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July 2009
SFR-055/09-03

Third Quarter Report on Performance Measures

Fiscal Year 2009

Third Quarter Report on Performance Measures Fiscal Year 2009

Prepared by
Budget & Planning Division – Strategic Planning & Assessment

SFR-055/09-03
July 2009



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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 and Planning

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	0	0.00%
Total Performance	2,000	1,349	67.45%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Point Source Air Quality Assessments is below projections at the end of the third quarter 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. Due to a delay of the distribution of the point source emissions inventories to the regulated industries, the remaining point source emissions inventories for the reporting year are expected to be received, reviewed, and entered into the STARS database during the fourth quarter. Performance in the fourth quarter is expected to be above the projected level, and the end of year projection for this measure is expected to 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	0	0.00%
Total Performance	2,500	1,417	56.68%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Area Source Air Quality Assessments is below projections at the end of the third quarter for FY 2009. This measure counts the number of area source category emissions inventories developed in each county in the State of Texas that have been reviewed and loaded into the Texas Air Emissions Repository (TexAER) database system. During the third quarter, the area source emissions inventory for Stage I and II gasoline refueling conducted in 246 counties was developed and loaded into TexAER in preparation for the development of the 2008 Area Source Periodic Emissions Inventory. The fourth quarter projection is expected to be above the projected level and the total performance is expected to be met.

Strategy 01-01-01: Air Quality Assessment and Planning

**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	0	0.00%
Total Performance	1,250	795	63.60%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Mobile Source Air Quality Assessments is below projections at the end of the third quarter for FY 2009. 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 during the first and second quarters, the 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. 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 and Planning

**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	0	0.00%
Total Performance	2,066	1,878	90.90%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Non-Road Mobile Source Air Quality Assessments is above projections at the end of the third quarter for FY 2009. 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. 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 was done in 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
1st Quarter	610	592	97.05%
2nd Quarter	610	595	97.54%
3rd Quarter	610	595	97.54%
4th Quarter	610	0	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 and Planning

Output Measure 06:

Tons of NOx Reduced through the Texas Emissions Reduction Plan (TERP) (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	0	0.00%
Total Performance	29,318	13,193	45.00%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Tons of NOx Reduced through the Texas Emissions Reduction Plan (TERP) is below projections at the end of the third quarter for FY 2009. This measure shows the amount of NOx emissions projected to be reduced through projects funded by TERP incentive grants. As in previous quarters, the average cost per ton of NOx reduced in the projects awarded is higher than original projections. Only Rebate projects were awarded in the third quarter, and cost per ton limits for Rebate projects is \$10,000. 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. 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
1st Quarter	5,000	2,661	13.31%
2nd Quarter	5,000	5,033	25.17%
3rd Quarter	5,000	5,110	25.55%
4th Quarter	5,000	0	0.00%
Total Performance	20,000	12,804	64.02%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Vehicles Repaired or Replaced through LIRAP is below projections at the end of the third quarter for 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 two county Austin area. The number of vehicles repaired or replaced nearly doubled in the second and third quarters over the performance of the first quarter. Local programs are continuing to experience an increase in applications and participation, and a substantial number of vouchers that were approved in the third quarter will not be spent until the fourth quarter. The program area does expect to meet the projected target. The HGB area reported 2,100 vehicles repaired or replaced. The DFW area reported 2,810 vehicles repaired or replaced. The Austin area reported 200 vehicles repaired or replaced. The 16-counties reported a year to date participation total of 12,804, or 64.02% of the 20,000 projected units. The agency is continuing to work with local programs to increase participation.

Strategy 01-01-01: Air Quality Assessment and 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	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 the third quarter for 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 their second large grant round during the third quarter of the fiscal year. TERC has no plans for additional grant rounds in the fourth quarter of the fiscal year, and performance by year end is expected to be the same.

**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%	0%	0.00%
Total Performance	90%	93%	103.33%

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

Strategy 01-01-01: Air Quality Assessment and Planning

**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	\$ 0	0.00%
Total Performance	\$ 370	\$ 345	93.15%

Variance Explanation:

