

MARYLAND DEPARTMENT OF
THE ENVIRONMENT



ANNUAL ENFORCEMENT AND
COMPLIANCE REPORT

FISCAL YEAR 1999

Parris N. Glendening
Governor

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EXECUTIVE SUMMARY

This is the Maryland Department of the Environment's third annual enforcement and compliance report. Enforcement is one of MDE's core functions and in FY 1999 more than \$7.4 million was spent on salaries and support for 160 enforcement personnel. This report covers the Department's activities in state Fiscal Year 1999 (July 1998-June 1999). It includes information on 26 of the Department's enforcement and compliance programs in the Air, Waste and Water Administrations, as well as the Environmental Crimes Unit of the Attorney General's Office.

During this past fiscal year the Department continued to implement and improve its comprehensive performance measurement system, including the environmental indicators of the Performance Partnership Agreement with the United States Environmental Protection Agency, the Departmental performance measures under the Governor's Managing Maryland for Results initiative, and its system of enforcement output measurement in this report.

The Department is committed to being accountable for its our work and to helping the public understand what we are doing and why we are doing it. Beyond being a simple report however, this document is part of our ongoing commitment to continuous process improvement. By developing a clear picture of our accomplishments and difficulties this year, we begin to develop a benchmark against which to measure our activities in future years. This year's effort builds on the progress we made last year towards making the numbers meaningful in the context of our mission to protect the environment for the people of Maryland, while at the same time preserving the State's economic base.

Departmental Enforcement Coordination

Throughout FY 99 the enforcement and compliance workgroup continued refining the Department-wide enforcement reporting policy. In particular, together with the enforcement and compliance coordinator, the group worked to improve the manner in which compliance rates are calculated and inspections tracked. Although the fruits of this effort are not visible in the present report, the Department received a federal grant from EPA for \$100,000 to develop and utilize compliance rate data. The vehicle for data utilization will be the MDE-wide database that is currently under development. Part of the enforcement workgroup participation in the process of building this single Department-wide enforcement and compliance database involves suggesting types of data that should be tracked to improve the accuracy and statistical validity of compliance activity targeting. The database will become the infra-structure through which enforcement activity and compliance data can be tracked with increased levels of sophistication. Using the database to generate lists of similar facilities, we will conduct random inspections to determine the overall compliance rate of a given

industry group or regulated sector. At the same time the data will provide sufficient targeting information that we can direct our enforcement resources at those facilities which will have the greatest environmental and deterrent impact.

In addition to working on this report and the database, the group also held its third inspector forum in which inspection personnel received training in various aspects of multimedia enforcement. The Department remains committed to improving the manner in which enforcement data is collected and reported to the public.

The Enforcement and Compliance Process

Understanding MDE's air, water and waste enforcement and compliance processes can be difficult. Each of the programs was established separately, with the same terms being used in legislation to mean different things for different programs. Many programs also have federal rules and regulations that they must implement. Also, the same company or type of facility may fall under the jurisdiction of several different environmental enforcement programs at the federal, state or local level.

However, most enforcement programs do share things in common. Most programs have an inspection and evaluation component. If an inspection reveals a violation, many programs have a discretionary component that allows a company to fix a minor problem without the risk of a fine, civil or criminal action. If an inspection reveals a significant violation, or if a minor problem indicates a pattern of non-compliance, more serious action is warranted. This action may take the form of fines, shutdowns, and in some cases, criminal sanctions. The use of a particular penalty is intended to reflect the severity of a violation.

Environment Article Section 1-301(d)

Environment Article Section 1-301(d) enacted in 1997 requires MDE to report specified information on 15 programs as well as the penalty dollars collected and deposited into several funds. In addition to the required information, this report also includes information on 11 additional programs and additional data about the Department's enforcement activity at facilities which are subject to regulation under the Environment Article. The Department has voluntarily elected to provide this information so that the legislature, our stakeholders, and the public get the most complete picture of how the Department performs its enforcement responsibilities.

Performance Measures

As promised last year, the reader of this year's report will notice that the format in which we are presenting our numbers is the same as last year's report. This allows for an easy comparison of numbers between the two years in keeping with our goal to extract common data for all of MDE's enforcement programs and provide information which could be tracked from one year to the next. The basic reporting format is further explained on page 30. In order to assist the reader we have included graphic charts that compare the number of inspections, enforcement actions, and compliance rates over a three-year period dating back to our first report in 1997. In this fashion, we hope to have a solid statistical baseline against which our stakeholders and others can measure the Department's enforcement performance as we enter the Twenty-first Century.

Summary and Conclusion

Enforcement is a very important and necessary tool for bringing industry into compliance with environmental regulation, but enforcement actions are not goals. MDE is a regulatory agency with an enforcement component. Our goal is to ensure improvements in environmental quality and to protect public health and the environment.

