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April 2009
SFR-055/09-02

Second Quarter Report on Performance Measures

Fiscal Year 2009

Second Quarter Report on Performance Measures Fiscal Year 2009

Prepared by
Budget & Planning Division – Strategic Planning & Assessment

SFR-055/09-02
April 2009



Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*

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

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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.

Strategy 01-01-01: Air Quality Assessment Planning

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	500	427	21.35%
2 nd Quarter	500	496	24.80%
3 rd Quarter	500	0	0.00%
4 th Quarter	500	0	0.00%
Total Performance	2,000	923	46.15%

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

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	625	409	16.36%
2 nd Quarter	625	762	30.48%
3 rd Quarter	625		0.00%
4 th Quarter	625		0.00%
Total Performance	2,500	1,171	46.84%

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

Strategy 01-01-01: Air Quality Assessment Planning

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	312.50	84	6.72%
2 nd Quarter	312.50	279	22.32%
3 rd Quarter	312.50		0.00%
4 th Quarter	312.50		0.00%
Total Performance	1,250	363	29.04%

Variance Explanation:

BELOW PROJECTED LEVEL

Year to date performance is below projected level. This measure depicts the number of on-road mobile source/transportation related scenarios evaluated by the Air Quality Division. On-road mobile sources include vehicles used on roads for transportation of passengers or freight for which emissions are estimated in tons of emissions per year and tons per ozone season average weekday. The year to date performance is below the projected performance because on-road mobile source staff was supporting research efforts for State Implementation Plan (SIP) development including: airport emissions inventory work for the Houston-Galveston-Brazoria (HGB) Attainment Demonstration SIP, SIP development technical support and project management of contracted activities in the first quarter. The quarterly variance is typical and is not expected to affect the cumulative annual performance for this measure.

Strategy 01-01-01: Air Quality Assessment Planning

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	516.50	205	9.92%
2 nd Quarter	516.50	1,604	77.64%
3 rd Quarter	516.50		0.00%
4 th Quarter	516.50		0.00%
Total Performance	2,066	1,809	87.56%

Variance Explanation:

ABOVE PROJECTED LEVEL

Year to date performance is above projected levels. The measure reflects the number of non-road mobile source emission inventories developed for specific analysis years needed for State Implementation Plan (SIP) development and other analyses. The data is collected at the county level. Non-road mobile sources comprise a very significant source of air emissions. Emissions from these sources are included in strategies associated with non-attainment area State Implementation Plans. During the second quarter, the non-road mobile source staff was performing several non-road model runs for the Rate of Further Progress (RFP) SIP and Attainment Demonstration SIP. Unlike previous RFP SIPs, the one under development required running controlled and uncontrolled model runs for multiple years. A relatively low number of assessments are anticipated for the third quarter. The quarterly variance is typical and is not expected to affect the cumulative annual performance for this measure.

Output Measure 05:
Number of Air Monitors Operated

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	610	592	97.05%
2 nd Quarter	610	595	97.54%
3 rd Quarter	610		0.00%
4 th Quarter	610		0.00%
Total Performance	610	595	97.54%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 01-01-01: Air Quality Assessment Planning

Output Measure 06:

Tons of NOx Reduced through the Texas Emissions Reduction Plan (TERP) (Key)

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	7,329.5	7,775	26.52%
2 nd Quarter	7,329.5	4,967	16.94%
3 rd Quarter	7,329.5		0.00%
4 th Quarter	7,329.5		0.00%
Total Performance	29,318	12,742	43.46%

Variance Explanation:

BELOW PROJECTED LEVEL

The tons of NOx reduced through TERP were below projections through the second quarter. This measure shows the amount of NOx emissions projected to be reduced through projects funded by TERP incentive grants. The second quarter performance reflects the projected tons of NOx emission reductions for \$44 million in grant funding issued this quarter. This represents approximately 30 percent of the FY 2009 appropriated funds. The second quarter performance is less than the projected performance because the average cost per ton of the projects funded is higher than the original \$5,000 per ton projection. 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. Based on results to date and an expected average cost per ton for the year of approximately \$7,000, the total yearly performance will probably be about 21,000 tons.