BELOW PROJECTED LEVEL

The Average Cost Per Air Quality Assessment was below projections on an annual basis at the end of the third 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	\$ 497.80	94.82%
4th Quarter	\$ 525	\$ 0	0.00%
Total Performance	\$ 525	\$ 509.37	97.02%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 01-01-01: Air Quality Assessment and 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	\$ 9,868	197.36%
4th Quarter	\$ 5,000	\$ 0	0.00%
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 the third quarter for 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	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 third 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 opened a large grant round during the first quarter of FY 2009, but the grant round did not close until the second quarter. TERC's Research Management Organization, the Houston Advanced Research Council (HARC) reviewed the applications for a second large grant round in third quarter FY 2009. HARC staff reviewed 36 applications with an average review time of 1/2 day or less. Performance 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
1 st Quarter	29.75	21	17.65%
2 nd Quarter	29.75	2	1.68%
3 rd Quarter	29.75	37	31.09%
4 th Quarter	29.75	0	0.00%
Total Performance	119	60	50.42%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Surface Water Assessments was below projections at the end of the third quarter for FY 2009. This measure quantifies the 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. Most Receiving Water Assessments (RWAs) are scheduled for the hotter, drier months 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 be completed in the fourth quarter. The Water Body System and 303(d) update and the 319 Annual Report were completed in the third quarter. The remainder of the Clean River Assessments will be done in the fourth quarter. Water Quality Management Plans are updated quarterly and will be completed in the fourth quarter. For Total Maximum Daily Load (TMDL) projects, a new improved, streamlined, and cost effective approach to include use attainability analysis (UAA) work was implemented this fiscal year. Work on UAAs for 41 stream segments prior to conducting TMDL projects will ensure the appropriate water quality is assessed resulting in fewer TMDLs this fiscal year. Therefore, the projections for this measure will not be 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	0	0.00%
Total Performance	60	31	51.67%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Groundwater Assessments was below projections at the end of the third quarter for 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, second, and third 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
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	0	0.00%
Total Performance	430	458	106.51%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Dam Safety Assessments was above projections at the end of the third quarter for 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	\$ 0	0.00%
Total Performance	\$ 1,200	\$ 1,569	130.76%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Average Cost Per Dam Safety Assessment was above projections at the end of the third quarter for FY 2009. This measure reports the average cost for each dam safety assessment performed by TCEQ staff. During the third quarter, the Dam Safety Program received 4 new staff, and this has resulted in increased costs per assessment since new staff are being trained and have not yet completed many inspection reports. As new staff become more proficient and complete more assessments, the cost per assessment should decrease.

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
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	0	0.00%
Total Performance	250	246	98.40%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Municipal Solid Waste Facility Capacity Assessments was above projections at the end of the third quarter for FY 2009. 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. While 80% of the assessments were received by TCEQ in the second quarter, staff was able to complete the review and data entry of all but four assessments in the third quarter. 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
1st Quarter	\$ 35	\$ 35	100.00%
2nd Quarter	\$ 35	\$ 35	100.00%
3rd Quarter	\$ 35	\$ 35	100.00%
4th Quarter	\$ 35	\$ 0	0.00%
Total Performance	\$ 35	\$ 35	100.00%

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	21.96%
4th Quarter	1,500	0	0.00%
Total Performance	6,000	3,908	65.13%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of State and Federal New Source Air Quality Permit Applications Reviewed was below projections at the end of the third quarter 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. 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
1st Quarter	275	263	23.91%
2nd Quarter	275	290	26.36%
3rd Quarter	275	289	26.27%
4th Quarter	275	0	0.00%
Total Performance	1,100	842	76.54%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Strategy 01-02-01: Air Quality Permitting

Output Measure 03:

Number of Emissions Banking and Trading Transaction Applications Reviewed

	Projected	Actual	Percent of Annual Projection Attained
1st Quarter	250	238	23.80%
2nd Quarter	250	288 292	29.20%
3rd Quarter	250	471	47.10%
4th Quarter	250	0	0.00%
Total Performance	1,000	1,001	100.10%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Emissions Banking and Trading Transaction (EBT) Applications Reviewed is above projections at the end of the third quarter 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.

The performance of transaction applications reviewed for the previous quarters has been updated to reflect current data. The increase in transactions in the previous quarter is attributed to the time lag between when a project is closed and when this closure is recorded in the database.

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
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	0	0.00%
Total Performance	18,158	7,438	40.96%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of Applications to Address Water Quality Impacts Reviewed was below projections at the end of the third quarter 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 the first three quarters was 7,438, which is less than the projected target. A review of the submittal for the first three 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
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	0	0.00%
Total Performance	595	360	60.50%

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 third quarter for FY 2009. 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 due to the number of applications now subject to the commission-directed Water Rights Amendment Notice review. Previously, these types of water use applications would have been processed under the 180-day projected processing time, but are now being processed under the 300-day projected processing time. The Commission has directed staff to set these applications for agenda. The level of performance for this measure is expected to improve once the Commission has given final direction to staff on processing these types of applications.