Following are Executive Summaries for the Department and each Administration.

Maryland Department of the Environment Performance Measures Executive Summary

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	8,350
Number of Permits/Licenses in effect at Fiscal Year End	56,024
<u>OTHER REGULATED SITES/FACILITIES</u> (other sites)	
	95,892
<u>INSPECTIONS</u>	
Number of Sites Inspected	30,352
Number of Inspections, Audits, Spot Checks	83,899
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance Rendered	14,709
Number of Enforcement Actions Taken	1,391
<u>PENALTIES*</u>	
Amount of Penalties obtained	\$1,206,629

*Amount of revenue obtained ("collected") in FY 99 as a result of enforcement actions.

SECTION 1-301(d) PENALTY SUMMARY

TOTAL AMOUNT OF MONEY AS A RESULT OF ENFORCEMENT ACTIONS, AS OF THE END OF FY 1999 AS REQUIRED BY SECTION 1-301(d)*	Total
Clean Air Fund (includes Air Quality and Asbestos)	\$520,951
Clean Water Fund	
Water Management Administration Enforcement Actions	\$249,536
Waste Management Administration Enforcement Actions	\$4,683
Hazardous Substance Control Fund	\$72,424
Non-tidal Wetland Compensation Fund	\$0
Oil Disaster Containment Clean Up and Contingency Fund	\$199,454
Recovered from Responsible Parties (under §7-221)	\$71,138
Sewage Sludge Utilization Fund	\$1,750
Total	1,119,936

*Only includes those funds required to be reported by the Environment Article, Section 1-301(d).

Air and Radiation Management Administration Executive Summary

The Air and Radiation Management Administration's activities over the past three years reveals several trends worth noting. For instance, in the High Impact Facilities category the number of enforcement actions doubled in fiscal year 1999 over the two previous years. This is due, in part, to the increased inspection activity devoted to inspecting certain facilities. Despite the increased number of penalty actions taken in 1999, penalty amounts collected in 1999 did not increase over 1998. This is because the 1998 penalty figure included a \$350,000 penalty against a single violator, which accounted for more than 75% of the penalty amount collected that year. In the Low Impact Facilities category, the opposite situation developed: penalty amounts collected increased by nearly 75% but the number of enforcement actions decreased substantially. The explanation is that individual penalty amounts increased and the 1999 penalties collected figure includes payments of penalties received in 1999 for actions initiated in 1998, but which later were appealed and not resolved until the following year.

In the Asbestos Program, the compliance rate dropped from 90+% in 1997 and 1998 to 77% in 1999. Given that there were no marked changes in the Program's operation (inspection activity, outreach, training, etc.) in 1999, the change is attributed at this point to the lack of diligence or desire on the part of the regulated community to adhere to program requirements. An analysis is being initiated to determine whether this assumption is correct and to determine whether adjustments in program activities are needed. As part of this exercise, the compliance rate indicator will be watched closely during the first half of fiscal year 2000.

In the Radiological Health Program, the Radioactive Materials Division increased both the number of enforcement actions taken and the penalty amounts received over 1998 levels. Although 52 fewer sites were visited in 1999, a substantial amount of staff time was devoted to compliance issues associated with a single large licensee. Considerable resources were also devoted to preparing for the Nuclear Regulatory Commission (NRC)'s Integrated Materials Performance Evaluation Program (IMPEP) audit. This total program evaluation resulted in Maryland achieving the highest rating available for protection of public health and safety in accordance with NRC regulatory requirements.

The Radiation Machines Division (RMD) benefited immediately from the filling of five vacant x-ray inspector positions with experienced health physicists in mid-fiscal year 1999. The performance of these new staff members was enhanced by the implementation of a plan of action, put into place during the last quarter of fiscal year 1999 to focus on certain elements of the Division that needed to be evaluated and improved. The most notable element was the significant backlog

of follow-up actions that needed to be taken to resolve past violations. By re-assigning tasks within the RMD, re-prioritizing certain activities (such as follow-up work), setting measurable performance standards to gauge staff performance and instituting a useable tracking system for the various activities conducted, several improvements have already become evident. In particular, carryover violations have decreased by about 200 from last year (1312 vs. 1132), and this trend should continue to improve in fiscal year 2000.

Air and Radiation Management Administration Performance Measures Executive Summary

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	1,666
Number of Permits/Licenses in effect at Fiscal Year End	25,805
<u>OTHER REGULATED SITES/FACILITIES</u> (other sites)	
	4,406
<u>INSPECTIONS</u>	
Number of Sites Inspected	3,882
Number of Inspections, Audits, Spot Checks	10,100
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance Rendered	638
Number of Enforcement Actions Taken	212
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$520,143

Waste Management Administration Executive Summary

The Waste Management Administration has attempted to leverage on our efforts to improve the data collection methods instituted this past year by making proactive use of the data gathered for this enforcement and compliance report.

