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	88.00%	79.15%	89.94%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percent of Administrative Penalties Collected was below the target for FY 2009. Agency Orders issued as default orders increased significantly from \$0.9 million in FY 2008 to \$2.3 million in FY 2009. Default orders by definition are issued unilaterally, that is the respondent is not in agreement or is non-responsive; therefore, the collection rate for these types of orders is very low. Penalties issued through default orders in FY 2009 represented 18.3% of the total penalties invoiced, whereas default orders in FY 2008 represented less than 8% of the total penalties invoiced. Since default orders in FY 2009 comprised a much larger percentage of the total outstanding penalties, the actual percentage of administrative penalties collected was only 89.94% of the annual projection.

Goal 03-01: Enforcement and Compliance Assistance

Outcome Measure 08:

Tons of Emissions and Waste Reduced and Minimized as Reported by the Regulated Community Implementing Pollution Prevention, Environmental Management Systems, and Other Innovative Programs.

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	100,000	190,106	190.11%

Variance Explanation:
 ABOVE PROJECTED LEVEL
 Performance for the Tons of Emissions and Waste Reduced and Minimized as Reported by the Regulated Community Implementing Pollution Prevention Training, Environmental Management Systems, and Other Innovative Programs was above projected levels for FY 2009. In FY 2009, additional outreach was performed to increase reporting. Additionally one facility reported reducing over 100,000 tons as a result of implementing a new process. Generally, emissions and material use reductions tend to be initially high with declining performance in following years. Past trends indicate that future performance is expected to remain near 100,000 tons.

Outcome Measure 09:

Amount of Financial Savings Achieved as Reported by the Regulated Community Implementing Pollution Prevention, Environmental Management Systems, and Other Innovative Programs.

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	\$ 30,000,000	\$ 44,904,274	149.68%

Variance Explanation:
 ABOVE PROJECTED LEVEL
 Performance for the Amount of Financial Savings Achieved as Reported by the Regulated Community Implementing Pollution Prevention, Environmental Management Systems, and Other Innovative Programs was above projections for FY2009. The reported financial savings by the regulated community varies from year-to-year due to changes in economic conditions and reporting on completed projects. Future performance is expected to remain near \$30,000,000.00.

Goal 03-01: Enforcement and Compliance Assistance

Outcome Measure 10:

Tons of Emissions and Waste Reduced and Minimized in the Texas Mexico Border Region as Reported by the Regulated Community Implementing Pollution Prevention, Environmental Management Systems, and Other Innovative Programs

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	1,000	1,905	190.46%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Tons of Emissions and Waste Reduced and Minimized in the Texas-Mexico Border Region as Reported by the Regulated Community Implementing Pollution Prevention, Environmental Management Systems, and Other Innovative Programs was above projected levels for FY 2009. Increased outreach for voluntary programs in the Border regions resulted in additional participants and reports submitted. Future performance is expected to remain near 1,000 tons.

Strategy 03-01-01: Field Inspections and Complaint Response

Output Measure 01:
Number of Inspections and Investigations of Air Sites (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	2,750	2,678	24.35%
2nd Quarter	2,750	2,745	24.95%
3rd Quarter	2,750	2,984	27.13%
4th Quarter	2,750	2,937	26.70%
Total Performance	11,000	11,344	103.13%

Variance Explanation:
 MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

Output Measure 02:
Number of Inspections and Investigations of Water Rights Sites (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	8,500	6,762	19.89%
2nd Quarter	8,500	10,001	29.41%
3rd Quarter	8,500	9,611 9,697	28.52%
4th Quarter	8,500	9,460	27.82%
Total Performance	34,000	35,920	105.65%

Variance Explanation:
 ABOVE PROJECTED LEVEL
 The Number of Inspections and Investigations of Water Rights Sites was above projections through the fourth quarter of FY 2009. This measure reports the number of inspections and investigations completed at regulated water rights sites. The increased number of inspections can be attributed to the fact that the irrigation season is from May - August and there are more diversions and thus more inspections occurring in the Watermaster areas. Additionally, the Watermaster areas have been in a drought, which has precipitated more inspections than in a year with average rainfall.

Note: Reports were submitted to the watermaster program after the initial LBB reporting each month in March and April. The previously reported number for the third quarter has been changed from 9,611 to 9,697. This did not alter the overall "meets projected level" for the end of the third quarter FY 2009.