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	0	0.00%
Total Performance	90	89	98.89%

Variance Explanation:

ABOVE PROJECTED LEVEL

The Number of Concentrated Animal Feeding Operation (CAFO) Authorizations Reviewed is above projections at the end of the third quarter for 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 and the number of CAFO Individual Permits filed with the Chief Clerk's Office was larger than expected in the first and second quarters as a result of a Water Quality Division initiative to complete the technical review of individual permits located in the Bosque watershed. During the third quarter, Water Quality was preparing for the renewal of general permits, which will begin in the fourth quarter. The agency anticipates meeting the projections for 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
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	0	0.00%
Total Performance	570	427	74.91%

Variance Explanation:
MEETS PROJECTIONS
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
1st Quarter	59	59	25.00%
2nd Quarter	59	51	21.61%
3rd Quarter	59	58	24.58%
4th Quarter	59	0	0.00%
Total Performance	236	168	71.19%

Variance Explanation:
MEETS PROJECTIONS
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
1st Quarter	40	40	25.00%
2nd Quarter	40	45	28.13%
3rd Quarter	40	38	23.75%
4th Quarter	40	0	0.00%
Total Performance	160	123	76.88%

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	0	0.00%
Total Performance	23,000	17,966	78.11%

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	0	0.00%
Total Performance	10,500	7,438	70.84%

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	23.06%
2nd Quarter	5,500	5,191	23.60%
3rd Quarter	5,500	5,560	25.27%
4th Quarter	5,500	0	0.00%
Total Performance	22,000	15,825	71.93%

Variance Explanation:
MEETS PROJECTIONS
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	\$ 19.38	107.67%
4th Quarter	\$ 18	\$ 0	0.00%
Total Performance	\$ 18	\$ 19.38	107.67%

Variance Explanation:
ABOVE PROJECTED LEVELS
Performance for the Average Annualized Cost Per License and Registration was above projections at the end of the third quarter 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 – FY 2009, and the FY 2008 approved salary actions. Based on these adjustments, the projected annualized cost per license/registration will be exceeded for the fourth quarter 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
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	0	0.00%
Total Performance	6,200	6,538	105.45%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Public Drinking Water Systems which Meet Primary Drinking Water Standards was above projections at the end of the third quarter for FY 2009. 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.

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	9,944 9,952	27.57%
3rd Quarter	9,012.75	12,711	35.26%
4th Quarter	9,012.75	0	0.00%
Total Performance	36,051	32,304	89.61%

Variance Explanation:

ABOVE PROJECTED LEVEL

Performance for the Number of Drinking Water Samples Collected is above projections at the end of the third quarter for FY 2009. The variance in the Number of Drinking Water Samples Collected results from expected and normal fluctuations in the samples collected due to seasonality factors. During the fall less sampling is required, and during the spring and summer, the need for sampling increases. In the spring, the need to sample for organic chemicals such as pesticides and herbicides increases. In the summer, the need for sampling of disinfection byproducts (DBP) increases. Adoption of the Stage 2 DBP rule has also increased the need for sampling.

An error in reporting second quarter performance was identified when gathering data for the third quarter performance. A form change led to incorrect reporting of samples collected by the regional offices, and the error has been addressed. The number above correctly reports the performance to date.

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	0	0.00%
Total Performance	80	105	131.25%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Utility Rate Reviews Performed is above projections at the end of the third quarter 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 has increased over the past nine 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	150	27.27%
4th Quarter	137.5	0	0.00%
Total Performance	550	584	106.18%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of District Applications Processed was above projections at the end of the third quarter for FY 2009. This measure represents the number of water district applications submitted for Commission approval. The number of applications processed in the first three 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 affect 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	77	34.22%
4th Quarter	56.25	0	0.00%
Total Performance	225	233	103.56%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Certificate of Convenience and Necessity (CCN) Applications Processed was above projections at the end of the third quarter for 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
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	0	0.00%
Total Performance	11,000	8,407	76.43%

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	28.27%
4th Quarter	8,500	0	0.00%
Total Performance	34,000	26,374	77.57%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

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	2,270	25.80%
4th Quarter	2,200	0	0.00%
Total Performance	8,800	5,676	64.50%

Variance Explanation:
BELOW PROJECTED LEVELS
 Performance for the Number of Water Sites and Facilities Investigated is below projections at the end of the third 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 quarter, and Field Operations anticipates an increase in the number of inspections during the fourth quarter.

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	0	0.00%
Total Performance	400	334	83.50%

Variance Explanation:
ABOVE PROJECTED LEVELS
 Performance for the Number of Inspections and Investigations of Livestock and Poultry Operation Sites is above projected levels at the end of the third quarter for FY 2009. Investigations were completed earlier than projected, and there were several unplanned compliance inspections at several Concentrated Animal Feeding Operation (CAFO) sites. Field Operations anticipates meeting the annual target projection.