Output Measure 07:

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	5,000	2,661	13.31%
2 nd Quarter	5,000	5,033	25.17%
3 rd Quarter	5,000		0.00%
4 th Quarter	5,000		0.00%
Total Performance	20,000	7,694	38.47%

Variance Explanation:

BELOW PROJECTED LEVEL

The total number of vehicles repaired or replaced through the LIRAP for the second quarter of FY 2009 was below the projected performance. This measure determines the number of vehicle repairs and replacements that have taken place in the program for the five county Houston/Galveston/Brazoria HGB) area, nine county Dallas Fort Worth (DFW) area, and two county Austin area. The number of vehicles repaired or replaced nearly doubled in the second quarter over the performance of the first quarter. The HGB area reported 1,989 vehicles repaired or replaced. The DFW area reported 2,767 vehicles repaired or replaced. The Austin area reported 277 vehicles repaired or replaced. The total vehicles repaired or replaced for this quarter was reported at 5,033, a 89.1% increase over last quarter (2,661). The 16-counties reported a year to date participation total of 7,694, or 38.47% of the 20,000 projected units. The program is continuing to work with local programs to increase participation.

Strategy 01-01-01: Air Quality Assessment Planning

**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		0.00%
4th Quarter	16		0.00%
Total Performance	64	34	53.13%

Variance Explanation:
 MEETS PROJECTIONS
 Year to date performance met projections. No variance explanation required.

**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%		0.00%
4th Quarter	90%		0.00%
Annual Target	90%	93%	103.33%

Variance Explanation:
 MEETS PROJECTIONS
 Year to date performance met projections. No variance explanation required.

Strategy 01-01-01: Air Quality Assessment Planning

**Efficiency Measure 02:
Average Cost Per Air Quality Assessment**

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	\$370	\$487	131.62%
2 nd Quarter	\$370	\$170	45.95%
3 rd Quarter	\$370		0.00%
4 th Quarter	\$370		0.00%
Annual Target	\$370	\$328.50	88.78%

Variance Explanation:

BELOW PROJECTED LEVEL

The Average Cost Per Air Quality Assessment was below projections as of the second 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 overall number of air quality assessments completed in the first quarter was higher than projected resulting in a lower cost per assessment. The quarterly variance is typical and is not expected to affect the annual performance for this measure.

**Efficiency Measure 03:
Average Cost of LIRAP Vehicle Emissions Repairs/Retrofits (Key)**

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	\$525	\$496.53	94.58%
2 nd Quarter	\$525	\$515.92	98.27%
3 rd Quarter	\$525		0.00%
4 th Quarter	\$525		0.00%
Annual Target	\$525	\$509.37	97.02%

Variance Explanation:

MEETS PROJECTIONS

Year to date performance met projections. No variance explanation required.

Strategy 01-01-01: Air Quality Assessment Planning

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		0.00%
4th Quarter	\$5,000		0.00%
Annual Target	\$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) exceeded projections as of the second quarter 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. The higher average cost per ton is expected to further continue the tremendous interest in the program. It is also expected that the final average cost per ton for the fiscal year will be around \$7,000.

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	.50	50.00%
3rd Quarter	1		0.00%
4th Quarter	1		0.00%
Annual Target	1	0.50	50.00%

Variance Explanation:

BELOW PROJECTED LEVEL

The Average Number of Days to Review a Grant Proposal was below projections for the first and second quarters of 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 opened a large grant round during the 1st quarter of FY 2009 but the grant round did not close until the second quarter of FY 2009. TERC's Research Management Organization, the Houston Advanced Research Council (HARC) reviewed the applications for one large grant round in second quarter FY 2009. HARC staff reviewed 34 applications in 17 days for an average review time of 1/2 day. Being below the projected level 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		0.00%
4th Quarter	29.75		0.00%
Total Performance	119	23	19.33%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Surface Water Assessments was below projections for the first and second quarters of FY 2009. This measure quantifies the surface water quality assessment activities of the agency. Assessment of water quality is 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. Most Receiving Water Assessments (RWAs) are scheduled for the hotter, drier months as needed for an accurate assessment. The RWA projection will be met for the year. Field sampling to support special studies is also performed primarily during the warmer part of the year when the aquatic systems are most responsive to environmental conditions; therefore, most special study assessments will not be completed until the fourth quarter. The Water Body System and 303(d) updates are scheduled for the third quarter. Clean River Assessments are due in the third and fourth quarters. The Clean Water Act Annual Report will be completed in the third quarter.

**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		0.00%
4th Quarter	15		0.00%
Total Performance	60	19	31.67%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Groundwater Assessments was below projections for the first and second quarters of FY 2009. This measure counts the number of reports completed which evaluate environmental or programmatic data related to groundwater quality or quantity issues. This level of performance is the norm for the first and second quarters as most of the assessments are long term projects and are either regional studies requiring four months or longer of preparation or ongoing tasks where data or the number of coordination activities are compiled at the end of the year. Most of these assessments are anticipated for fourth quarter completion. As the fiscal year progresses, performance will improve when compared to projections, but will likely not meet the projection until the fourth quarter when all assessments should be completed.