Strategy 03-01-01: Field Inspections and Complaint Response

Output Measure 03:

Number of Inspections and Investigations of Water Sites and Facilities (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	2,200	1,591	18.08%
2nd Quarter	2,200	1,815	20.63%
3rd Quarter	2,200	2,270 2,273	25.83%
4th Quarter	2,200	2,429	27.60%
Total Performance	8,800	8,108	92.14%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Water Sites and Facilities Investigated is below projections at the end of the fourth quarter for FY 2009. Staff resources were diverted to two natural disasters, Hurricane Ike and flooding in Presidio, which may have resulted in fewer investigations being completed in the first two quarters. The number of inspections increased during the third and fourth quarters.

Note: A typographic error was discovered in the number of inspections reported for the third quarter. The number originally reported was 2,270. The correct number is 2,273. This did not alter the overall "below projected level" for the end of the third quarter FY 2009.

Output Measure 04:

Number of Inspections and Investigations of Livestock and Poultry Operation Sites (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	100	102	25.50%
2nd Quarter	100	117	29.25%
3rd Quarter	100	115	28.75%
4th Quarter	100	97	24.25%
Total Performance	400	431	107.75%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Inspections and Investigations of Livestock and Poultry Operation Sites exceeded the projected levels through the end of the fourth quarter of FY 2009. Investigations were completed earlier than projected to assist with training new staff and there were several unplanned compliance inspections at several Concentrated Animal Feeding Operation (CAFO) sites related to enforcement cases.

Strategy 03-01-01: Field Inspections and Complaint Response

**Output Measure 05:
Number of Inspections and Investigations of Waste Sites (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	1,839.50	1,581	21.49%
2nd Quarter	1,839.50	1,546	21.01%
3rd Quarter	1,839.50	1,948	26.47%
4th Quarter	1,839.50	2,252	30.61%
Total Performance	7,358	7,327	99.58%

Variance Explanation:
 MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

**Output Measure 06:
Number of Spill Cleanup Inspections**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	162.50	90	13.85%
2nd Quarter	162.50	79	12.15%
3rd Quarter	162.50	133	20.46%
4th Quarter	162.50	112	17.23%
Total Performance	650	414	63.69%

Variance Explanation:
 BELOW PROJECTED LEVEL
 Performance for the Number of Spill Cleanup Inspections is below projections at the end of FY 2009. Spill investigations are an on-demand activity and are based upon the number of spills of regulated materials reported by citizens, industry representatives, and state law enforcement officials. This number can vary widely from quarter to quarter. During this reporting period, fewer spills were reported to the agency that required investigations.

Strategy 03-01-01: Field Inspections and Complaint Response

Efficiency Measure 01:

Average Inspection and Investigation Cost of Livestock and Poultry Operations

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	\$ 770	\$ 678	88.05%
2nd Quarter	\$ 770	\$ 740	96.10%
3rd Quarter	\$ 770	\$ 555	72.08%
4th Quarter	\$ 770	\$ 689	89.48%
Total Performance	\$ 770	\$ 668	86.75%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Inspections and Investigation Cost of Livestock and Poultry Operations was below projections through the fourth quarter of FY 2009. This measure represents total funds expended during the reporting period for monitoring of livestock and poultry operations, divided by the number of compliance inspections and complaint investigations for livestock and poultry operations completed during the fiscal year. Average cost figures for the inspection and investigation of livestock and poultry operations vary considerably due to the number and complexity of investigations performed in any given quarter. It is desirable to be below projections for this measure.

Efficiency Measure 02:

Average Time (days) from Air, Water, and Waste Inspections to Report Completion

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	35	30.3	86.57%
2nd Quarter	35	29.4	84.00%
3rd Quarter	35	25.7	73.51%
4th Quarter	35	27.1	77.43%
Total Performance	35	28.5	81.43%

Variance Explanation:

BELOW PROJECTED LEVEL

The Average Time (days) from Air, Water, and Waste Inspections to Report Completion was below projections for FY 2009. This measure reports the total number of calendar days between date of investigation and date of completion divided by the total number of completed investigations reported during the reporting period. The Field Operations Division (FOD) had an increased number of investigations that did not take as much time to complete. The desired performance for this measure is to be below projections.

Strategy 03-01-01: Field Inspections and Complaint Response

Explanatory Measure 01: Number of Air Sites in Non-Compliance

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	450	467.0	103.78%

Variance Explanation:
MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

Explanatory Measure 02: Number of Water Sites and Facilities in Non-Compliance

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	675	906.0	134.22%

Variance Explanation:
ABOVE PROJECTED LEVEL
 Performance for the Number of Water Sites and Facilities in Non-Compliance was above projected levels for FY 2009. This measure reflects the number of agriculture, public drinking water, water rights, and water quality (wastewater) sites and facilities at which significant violations were discovered requiring formal enforcement. The agency continued its initiative to pursue enforcement against waste water minor sources that were not in compliance either based on a review of the discharge monitoring data or no reports being submitted at all. This initiative resulted in higher rates of noncompliance. The trend is expected to continue in the future.