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	1,948	26.47%
4th Quarter	1,839.50	0	0.00%
Total Performance	7,358	5,075	68.97%

Variance Explanation:

BELOW PROJECTED LEVELS

Performance for the Number of Waste Sites Investigated is below projections at the end of the third quarter for FY 2009. In the first and second quarters, staff resources were diverted to two natural disasters, Hurricane Ike and flooding in Presidio, which resulted in fewer investigations being completed. The number of inspections increased during the third quarter, and Field Operations anticipates an increase in the number of inspections during the fourth quarter.

**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	0	0.00%
Total Performance	650	302	46.46%

Variance Explanation:

BELOW PROJECTED LEVELS

Performance for the Number of Spill Cleanup Inspections is below projections at the end of the third quarter for 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
1st Quarter	\$ 770	\$ 678	88.05%
2nd Quarter	\$ 770	\$ 740	96.10%
3rd Quarter	\$ 770	\$ 555	72.08%
4th Quarter	\$ 770	\$ 0	0.00%
Total Performance	\$ 770	\$ 658	85.45%

Variance Explanation:

BELOW PROJECTED LEVELS

The Average Inspection and Investigation Cost of Livestock and Poultry Operations was below the projected cost at the end of the third quarter for 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 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
1st Quarter	35	30.3	86.57%
2nd Quarter	35	29.4	84.00%
3rd Quarter	35	25.7	73.51%
4th Quarter	35	0	0.00%
Total Performance	35	28.5	81.43%

Variance Explanation:

BELOW PROJECTED LEVELS

Performance for the Average Time (days) from Air, Water, and Waste Inspections to Report Completion was below projections at the end of the third quarter 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. Field Operations Support Division (FOSD) performed 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	267	89.00%
4th Quarter	300	0	0.00%
Total Performance	300	267	89.00%

Variance Explanation:
 BELOW PROJECTED LEVELS
 Performance for the Number of Environmental Laboratories Accredited was below projections at the end of the third 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 applications received is lower than originally estimated by program area. Performance is projected to increase in the next 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	32.18%
3rd Quarter	13,500	27,991	51.84%
4th Quarter	13,500	0	0.00%
Total Performance	54,000	71,970	133.28%

Variance Explanation:
 ABOVE PROJECTED LEVEL
 Performance for the Number of Small Businesses and Local Governments Assisted was above projections at the end of the third quarter 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 expectations due to an increase in mail outs that provided special compliance alerts. Performance is anticipated to continue to exceed goals for the remainder of the year.

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	0	0.00%
Total Performance	70	58.0	82.86%

Variance Explanation:

BELOW PROJECTED LEVELS

Performance for the Average Number of Days to File an Initial Settlement Offer was below projections at the end of the third quarter 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. 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
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	0	0.00%
Total Performance	250	194	77.60%

Variance Explanation:

MEETS PROJECTIONS

Performance met projections. No variance explanation required.

Output Measure 02:

Number of Entities Participating in Voluntary 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	0	0.00%
Total Performance	240	196	81.67%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Entities Participating in Voluntary Programs was below projections at the end of the third quarter for FY 2009. This measure counts the entities participating in voluntary programs that provide incentives to exceed minimum compliance with environmental laws. 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
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	0.0	0.00%
Total Performance	33	43.9	132.88%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Quarts of Used Oil Diverted from Landfills and Processed (in millions) was above projections at the end of the third quarter for 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
1st Quarter	\$ 600	\$ 26.52	87.75%
2nd Quarter	\$ 600	\$ 483.16	80.53%
3rd Quarter	\$ 600	\$ 372.42	62.07%
4th Quarter	\$ 600	\$ 0	0.00%
Total Performance	\$ 600	\$ 446.79	74.47%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Cost Per On-Site Technical Assistance Visit was below projected costs the end of the third quarter 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, which has reduced travel costs. Future performance is expected to remain below \$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
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	0	0.00%
Total Performance	16,500	12,076	73.19%

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	0	0.00%
Total Performance	16	11	68.75%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Number of Emergency Response Actions at Petroleum Storage Tank Sites was below projections at the end of the third quarter for FY 2009. 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
1st Quarter	700	569	20.32%
2nd Quarter	700	348	12.43%
3rd Quarter	700	382	13.64%
4th Quarter	700	0	0.00%
Total Performance	2,800	1,299	46.39%

Variance Explanation:

BELOW PROJECTED LEVEL

The Number of Petroleum Storage Tank Reimbursement Fund Applications received and processed was below projections at the end of the third quarter 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	0	0.00%
Total Performance	200	396	198.00%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Number of Petroleum Storage Tank Cleanups Completed was above projections at the end of the third quarter 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.