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

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	107.5	171	39.77%
2 nd Quarter	107.5	147	34.19%
3 rd Quarter	107.5		0.00%
4 th Quarter	107.5		0.00%
Total Performance	430	318	73.95%

Variance Explanation:
ABOVE PROJECTED LEVEL
 Performance for the Number of Dam Safety Assessments was above projections for the end of the second quarter 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
1 st Quarter	\$1,200	\$632	52.67%
2 nd Quarter	\$1,200	\$624	52.00%
3 rd Quarter	\$1,200		0.00%
4 th Quarter	\$1,200		0.00%
Annual Target	\$1,200	\$628	52.33%

Variance Explanation:
BELOW PROJECTED LEVEL
 Performance for the Average Cost Per Dam Safety Assessment was below projections for the first and second quarters of FY 2009. This measure reports the average cost for each dam safety assessment performed by TCEQ staff. Average cost figures vary considerably due to the number and complexity of assessments performed. The desired performance for this measure is to be lower than projections.

Strategy 01-01-03: Waste Assessment and Planning

Output Measure 01:

Number of Municipal Solid Waste Facility Capacity Assessments (Key)

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	62.50	93 7	2.80%
2 nd Quarter	62.50	35	14.00%
3 rd Quarter	62.50		0.00%
4 th Quarter	62.50		0.00%
Total Performance	250	42	16.80%

NOTE: The number of municipal solid waste facility capacity assessments for the first quarter has been adjusted to align performance with the method of calculation in the definition for this performance measure. Original submission incorrectly based performance on receipt of assessments instead of assessments completed.

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of Municipal Solid Waste Facility Capacity Assessments was below projections for the second quarter. This measure reflects efforts to gather current and accurate landfill capacity data to assist in the development of regional solid waste management plans. This information is critical in determining whether sufficient disposal capacity exists to manage the quantity of municipal solid waste generated in the state. This measure is based on the number of Municipal Solid Waste Annual Waste Summaries received, reviewed, and processed by the TCEQ. Over the course of two years, the TCEQ has automated the processing of Annual Waste Summaries and encouraged facilities to submit their reports electronically. All the reports for the first quarter were submitted electronically thereby eliminating the need for the data to be entered into the database. While 80% of the assessments have been received by TCEQ, only 16.8% have been completely processed. This is because staff was asked to respond to an industry request and took the time to better organize the requested data so that it could be accessed more efficiently. This took time away from the processing of assessments. It is anticipated that all 250 assessments will be completely processed by the end of the fourth quarter.

Efficiency Measure 01:

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	\$35	\$8.12 \$35	100.00%
2 nd Quarter	\$35	\$35	100.00%
3 rd Quarter	\$35		0.00%
4 th Quarter	\$35		0.00%
Annual Target	\$35	\$35	100.00%

NOTE: First quarter cost was revised to take into consideration the full cost per report processed. Original first quarter submission was based on the number of assessments received instead of number of assessments completed.

Variance Explanation:

MEETS PROJECTIONS

Year to date performance met projections. No variance explanation required.

Strategy 01-02-01: Waste Assessment and Planning

Output Measure 01:

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	1,500	1,347	22.45%
2 nd Quarter	1,500	1,243	20.72%
3 rd Quarter	1,500		0.00%
4 th Quarter	1,500		0.00%
Total Performance	6,000	2,590	43.17%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of State and Federal New Source Air Quality Permit Applications Reviewed was below projections for the second quarter 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. Initial reviews for the refineries have taken much longer than anticipated due to significant technical issues. Permit reviewers are behind in the review of the refinery projects from last fiscal year, 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. The division does not expect to meet the annual projected target.

Output Measure 02:

Number of Federal Air Quality Operating Permits Reviewed (Key)

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	275	263	23.91%
2 nd Quarter	275	290	26.36%
3 rd Quarter	275		0.00%
4 th Quarter	275		0.00%
Total Performance	1,100	553	50.27%

Variance Explanation:

MEETS PROJECTIONS

Year to date performance met projections. No variance explanation required.

Strategy 01-02-01: Waste Assessment and Planning

**Output Measure 03:
Number of Emissions Banking and Trading Transaction Applications Reviewed**

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	250	231 238	23.10%
2nd Quarter	250	288	52.60%
3rd Quarter	250		0.00%
4th Quarter	250		0.00%
Total Performance	1,000	526	52.60%

Variance Explanation:
MEETS PROJECTIONS
Year to date performance met projections. No variance explanation required.