Explanatory Measure 03: Number of Waste Sites in Non-Compliance

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	350	470.0	134.29%

Variance Explanation:
ABOVE PROJECTED LEVEL
 Performance for the Number of Waste Sites and Facilities in Non-Compliance was above projections for FY 2009. The number of waste facilities in noncompliance reflects the number of industrial and hazardous waste, municipal solid waste, radioactive waste, petroleum storage tank (PST), and underground injection control facilities where significant violations were discovered requiring formal enforcement. The number of non-compliant sites was higher than projected because the agency focused efforts on out-of-service petroleum storage tank facilities and mulch sites. This resulted in a higher number of sites in non-compliance. This trend is not expected to continue in the future.

Strategy 03-01-01: Field Inspections and Complaint Response

**Explanatory Measure 04:
Number of Citizen Complaints Investigations Completed**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	5,300	4,773.0	90.06%

Variance Explanation:
BELOW PROJECTED LEVEL
 Performance for the Number of Citizen Complaints Investigations is below projections at the end of the fourth quarter for FY 2009. Citizen Complaint Investigations are an on-demand activity and are based upon the number of complaints received from citizens that result in investigations. This number can vary widely from quarter to quarter. During this reporting period, fewer complaints requiring investigation were received.

**Explanatory Measure 05:
Number of Occupational Licensees in Non-Compliance**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	35	54.0	154.29%

Variance Explanation:
ABOVE PROJECTED LEVEL
 Performance for the Number of Occupational Licensees in Non-Compliance was above projections for FY 2009. The number of occupational licensees in non-compliance reflects the number of licensees with significant violations requiring formal actions. There was a significant number of complaints investigated against occupational licensees and also individuals operating without occupational licenses in this fiscal year which resulted in lower rates of compliance. This trend is expected to continue in the future.

**Explanatory Measure 06:
Number of Emissions Events Investigations**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	5,000	4,615.0	92.30%

Variance Explanation:
BELOW PROJECTED LEVEL
 Performance for the Number of Emission Events Investigations was below projections for FY 2009. These are on-demand, statutorily required activities. The number of emissions events, which are outside of the agency's control, drives the number of investigations. Fewer emissions events were reported than projected.

Strategy 03-01-02: Enforcement and Compliance Support

**Output Measure 01:
Number of Environmental Laboratories Accredited (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	300	257	85.67%
2nd Quarter	300	266	88.67%
3rd Quarter	300	267	89.00%
4th Quarter	300	273	91.00%
Total Performance	300	273	91.00%

Variance Explanation:

BELOW PROJECTED LEVEL
 Performance for the Number of Environmental Laboratories Accredited was below projections at the end of the fourth quarter for FY 2009. The measure reflects the number of environmental laboratories accredited according to standards adopted by the National Environmental Laboratory Accreditation Conference. The number of accreditation applications received was lower than expected. Performance is expected to increase gradually in future quarters.

**Output Measure 02:
Number of Small Business and Local Governments Assisted (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	13,500	26,601	49.26%
2nd Quarter	13,500	17,378	32.18%
3rd Quarter	13,500	27,991	51.84%
4th Quarter	13,500	4,523	8.38%
Total Performance	54,000	76,493	141.65%

Variance Explanation:

ABOVE PROJECTED LEVEL
 Performance for the Number of Small Businesses and Local Governments Assisted was above projections for FY 2009. This measure provides an indication of the number of notifications provided to the state's small businesses and local governments to keep them informed of regulatory changes that might affect them. Performance exceeded projections for FY 2009 due to the significant outreach required for several new federal National Emission Standards for Hazardous Air Pollutants (NESHAPs), Dry Cleaners, Waste Water facilities and Petroleum Storage Tank operators.

Strategy 03-01-02: Enforcement and Compliance Support

**Efficiency Measure 01:
Average Number of Days to File an Initial Settlement Offer**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	70	68.0	97.14%
2nd Quarter	70	65.0	92.86%
3rd Quarter	70	58.0	82.86%
4th Quarter	70	47.0	67.14%
Total Performance	70	47.0	67.14%

Variance Explanation:
 BELOW PROJECTED LEVEL
 Performance for the Average Number of Days to File an Initial Settlement Offer was below projections for FY 2009. This measure represents the average number of days from the date the case was assigned, to the mailing date of the initial document that explains the violations and calculated penalty included in the enforcement action. The average number of days was lower than projected because the agency has revised enforcement processing procedures to ensure that all cases are processed below the average time frame. For this type of measure, performance below the target level is desirable.