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	0	0.00%
Total Performance	30	23.1	77.00%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Time (days) to Review and Respond to Remedial Action Plans was below projections at the end of the third quarter 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	0	0.00%
Total Performance	30	23.9	79.67%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Time (days) to Review and Respond to Risk-Based Site Assessments was below projections at the end of the third quarter 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	0	0.00%
Total Performance	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 at the end of the third quarter 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	0.00%
4th Quarter	1.25	0	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 at the end of the third quarter for FY 2009. This measure indicates the number of immediate response actions completed by the Remediation Division. Response action completions are not expected to be evenly distributed over each reporting quarter. Five response actions were underway during the third quarter, and the number of response actions is expected to meet the projected level by the end of the fiscal year.

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	0	0.00%
Total Performance	72	63	87.50%

Variance Explanation:

ABOVE PROJECTED LEVELS

The performance for the Number of Superfund Site Assessments was above projections at the end of the third quarter for 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 during the second quarter. 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
1st Quarter	20	25	31.25%
2nd Quarter	20	28	35.00%
3rd Quarter	20	38	47.50%
4th Quarter	20	0	0.00%
Total Performance	80	91	113.75%

Variance Explanation:
ABOVE PROJECTED LEVELS
 Performance for the Number of Voluntary and Brownfield Cleanups Completed was above projections at the end of the third quarter 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	0	0.00%
Total Performance	73	50	68.49%

Variance Explanation:
BELOW PROJECTED LEVEL
 Performance for the Number of Superfund Sites in Texas Undergoing Evaluation and Cleanup was below projections at the end of the third quarter for 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 in federal funds 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. Three sites were added to the measure and one was removed during the third 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	1	25.00%
4th Quarter	1	0	0.00%
Total Performance	4	2	50.00%

Variance Explanation:

BELOW PROJECTED LEVEL
 Performance for the Number of Superfund Cleanups Completed is below projections at the end of the third quarter for FY 2009 because no superfund cleanups were completed in the second quarter. This measure reflects the combined number of state and federal Superfund site cleanups completed. One superfund cleanup was completed during the third 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 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	0	0.00%
Total Performance	32	25	78.13%

Variance Explanation:

MEETS PROJECTIONS Performance met projections. No variance explanation required.

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	4	13.33%
4th Quarter	7.5	0	0.00%
Total Performance	30	24	80.00%

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

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	2	25.00%
4th Quarter	2	0	0.00%
Total Performance	8	5	62.50%

Variance Explanation:
 BELOW PROJECTED LEVEL
 Performance for the Number of Dry Cleaner Site Cleanups Completed was below projected levels at the end of the third quarter for FY 2009 because only one cleanup was completed in the first quarter. This measure reflects the agency's efforts to clean up known eligible dry cleaning sites contaminated by dry cleaner solvents. Cleanup completions are not expected to be evenly distributed over each reporting quarter. At least 5 additional sites have been identified as closure candidates for FY 2009, and at this time it is not known how many will be closed. However, it is expected that the projected performance target will be met 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	28	31.11%
4th Quarter	90	0	0.00%
Total Performance	90	36	40.00%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Average Time (days) to Process Dry Cleaner Remediation Program Applications was below projections at the end of the third quarter for 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	20.00%	3.00%	15.00%
2nd Quarter	20.00%	5.00%	25.00%
3rd Quarter	20.00%	9.10%	45.50%
4th Quarter	20.00%	0.00%	0.00%
Total Performance	20.00%	9.10%	45.50%

Variance Explanation:

BELOW PROJECTED LEVEL

Performance for the Percentage of Professional Services going to Historically Underutilized Businesses (HUBs) was below projections at the end of the third quarter for 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	33.00%	38.30%	116.06%
2nd Quarter	33.00%	33.80%	102.42%
3rd Quarter	33.00%	36.60%	110.91%
4th Quarter	33.00%	0.00%	0.00%
Total Performance	33.00%	36.60%	110.91%

Variance Explanation:

ABOVE PROJECTED LEVELS

Performance for the Percentage of Other Services Awarded to Historically Underutilized Businesses (HUBs) was above projections at the end of the third quarter for 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
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%	0.00%	0.00%
Total Performance	12.60%	34.00%	269.84%

Variance Explanation:

ABOVE PROJECTED LEVELS

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