NOTE: First quarter number is revised to include applications that were in review in the first quarter but were not closed in the database until pending issues were resolved.

Strategy 01-02-02: Water Resource Permitting

Output Measure 01:

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	4,539.50	2,801	15.43%
2 nd Quarter	4,539.50	2,282	12.57%
3 rd Quarter	4,539.50		0.00%
4 th Quarter	4,539.50		0.00%
Total Performance	18,158	5,083	27.99%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of Applications to Address Water Quality Impacts Reviewed was below projections for the second quarter of 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 the first two quarters was 3,961, which is less than the projected 7,500. A review of the submittal for the first two quarters of FY 2009 as compared to the average numbers for the last three fiscal years showed a decrease in the submittal rate by greater than 50%. The Water Quality Division believes this is due to the economy and a slow down in new construction in the state. Submittal rates for the remainder of the fiscal year are anticipated to be below projections.

Output Measure 02:

Number of Applications to Address Water Rights Impacts Reviewed

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	148.75	96	16.13%
2 nd Quarter	148.75	105	17.65%
3 rd Quarter	148.75		0.00%
4 th Quarter	148.75		0.00%
Total Performance	595	201	33.78%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Applications to Address Water Rights Impacts Reviewed was below projections at the end of the second quarter. This measure tracks the number of water use applications, changes of ownership, and water supply contracts processed. Agency performance for this measure is below projected levels largely because the number of applications subjected to Water Rights Amendment Notice review has increased based on a decision in a recent court case. This means that many water use applications take longer (300 days as compared to 180 days) to process under a more stringent analysis, resulting in fewer completed reviews.

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		0.00%
4th Quarter	22.5		0.00%
Total Performance	90	77	85.56%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Concentrated Animal Feeding Operation (CAFO) Authorizations Reviewed is above projections for the second quarter of FY 2009. This measure counts the number of 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 number of existing NOIs received was larger than expected. The number of CAFO Individual Permits filed with the Chief Clerk's Office was also larger than expected as a result of a Water Quality Division initiative to complete the technical review of individual permits located in the Bosque watershed. The Water Quality Division anticipates meeting this measure for FY 2009.

Strategy 01-02-03: Waste Management and Permitting

Output Measure 01:
Number of New System Waste Evaluation Conducted

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	142.50	142	24.91%
2 nd Quarter	142.50	124	21.75%
3 rd Quarter	142.50		0.00%
4 th Quarter	142.50		0.00%
Total Performance	570	266	46.67%

Variance Explanation:
MEETS PROJECTIONS
Year to date performance met projections. No variance explanation required.

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	59	59	25.00%
2 nd Quarter	59	51	21.61%
3 rd Quarter	59		0.00%
4 th Quarter	59		0.00%
Total Performance	236	110	46.61%

Variance Explanation:
MEETS PROJECTIONS
Year to date performance met projections. No variance explanation required.

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
1 st Quarter	40	40	25.00%
2 nd Quarter	40	45	28.13%
3 rd Quarter	40		0.00%
4 th Quarter	40		0.00%
Total Performance	160	85	53.13%

Variance Explanation:

MEETS PROJECTIONS

Year to date 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
1 st Quarter	5,750	5,523	24.01%
2 nd Quarter	5,750	6,034	26.23%
3 rd Quarter	5,750		0.00%
4 th Quarter	5,750		0.00%
Total Performance	23,000	11,557	50.25%

Variance Explanation:
MEETS PROJECTIONS
Year to date performance met projections. No variance explanation required.

Output Measure 02: Number of Examinations Administered (Key)

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	2,625	2,335	22.24%
2 nd Quarter	2,625	2,397	22.83%
3 rd Quarter	2,625		0.00%
4 th Quarter	2,625		0.00%
Total Performance	10,500	4,732	45.07%

Variance Explanation:
MEETS PROJECTIONS
Year to date 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	23.06%
2nd Quarter	5,500	5,191	23.60%
3rd Quarter	5,500		0.00%
4th Quarter	5,500		0.00%
Total Performance	22,000	10,265	46.66%

Variance Explanation:
MEETS PROJECTIONS
 Year to date performance met projections. No variance explanation required.