**Explanatory Measure 01:
Amount of Administrative Penalties Paid in Final Orders Issued**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	NA	\$ 14,524,544.0	NA

Variance Explanation:
 No performance target is set for this measure. The number is provided for informational purposes only.

Strategy 03-01-02: Enforcement and Compliance Support

**Explanatory Measure 02:
Amount Required to be Paid for Supplemental Environmental Projects Issued in Administrative Orders**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	N/A	\$ 6,375,212	N/A

Variance Explanation:

No performance target is set for this measure. The number is provided for informational purposes only.

**Explanatory Measure 03:
Number of Administrative Enforcement Orders Issued**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	1,000	1,756.0	175.60%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Administrative Enforcement Orders Issued was above projections for FY 2009. This measure reflects agency efforts; however, the total number of orders issued is largely a function of the rate of significant noncompliance documented during agency investigations. Performance exceeded projections due to an increase in the number of facilities that were documented to be in significant noncompliance.

Strategy 03-01-03: Pollution Prevention and Recycling

Output Measure 01:

Number of On-Site Technical Assistance Visits, Audits, Presentations and Workshops on Pollution Prevention/Waste Minimization and Voluntary Program Participation

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	62.5	78	31.20%
2nd Quarter	62.5	46	18.40%
3rd Quarter	62.5	70	28.00%
4th Quarter	62.5	59	23.60%
Total Performance	250	253	101.20%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Output Measure 02:

Number of Entities Participating in Performance-Based Regulatory Programs

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	240	195	81.25%
2nd Quarter	240	184	76.67%
3rd Quarter	240	196	81.67%
4th Quarter	240	241	100.42%
Total Performance	240	241	100.42%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 03-01-03: Pollution Prevention and Recycling

Output Measure 03:

Number of Quarts of Used Oil Diverted from Landfills and Processed (in millions)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	8.25	0.0	0.00%
2nd Quarter	8.25	38.6	116.97%
3rd Quarter	8.25	5.3	15.91%
4th Quarter	8.25	0.2	0.48%
Total Performance	33	44.0	133.36%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Quarts of Used Oil Diverted from Landfills and Processed (in millions) is above the projected amount for FY2009. This measure reports the amount of used oil which, if not received by registered collection centers, would otherwise be diverted to landfills or improperly disposed. Annual reports regarding this activity were due January 25th. As a result, the bulk of this years' information has been collected, and performance has exceeded the yearly projection. Collection Centers have both mandatory and voluntary reporting requirements. The actual quantity of used oil diverted from landfills may vary from year to year due to voluntary reporting requirements and changes in vehicle maintenance practices.

Efficiency Measure 01:

Average Cost Per On-Site Technical Assistance Visit

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	\$ 600	\$ 526.52	87.75%
2nd Quarter	\$ 600	\$ 483.16	80.53%
3rd Quarter	\$ 600	\$ 372.42	62.07%
4th Quarter	\$ 600	\$ 463.90	77.32%
Total Performance	\$ 600	\$ 453.40	75.57%

Variance Explanation:

BELOW PROJECTED LEVEL

The Average Cost Per On-Site Technical Assistance Visit was below projections for FY 2009. This measure reports the average cost of each technical site assistance visit performed by Pollution Prevention Staff. The savings are a result of more efficient use of regional staff that has resulted in more local visits, inducing fewer travel costs. Future performance is expected to remain below \$600.00.

Strategy 03-01-03: Pollution Prevention and Recycling

Explanatory Measure 01:

Tons of Hazardous Waste Reduced as a Result of Pollution Prevention Planning

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	1,000,000	386,141	38.61%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Tons of Hazardous Waste Reduced as a Result of Pollution Prevention Planning was below projections for FY 2009. This measure indicates the level of hazardous waste reduction by Texas facilities and provides information regarding the agency's efforts to reduce toxics released in Texas. This number is very volatile since reductions in hazardous waste are strongly dependent on a few large reporters. Additionally, projects can take years to implement and yield reductions. Continued efforts at outreach, education and marketing the benefits of pollution prevention planning will enhance future performance.

Explanatory Measure 02:

Tons of Waste Collected by Local and Regional Collection and Cleanup Events

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	1,050	5,362	510.67%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Tons of Waste Collected by Local and Regional Collection and Cleanup Events was above projections for FY 2009. This measure reports the tons of waste collected through cleanup events sponsored by or assisted by TCEQ. Several factors combined to result in the dramatic increase in reported waste collected. In September 2008, rules on household hazardous waste (HHW) collections changed to include a requirement to annually report the pounds of HHW collected, and the report does not require segregation of waste collected. The required report resulted in more reports received in FY 2009 for calendar year 2008 activity. Also, the lack of segregation of wastes resulted in larger numbers being reported. Interest in these cleanup and collection events is expected to continue into the future.