**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		0.00%
4th Quarter	\$18		0.00%
Annual Target	\$18	\$19.48	108.22%

Variance Explanation:
ABOVE PROJECTED LEVELS
 Performance for the Average Annualized Cost Per License and Registration was above projections through the second quarter of 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 increase in operating budget to cover the 2% legislative approved salary increases in FY 2008 – FY 2009, and the FY 2008 approved salary actions. Based on this, the projected annualized cost per license/registration will be exceeded for the remaining quarters as well.

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
1 st Quarter	6,200	6,485	104.60%
2 nd Quarter	6,200	6,525	105.24%
3 rd Quarter	6,200		0.00%
4 th Quarter	6,200		0.00%
Total Performance	6,200	6,525	105.24%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Public Drinking Water Systems which Meet Primary Drinking Water Standards was above projected levels. This measure reports the total number of all public water systems which have not had maximum contaminant level (MCL) or micro violations during the quarter. Performance is above projections due to a higher compliance rate with the Disinfection By-Product Rule and the Total Coliform Rule. As anticipated, this performance was attributed to normal fluctuations in the seasonality of required sampling at public water systems.

Output Measure 02:

Number of Drinking Water Samples Collected (Key)

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	9,012.75	9,641	26.74%
2 nd Quarter	9,012.75	9,944	27.58%
3 rd Quarter	9,012.75		0.00%
4 th Quarter	9,012.75		0.00%
Total Performance	36,051	19,585	54.33%

Variance Explanation:

MEETS PROJECTIONS

Year to date performance met projections. No variance explanation required.

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		0.00%
4th Quarter	20		0.00%
Total Performance	80	67	83.75%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Utility Rate Reviews Performed is above projected levels for the year. 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 has increased over the past six months by water and/or sewer utilities. 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. 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		0.00%
4th Quarter	137.5		0.00%
Total Performance	550	434	78.91%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of District Applications Processed was above projected levels for the year. This measure represents the number of water district applications submitted for Commission approval. The number of applications processed in the first two quarters was above the projection due to extra effort by staff to reduce the number of applications in backlog. The backlog reduction effort covered the period September 1 - December 31, 2008, which will effect the variance for the entire fiscal year.

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		0.00%
4th Quarter	56.25		0.00%
Total Performance	225	156	69.33%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Certificate of Convenience and Necessity (CCN) Applications Processed was above projections through the second quarter of FY 2009. This measure reflects the number of applications received and processed by agency staff and either approved, dismissed, referred to legal staff as a contested matter, or withdrawn by the applicant within the reporting period. This 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.

Strategy 03-01-01: Field Inspections and Complaints

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	3,250	2,678	24.35%
2 nd Quarter	3,250	2,745	24.95%
3 rd Quarter	3,250		0.00%
4 th Quarter	3,250		0.00%
Total Performance	11,000	5,423	49.30%

<p><u>Variance Explanation:</u> MEETS PROJECTIONS Year to date performance met projections. No variance explanation required.</p>
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Output Measure 02:
Number of Inspections and Investigations of Water Rights Sites (Key)

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	8,500	6,762	19.89%
2 nd Quarter	8,500	10,001	29.41%
3 rd Quarter	8,500		0.00%
4 th Quarter	8,500		0.00%
Total Performance	34,000	16,763	49.30%

<p><u>Variance Explanation:</u> MEETS PROJECTIONS Year to date performance met projections. No variance explanation required.</p>
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Strategy 03-01-01: Field Inspections and Complaints

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		0.00%
4th Quarter	2,200		0.00%
Total Performance	8,800	3,406	38.70%

Variance Explanation:

BELOW PROJECTED LEVELS

Performance for the Number of Water Sites and Facilities Investigated is below projections through the second quarter of 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. An increase in the number of inspections is expected during the third and fourth quarters.

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		0.00%
4th Quarter	100		0.00%
Total Performance	400	219	54.75%

Variance Explanation:

MEETS PROJECTIONS

Year to date performance met projections. No variance explanation required.

Strategy 03-01-01: Field Inspections and Complaints

**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		0.00%
4th Quarter	1,839.50		0.00%
Total Performance	7,358	3,127	42.50%

Variance Explanation:
BELOW PROJECTED LEVELS
 Performance for the Number of Waste Sites Investigated is below projections for the second quarter of 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. An increase in the number of inspections is expected during the third and fourth quarters.

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

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	162.5	90	13.85%
2nd Quarter	162.5	79	12.15%
3rd Quarter	162.5		0.00%
4th Quarter	162.5		0.00%
Total Performance	650	169	26.00%

Variance Explanation:
BELOW PROJECTED LEVELS
 Performance for the Number of Spill Cleanup Inspections is below projections through the end of the second quarter 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 Complaints

Efficiency Measure 01:

Average Inspection and Investigation Cost of Livestock and Poultry Operations

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	\$770	\$678	88.05%
2 nd Quarter	\$770	\$740	96.10%
3 rd Quarter	\$770		0.00%
4 th Quarter	\$770		0.00%
Annual Target	\$770	\$718	93.25%

Variance Explanation:

BELOW PROJECTED LEVELS

The Average Inspection and Investigation Cost of Livestock and Poultry Operations was below projected cost through the second 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 inspections/investigations, and other compliance inspections and complaint investigations for livestock and poultry operations completed during the reporting period. 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. The desired performance is to be at or below projected average cost for the quarter and year to date costs.

Efficiency Measure 02:

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

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	35	30.3	86.57%
2 nd Quarter	35	29.4	84.00%
3 rd Quarter	35		0.00%
4 th Quarter	35		0.00%
Annual Target	35	29.4	84.00%

Variance Explanation:

BELOW PROJECTED LEVELS

Performance for the Average Time (days) from Air, Water, and Waste Inspections to Report Completion was below projections through the second quarter of 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. Field Operations Support Division (FOSD) 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 03-01-02: 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		0.00%
4th Quarter	300		0.00%
Total Performance	300	266	88.67%

Variance Explanation:
BELOW PROJECTED LEVELS
 Performance for the Number of Environmental Laboratories Accredited was below projections through the second quarter 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 applications received is lower than projected. Performance is projected to increase in the next quarter as nine applications were in progress at the close of the quarter.

**Output Measure 02:
Number of Small Businesses 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	81.44%
3rd Quarter	13,500		0.00%
4th Quarter	13,500		0.00%
Total Performance	54,000	43,979	81.44%

Variance Explanation:
ABOVE PROJECTED LEVEL
 Performance for the Number of Small Businesses and Local Governments Assisted was above projections through the second quarter 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 expectations due primarily to targeted outreach to businesses impacted by new federal air rules associated with the National Emissions Standards for Hazardous Air Pollutants (NESHAP). Performance was also exceeded due to outreach activities directed to wastewater and dry cleaning facilities, and outdoor burning. Performance is anticipated to continue to exceed goals.

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	97.14%
2nd Quarter	70	65	92.86%
3rd Quarter	70		0.00%
4th Quarter	70		0.00%
Annual Target	70	65	92.86%

Variance Explanation:

BELOW PROJECTED LEVELS

Performance for the Average Number of Days to File an Initial Settlement Offer was below projections through the second quarter of 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. For this type of measure, performance below the target level reflects positively on agency efforts to expedite cases. The agency anticipates performing below projections for the remainder of the year.

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 Environmental Management Systems Conducted

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	62.5	78	31.20%
2 nd Quarter	62.5	46	18.40%
3 rd Quarter	62.5		0.00%
4 th Quarter	62.5		0.00%
Total Performance	250	124	49.60%

Variance Explanation:

MEETS PROJECTIONS

Year to date performance met projections. No variance explanation required.

Output Measure 02:

Number of Entities Participating in Voluntary Programs

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	240	195	81.25%
2 nd Quarter	240	184	76.67%
3 rd Quarter	240		0.00%
4 th Quarter	240		0.00%
Total Performance	240	184	76.67%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Entities Participating in Voluntary Programs was below projections through the second quarter of FY 2009. Increased marketing and public outreach will continue in an effort to increase participation in these programs and future performance is expected to reach the projected performance of 240.

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
1 st Quarter	8.25	0.0	0.0%
2 nd Quarter	8.25	38.5	116.7%
3 rd Quarter	8.25		0.0%
4 th Quarter	8.25		0.0%
Total Performance	33	38.5	116.70%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Quarts of Used Oil Diverted from Landfills and Processed (in millions) was above projections as of the second quarter of FY 2009. 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 year's 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
1 st Quarter	\$600	\$526.52	87.75%
2 nd Quarter	\$600	\$483.16	80.53%
3 rd Quarter	\$600		0.00%
4 th Quarter	\$600		0.00%
Annual Target	\$600	\$506.28	84.38%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Cost Per On-Site Technical Assistance Visit was below projected costs through the second quarter of 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, which has reduced travel costs. Future performance is expected to remain near \$600.