Strategy 03-01-03: Pollution Prevention and Recycling

Explanatory Measure 03:

Tons of Agricultural Waste Chemicals Collected by TCEQ-Sponsored Entities

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	125	149	119.20%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Tons of Agricultural Waste Chemicals Collected by TCEQ-Sponsored Entities is above the projected level for FY 2009. This measure provides data on how many agricultural waste chemicals were collected and properly disposed of in Texas, thus reducing the impact on the environment. Increased marketing and targeting areas with the greatest need resulted in greater amounts of chemicals collected. Future performance is expected to remain at the projected level.

Explanatory Measure 04:

Number of Registered Waste Tire Facilities and Transporters

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	870	518	59.54%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Registered Waste Tire Facilities and Transporters was below projections for FY 2009. This measure reports the number of regulated facilities involved in scrap tire management. The number of registered waste tire facilities and transporters are the facilities registered from the previous year in addition to those newly registered in the reporting period. The agency continues updating its waste tire facilities database by contacting facilities to ensure that they are still active as waste tire transporters. Those not currently active (i.e. no longer in the business) were removed from the database resulting in the lower number of registered waste tire facilities and transporters in FY 2009.

Goal 04-01: Pollution Cleanup

Outcome Measure 01:

Percent of Leaking Petroleum Storage Tank Sites Cleaned Up (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	90.00%	89.9%	99.9%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Outcome Measure 02:

Percent of Superfund Sites Cleaned Up (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	56.00%	64.5%	115.2%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Percent of Superfund Sites Cleaned up was above projections for FY 2009. This measure reflects long-term agency efforts to clean up Superfund sites. This measure is calculated by taking the total number of state and federal Superfund sites which have achieved "cleanup complete" status divided by the total number of state and federal Superfund sites since program inception. Because the program met its goal of 4 cleanup completions, but did not add as many sites as expected during the fiscal year, the percentage is above the target. The program has reached "cleanup complete" for 100 of the 155 state and federal sites that have been listed or proposed for listing on either the State Registry or the National Priorities List since program inception.

Outcome Measure 03:

Percent of Voluntary and Brownfield Cleanup Properties made Available for Commercial/Industrial Redevelopment, Community, or other Economic Reuse (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	65.10%	72.0%	110.6%

Variance Explanation:

ABOVE PROJECTED LEVEL

Percent of Voluntary and Brownfield Cleanup Properties Made Available for Commercial/Industrial Redevelopment, Community or Other Economic Reuse was above projections at the end of the fourth quarter for FY 2009. This outcome measure indicates the total number of sites that have been accepted into the program divided by the total number of certificates of completion issued from inception of the program. Performance is above projected levels due to applicants submitting technical documents and other program related documents in a timely manner.

Strategy 04-01-01: Storage Tank Administration and Cleanup

Output Measure 01:

Number of Petroleum Storage Tank Self-Certifications Processed

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	4,125	3,342	20.25%
2nd Quarter	4,125	4,217	25.56%
3rd Quarter	4,125	4,517	27.38%
4th Quarter	4,125	4,888	29.62%
Total Performance	16,500	16,964	102.81%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Output Measure 02:

Number of Emergency Response Actions at Petroleum Storage Tank Sites

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	4	3	18.75%
2nd Quarter	4	4	25.00%
3rd Quarter	4	4	25.00%
4th Quarter	4	5	31.25%
Total Performance	16	16	100.00%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 04-01-01: Storage Tank Administration and Cleanup

Output Measure 03:

Number of Petroleum Storage Tank Reimbursement Fund Applications Processed (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	700	569	20.32%
2nd Quarter	700	348	12.43%
3rd Quarter	700	382	13.64%
4th Quarter	700	636	22.71%
Total Performance	2,800	1,935	69.11%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Petroleum Storage Tank Reimbursement Fund Applications received and processed was below projections for FY 2009. This measure reflects program performance in processing reimbursement applications received for petroleum storage tank cleanups. The program met all review time periods required by statute. The reduced number of applications received and processed is a direct result of the reduction of sites undergoing remediation.