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
1 st Quarter	4,125	3,342	20.25%
2 nd Quarter	4,125	4,217	25.56%
3 rd Quarter	4,125		0.00%
4 th Quarter	4,125		0.00%
Total Performance	16,500	7,559	45.81%

Variance Explanation:
 MEETS PROJECTIONS
 Year to date 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
1 st Quarter	4	3	18.75%
2 nd Quarter	4	4	25.00%
3 rd Quarter	4		0.00%
4 th Quarter	4		0.00%
Total Performance	16	7	43.75%

Variance Explanation:
 BELOW PROJECTED LEVEL
 Performance for the Number of Emergency Response Actions at Petroleum Storage Tank Sites was below projections through the second reporting quarter. This measure reports the number of sites to which a state lead contractor is dispatched to address an immediate threat to human health or safety. This is an on-demand activity. Fluctuations in performance are likely to occur due to the unpredictable number of sites requiring emergency responses.

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
1 st Quarter	700	569	20.32%
2 nd Quarter	700	348	12.43%
3 rd Quarter	700		0.00%
4 th Quarter	700		0.00%
Total Performance	2,800	917	32.75%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of Petroleum Storage Tank Reimbursement Fund Applications received and processed was below projections through the second quarter of 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
1 st Quarter	50	116	58.00%
2 nd Quarter	50	103	51.50%
3 rd Quarter	50		0.00%
4 th Quarter	50		0.00%
Total Performance	200	219	109.50%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Petroleum Storage Tank Cleanups Completed was above the projection for the second quarter and the overall FY 2009 performance. 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.

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
1 st Quarter	30	22.2	74.00%
2 nd Quarter	30	22.8	76.00%
3 rd Quarter	30		0.00%
4 th Quarter	30		0.00%
Annual Target	30	22.5	75.00%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Time (days) to Review and Respond to Remedial Action Plans was below projections through the second quarter of 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
1 st Quarter	30	23.1	77.00%
2 nd Quarter	30	23.6	78.67%
3 rd Quarter	30		0.00%
4 th Quarter	30		0.00%
Annual Target	30	22.5	75.00%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Time (days) to Review and Respond to Risk-Based Site Assessments was below projections through the second quarter of 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		0.00%
4th Quarter	90		0.00%
Annual Target	90	34	37.78%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for 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.

Strategy 04-01-02: Hazardous Materials 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		0.00%
4th Quarter	1.25		0.00%
Total Performance	5	0	0.00%

Variance Explanation:
 BELOW PROJECTED LEVEL
 Performance for the Number of Immediate Response Actions Completed to Protect Human Health and the Environment was below projections through the second quarter of FY 2009. Response action completions are not expected to be evenly distributed over each reporting quarter. The number of response actions is expected to meet the projected level by the end of the fiscal year. Four response actions were underway during the second quarter.

**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		0.00%
4th Quarter	18		0.00%
Total Performance	72	45	62.50%

Variance Explanation:
 ABOVE PROJECTED LEVELS
 The performance for the Number of Superfund Site Assessments was above projections for second reporting quarter of FY 2009. This measure provides an indication of the Remediation Division's efforts to prioritize and assess sites under Superfund program eligibility criteria. Resources diverted to addressing the impact of Hurricane Ike were diverted back to conducting Superfund site assessments. The program expects to meet the projected target by fiscal year end.

Strategy 04-01-02: Hazardous Materials Cleanup

Output Measure 03:

Number of Voluntary and Brownfield Cleanups Completed (Key)

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	20	25	31.25%
2 nd Quarter	20	28	35.00%
3 rd Quarter	20		0.00%
4 th Quarter	20		0.00%
Total Performance	80	53	66.25%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Voluntary and Brownfield Cleanups Completed was above projections through the second quarter of FY 2009 due to applicants submitting technical documents and other program related documents in a timely manner. The Voluntary Cleanup Program anticipates meeting the projected target for FY 2009.

Output Measure 04:

Number of Superfund sites in Texas Undergoing Evaluation and Cleanup (Key)

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	73	47	64.38%
2 nd Quarter	73	48	65.75%
3 rd Quarter	73		0.00%
4 th Quarter	73		0.00%
Total Performance	73	48	65.75%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Superfund Sites in Texas Undergoing Evaluation and Cleanup was below projections through the second quarter FY 2009. This measure reports the combined number of state and federal Superfund sites that are undergoing evaluation and/or cleanup. Over the past two years, the EPA has had problems with obtaining funding for starting the evaluation process for new sites. Should these funding limitations continue, it is anticipated that this measure will not be met. Also, fewer sites were added to the Texas Register and the National Priority List than originally projected because many assessed sites did not meet Superfund program eligibility criteria. One new site was added to the measure during the second quarter.

Strategy 04-01-02: Hazardous Materials 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	0.00%
3rd Quarter	1		0.00%
4th Quarter	1		0.00%
Total Performance	4	1	25.00%

Variance Explanation:
 BELOW PROJECTED LEVEL
 Performance for the Number of Superfund Cleanups Completed is below projections. There were no superfund cleanups completed during the second quarter of FY 2009. Cleanup completions are not expected to be evenly distributed over each reporting quarter. The number of cleanups completed is expected to meet the projected level by the end of the fiscal year.

**Output Measure 06:
Number of Dry Cleaner Remediation Program Applications 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		0.00%
4th Quarter	32		0.00%
Total Performance	32	14	43.75%

Variance Explanation:
 BELOW PROJECTED LEVEL
 Performance for the Number of Dry Cleaner Remediation Program Applications Site Assessments Initiated was below projections for the first and second quarters of FY 2009. This measure indicates the number of work orders issued to initiate Dry Cleaner Remediation Program (DCRP) site cleanups during the reporting period. New DCRP contracts are now in place and site assessments are being initiated on all eligible sites. The measure is expected to meet the projected level by the end of the fiscal year.

Strategy 04-01-02: Hazardous Materials 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		0.00%
4th Quarter	7.5		0.00%
Total Performance	30	20	66.67%

Variance Explanation:

ABOVE PROJECTED LEVELS

Year to date performance for the Number of Dry Cleaner Remediation Program Applications Received was above projected performance for both the first and second quarters. The agency has no control over the number of applications submitted, and the number submitted exceeded the amount expected. The agency processed all applications received within the mandated time frame of 90 days.

New 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		0.00%
4th Quarter	2		0.00%
Total Performance	8	3	37.50%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Dry Cleaner Site Cleanups Completed met the projections for the second quarter of FY 2009. This measure reflects the agency's efforts to clean up known eligible dry cleaning sites contaminated by dry cleaner solvents. The year to date performance is below projections because the number of cleanups was below projections for the first reporting quarter. Cleanup completions are not expected to be evenly distributed over each reporting quarter. The number of cleanups completed is expected to meet the projected level by the end of the fiscal year.

Strategy 04-01-02: Hazardous Materials 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		0.00%
4th Quarter	90		0.00%
Annual Target	90	39	43.33%

Variance Explanation:

BELOW PROJECTED LEVEL

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

Goal 05-01: Texas River Compacts

Pursuant to Rider 38 for the Texas Commission on Environmental Quality as specified in the General Appropriations Act of the 79th Legislature, the five River Compact Commissions have been incorporated into the budget structure of the TCEQ. Because the River Compact Commissions hold their official meetings in the third and fourth quarters of each fiscal year, there is no performance measure data available until the fourth quarter. Reporting for all performance measures for the River Compacts will be included in the fourth quarter performance measure report.

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	20.0%	3.00%	15.00%
2nd Quarter	20.0%	5.00%	25.00%
3rd Quarter	20.0%		0.00%
4th Quarter	20.0%		0.00%
Total Performance	20.0%	5.00%	25.00%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percentage of Professional Services going to Historically Underutilized Businesses (HUBs) was below projections for the second quarter FY 2009. The agency has taken the following actions to increase HUB performance: (1) continue to audit contracts on a monthly basis; (2) training will increase for contract managers to ensure compliance with the HUB subcontracting plan requirements.

Output Measure 02:

Percentage of Other Services Awarded to Historically Underutilized Businesses

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	33%	38.30%	116.06%
2nd Quarter	33%	33.80%	102.42%
3rd Quarter	33%		0.00%
4th Quarter	33%		0.00%
Total Performance	33%	33.80%	102.42%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Percentage of Other Services Awarded to Historically Underutilized Businesses (HUBs) was above projections for the second quarter FY 2009. The Office of Administrative Services (OAS) is taking the lead in actual expenditures to HUBs with over 78%.

Historically Underutilized Business Program

Output Measure 03:

Percentage of Commodity Purchasing Awarded to Historically Underutilized Businesses

	Projected	Actual	Percent of Annual Projection Attained
1 st Quarter	12.6%	49.20%	390.48%
2 nd Quarter	12.6%	30.40%	241.27%
3 rd Quarter	12.6%		0.00%
4 th Quarter	12.6%		0.00%
Total Performance	12.6%	30.40%	241.27%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Percentage of Commodity Purchasing Awarded to Historically Underutilized Businesses (HUBs) was above projections for the second quarter FY 2009. Every office in the agency is above projections.