Output Measure 04:

Number of Petroleum Storage Tank Cleanups Completed

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	50	116	58.00%
2nd Quarter	50	103	51.50%
3rd Quarter	50	177	88.50%
4th Quarter	50	234	117.00%
Total Performance	200	630	315.00%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Petroleum Storage Tank Cleanups Completed was above projections for FY 2009. Most cleanups are finalized after responsible parties complete all field work and formally request closure review. The TCEQ has limited control over the number of requests for closure that are submitted within a given period of time. The increase above the target is in part due to rule change and the risk based standard for cleaning up sites.

Strategy 04-01-01: Storage Tank Administration and Cleanup

Efficiency Measure 01:

Average Time (days) to Review and Respond to Remedial Action Plans

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	30	22.2	74.00%
2nd Quarter	30	22.8	76.00%
3rd Quarter	30	24.1	80.33%
4th Quarter	30	21.5	71.67%
Total Performance	30	23.1	77.00%

Variance Explanation:

BELOW PROJECTED LEVEL

The Average Time (days) to Review and Respond to Remedial Action Plans was below projections for FY 2009. This measure reports the average number of days for the agency to review and respond to remedial action plans over the reporting period. The agency has implemented procedures for reviewing remedial action plans to ensure average review times remain below the legislatively mandated time frame of 30 days. The desired performance for this measure is to be below projections.

Efficiency Measure 02:

Average Time (days) to Review and Respond to Risk-Based Site Assessments

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	30	23.1	77.00%
2nd Quarter	30	23.6	78.67%
3rd Quarter	30	24.9	83.00%
4th Quarter	30	23.6	78.67%
Total Performance	30	23.9	79.67%

Variance Explanation:

BELOW PROJECTED LEVEL

The Average Time (days) to Review and Respond to Risk-Based Site Assessments was below projections for FY 2009. This measure reports the average number of days for the agency to review and respond to risk-based site assessments over the reporting period. The agency has implemented procedures for reviewing these assessments to ensure average review times remain below the legislatively mandated time frame of 30 days. The desired performance for this measure is to be below projections.

Strategy 04-01-01: Storage Tank Administration and Cleanup

Efficiency Measure 03:

Average Time (days) to Process Petroleum Storage Tank Remediation Fund Reimbursement Claims

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	90	29	32.22%
2nd Quarter	90	35	38.89%
3rd Quarter	90	53	58.89%
4th Quarter	90	39	43.33%
Total Performance	90	44	48.89%

Variance Explanation:

BELOW PROJECTED LEVEL

The Average Time (Days) to Process Petroleum Storage Tank (PST) Remediation Fund Reimbursement Claims was below projections for FY 2009. This measure reports the average number of days to process claims for reimbursements from the PST Remediation Fund. The program is required by rule to process new claims from the date of receipt to date that a payment is mailed out to be no more than 90 days. The desired performance for this measure is to be below projections.

Explanatory Measure 01:

Average Cost per Petroleum Storage Tank Cleanup

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	\$ 85,000	\$ 83,378	98.09%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 04-01-02: Hazardous Material Cleanup

Output Measure 01:

Number of Immediate Response Actions Completed to Protect Human Health and the Environment

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	1.25	0	0.00%
2nd Quarter	1.25	0	0.00%
3rd Quarter	1.25	0	0.00%
4th Quarter	1.25	5.0	100.00%
Total Performance	5	5.0	100.00%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Output Measure 02:

Number of Superfund Site Assessments

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	18	14	19.44%
2nd Quarter	18	31	43.06%
3rd Quarter	18	18	25.00%
4th Quarter	18	19	26.39%
Total Performance	72	82	113.89%

Variance Explanation:

ABOVE PROJECTED LEVEL

The number of Superfund Site Assessments completed was above projections for FY 2009. The performance can be attributed to some sites not requiring sampling events, thus allowing more sites to be assessed.

Strategy 04-01-02: Hazardous Material Cleanup

**Output Measure 03:
Number of Voluntary and Brownfield Cleanups Completed (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	20	25	31.25%
2nd Quarter	20	28	35.00%
3rd Quarter	20	38	47.50%
4th Quarter	20	29	36.25%
Total Performance	80	120	150.00%

Variance Explanation:
ABOVE PROJECTED LEVEL
 The Number of Voluntary Brownfield Cleanups Completed was above projections for FY 2009. This measure indicates the number of sites that have completed necessary response actions to either remove or control contamination levels at voluntary cleanup and brownfield sites. Performance is above projected levels due to applicants submitting technical documents and other program related documents in a timely manner.

**Output Measure 04:
Number of Superfund sites in Texas Undergoing Evaluation and Cleanup (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	73	47	64.38%
2nd Quarter	73	48	65.75%
3rd Quarter	73	50	68.49%
4th Quarter	73	48	65.75%
Total Performance	73	48	65.75%

Variance Explanation:
BELOW PROJECTED LEVEL
 The Number of Superfund Sites Undergoing Evaluation and Cleanup was below projections for FY 2009. This measure reports the combined number of state and federal Superfund sites that are undergoing evaluation and/or cleanup. Due to EPA funding limitations, five (5) federal sites are pending issuance of work orders to perform the evaluation process. Also, fewer sites were added to the Texas Register and the National Priority List than originally projected because assessed sites did not meet Superfund program eligibility criteria.

Strategy 04-01-02: Hazardous Material Cleanup

**Output Measure 05:
Number of Superfund Cleanups Completed (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	1	1	25.00%
2nd Quarter	1	-	0.00%
3rd Quarter	1	1	25.00%
4th Quarter	1	2	50.00%
Total Performance	4	4	100.00%

Variance Explanation:
MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

**Output Measure 06:
Number of Dry Cleaner Remediation Program Site Assessments Initiated**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	32	1	3.13%
2nd Quarter	32	13	40.63%
3rd Quarter	32	11	34.38%
4th Quarter	32	15	46.88%
Total Performance	32	40	125.00%

Variance Explanation:
ABOVE PROJECTED LEVEL
 Performance for the Number of Dry Cleaner Remediation Program (DCRP) Site Assessments Initiated was above projections for FY 2009. The program exceeded its target of 32 sites. The number of site assessments initiated is based on the number of DCRP Applications that are received. Entry into the DCRP is voluntary; therefore, the program has no control of the number of DCRP Applications received.

Strategy 04-01-02: Hazardous Material Cleanup

Output Measure 07:

Number of Dry Cleaner Remediation Program Applications Received (Key)

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	7.5	12	40.00%
2nd Quarter	7.5	8	26.67%
3rd Quarter	7.5	4	13.33%
4th Quarter	7.5	9	30.00%
Total Performance	30	33	110.00%

Variance Explanation:
 ABOVE PROJECTED LEVEL
 Performance for the number of Dry Cleaner Remediation Program (DCRP) Applications received was above projections for FY 2009. The program exceeded its target of 30 applications. Entry into the DCRP is voluntary; therefore, the program has no control of the number of DCRP Applications received.

New Output Measure:

Number of Dry Cleaner Remediation Program Site Cleanups Completed

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	2	1	12.50%
2nd Quarter	2	2	25.00%
3rd Quarter	2	2	25.00%
4th Quarter	2	4	50.00%
Total Performance	8	9	112.50%

Variance Explanation:
 ABOVE PROJECTED LEVEL
 Performance for the number of Dry Cleaner Remediation Program (DCRP) Site Cleanups Completed was above projections for Fiscal Year 2009. The program exceeded its target of eight (8) cleanups. Performance was above projections because the DCRP sites evaluated for cleanups did not have groundwater contamination; therefore, the cleanups on these sites were expedited.

Strategy 04-01-02: Hazardous Material Cleanup

Efficiency Measure 01:

Average time (days) to Process Dry Cleaner Remediation Program Applications

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	90	45	50.00%
2nd Quarter	90	36	40.00%
3rd Quarter	90	28	31.11%
4th Quarter	90	22	24.44%
Total Performance	90	34	37.78%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Time (days) to Process Dry Cleaner Remediation Program Applications was below projections for Fiscal Year 2009. The measure reports the average number of days required by the agency staff to process the dry cleaner remediation program applications. The desired performance for this measure is to be below projections.

Explanatory Measure 01:

Number of Potential Superfund Sites to be Assessed

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	558	1,015	181.90%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Potential Superfund Sites to be Assessed was above projections for FY 2009. This measure reflects future work to be conducted in the program. The number of sites reported by this measure reflects sites that have not undergone an assessment for Superfund program eligibility, and includes new referrals into the program from EPA, TCEQ, and other state agencies. The program has limited control over the number of sites referred to the program for assessment. Furthermore, a Central Records audit was performed by the program identifying additional sites to be assessed that were not previously accounted for by the program.

Strategy 04-01-02: Hazardous Material Cleanup

**Explanatory Measure 02:
Number of Federal Superfund Sites**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	58	59	101.72%

Variance Explanation:
MEETS PROJECTIONS
 Performance met projections. No variance explanation required.

**Explanatory Measure 03:
Number of State Superfund Sites**

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	120	96	80.00%

Variance Explanation:
BELOW PROJECTED LEVEL
 Performance for the Number of State Superfund Sites was below projections for FY 2009. This measure reports the number of state Superfund sites in Texas. State funding was not available to conduct sampling at some sites to determine Superfund eligibility and those that were sampled did not meet state Superfund eligibility. In addition, the federally funded sites that were assessed also did not meet state Superfund eligibility criteria. At this time, the Environmental Protection Agency (EPA) is currently reviewing one site expected to be referred back to the state Superfund program. Currently, eight additional Hazard Ranking System (HRS) packages are in progress. If funding is available, these eight sites may be considered for state Superfund eligibility during FY 2010.

Strategy 04-01-02: Hazardous Material Cleanup

Explanatory Measure 04:

Number of Dry Cleaner Remediation Program (DCRP) Eligible Sites

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	174	173	99.43%

Variance Explanation:
MEETS PROJECTIONS
Performance met projections. No variance explanation required.

Goal 05-01: River Compact Commissions

Outcome 01:

The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Canadian River Compact (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	100.00%	30.20%	30.20%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percent of Quality Water received was below projections for FY 2009. This measure reports the extent to which Texas receives its share of water as apportioned by the Canadian River compact. The acre-feet of quality water received by Texas from the Canadian River was less than normal due to below average precipitation in the Canadian River watershed of New Mexico. New Mexico was in compliance with the Compact.

Outcome 02:

The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Pecos River Compact (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	100.00%	258.00%	258.00%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Percent of Quality Water received was above projections for FY 2009. This measure reports the extent to which Texas receives its share of water as apportioned by the Compact. The acre-feet of quality water received by Texas from the Pecos River was higher than projected due to New Mexico's credits accumulated under the Compact. New Mexico was in compliance with the Compact.

Outcome 03:

The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Red River Compact (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	100.00%	100.00%	100.00%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Goal 05-01: River Compact Commissions

Outcome 04:

The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Rio Grande River Compact (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	100.00%	116%	115.50%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for The Percent of Quality Water received was above projections for FY 2009. This measure reports the extent to which Texas receives its share of water as apportioned by the compact. The acre-feet of quality water received by Texas from the Rio Grande was higher than projected due to New Mexico's credits accumulated under the Compact. New Mexico was in compliance with the Compact.

Outcome 05:

The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Sabine River Compact (Key)

	Projected	Actual	Percent of Annual Projection Attained
Total Performance	100.00%	87.30%	87.30%

Variance Explanation:

BELOW PROJECTED LEVEL

The Percentage of Sabine Water Received was below the projected level for FY 09. The percentage of water diverted was lower than projected due to lower demands for water for industrial use. The industrial users required less water for cooling purposes than projected primarily because of operation changes.

Historically Underutilized Business Program

Output Measure 01:

Percentage of Professional Services Going to Historically Underutilized Businesses

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	20.00%	3.00%	15.00%
2nd Quarter	20.00%	5.00%	25.00%
3rd Quarter	20.00%	9.10%	45.50%
4th Quarter	20.00%	9.60%	48.00%
Total Performance	20.00%	9.60%	48.00%

Variance Explanation:

BELOW PROJECTED LEVEL

The performance for the Percentage of Professional Services Going to Historically Underutilized Businesses (HUBs) was below projected levels. The agency was not able to meet projected goals because: a major HUB subcontractor lost its HUB certification and is not eligible to renew; and the agency received many invoices from FY 08 Hurricane Ike Remediation that affected the HUB expenditure base.

Output Measure 02:

Percentage of Other Services Awarded to Historically Underutilized Businesses

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	33.00%	38.30%	116.06%
2nd Quarter	33.00%	33.80%	102.42%
3rd Quarter	33.00%	36.60%	110.91%
4th Quarter	33.00%	36.70%	111.21%
Total Performance	33.00%	36.70%	111.21%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the percentage of Other Services awarded to Historically Underutilized Businesses (HUBs) was above projections for the 4th quarter of FY 09. The agency exceeded this target because the Office of Administrative Services Information Resources Division was able to award a large portion of their contracts to HUBs and because other Offices also used HUB vendors when possible.

Historically Underutilized Business Program

Output Measure 03:

Percentage of Commodity Purchasing Awarded to Historically Underutilized Businesses

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	12.60%	49.20%	390.48%
2nd Quarter	12.60%	30.40%	241.27%
3rd Quarter	12.60%	34.00%	269.84%
4th Quarter	12.60%	31.50%	250.00%
Total Performance	12.60%	31.50%	250.00%

Variance Explanation:

ABOVE PROJECTED LEVEL.
 The Percentage of Commodity Purchasing Awarded to Historically Underutilized Businesses (HUBs) was above projections for FY 2009. The TCEQ has successfully focused efforts on identifying HUB vendors in this area.