On the surface, the statistics for the Waste Management Administration show some significant changes in FY 99 as compared to FY 98. The number of sites inspected with significant violations decreased by 24% (531 year previous to 405 this year). The number of violations found (689 in FY98 compared to 405 in FY99) and the number of cases being carried over as ongoing this year (315 in FY98 compared to 214 in FY99) also shows a substantial decrease.

The major differences in WAS's reported enforcement and compliance came from the Oil Control Programs. The imminent deadline for the upgrade or replacement of underground tanks in December of 1998 led to the expected trend. Since more of the systems were new, this led to fewer significant violations.

Waste Management Administration Performance Measures Executive Summary

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	1,410
Number of Permits/Licenses in effect at Fiscal Year End	6,020
<u>OTHER REGULATED SITES/FACILITIES</u> (other sites or regulated entities)	
	90,156
<u>INSPECTIONS</u>	
Number of Sites Inspected	15,105
Number of Inspections, Audits, Spot Checks	26,623
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance Rendered	10,587
Number of Enforcement Actions Taken	822
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$301,030

Water Management Administration Executive Summary

During the past fiscal year, the overall result of the inspection, compliance and enforcement effort has been to maintain numbers that are fairly consistent with the previous year's numbers, particularly for the Water Supply and Sewerage Construction Permit, and Dam Safety Permit activities. The Administration continued its pursuit of the goal of performing multi-media inspections, with the exception of those permit programs performing their own inspections, i.e., Public Drinking Water, Water and Sewerage Construction, and Waterway Construction - Dam Safety.

The Compliance Program staff continues to improve in its ability to perform competent multi-media inspections while meeting federal grant commitments. A comparison of inspection numbers of the past year against the year prior shows a relatively consistent number, with FY99 resulting in a total of 50 inspections less than the previous year. The total number of inspections in some media declined while the number of inspections performed at construction sites showed a large increase. This is explained by the Administration's decision in FY98 to redirect its effort to increase the emphasis to control sediment runoff through the inspection of construction sites. The continued focus on sediment control in FY99 had three distinct results, which were: an increase in the number of sites inspected, an increase in the number of inspections performed, and an increase in the number of Compliance Assistance rendered.

The Public Drinking Water Program's continued efforts in technical assistance and source water protection have resulted in treatment improvements and a clearer understanding of regulations. As a result, drinking water systems have improved their compliance with state standards. The Administration continues to support public water system initiatives required by the Safe Drinking Water Act 1996 Amendments.

In FY99 a total of \$385,456 was collected by the Administration through the issuance of administrative or civil penalties. The most substantial increase was in the stormwater management and sediment and erosion control media, which is indicative of the increased inspection effort. The total amount collected in FY99 compares favorably to the \$324,302 collected in FY98.

Water Management Administration Performance Measures Executive Summary

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	5,274
Number of Permits/Licenses in effect at Fiscal Year End	24,199
<u>OTHER REGULATED SITES/FACILITIES</u> (other sites)	
	1,330
<u>INSPECTIONS</u>	
Number of Sites Inspected	11,365
Number of Inspections, Audits, Spot Checks	47,176
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance Rendered	3,484
Number of Enforcement Actions Taken	357
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$385,456

Environmental Crimes Unit Executive Summary

The Attorney General's Environmental Crimes Unit (ECU) is a small unit of the Criminal Investigations Division of the Attorney General's Office. Maryland State Troopers assigned to the unit conduct criminal investigations of environmental violations and, when appropriate, the Attorney General's prosecutors file criminal charges against the offender. Typically, criminal prosecution is resorted to as a last recourse for the worst and most recalcitrant offenders. During FY 1999, out of the 74 investigations opened by ECU, 45 came from MDE administrations. Forty two prosecutions were commenced during the year by the filing of criminal charges. Thirty one prosecutions reached conclusion during the year, with criminal courts imposing fines approaching \$250,000 and jail terms totaling 14 months, in addition to other penalties.

THE ENFORCEMENT AND COMPLIANCE WORKGROUP

During Fiscal Year 1999, the Enforcement and Compliance Workgroup has continued to provide department-wide communication between air, waste, and water programs. The group directed the Department's attention to developing enforcement and compliance strategies that cut across traditional media lines, and provided a forum in which those strategies can be discussed and clarified. Specifically, during FY 99 the workgroup has:

- Focused its attention on developing a more statistically valid method for determining the compliance rate of the regulated community. In this report the compliance rate is still rather crudely determined by simply dividing the number of facilities with significant violations by the total number of facilities inspected. This method is a good starting point but it does not reflect a valid sampling of the regulated community. Often facilities are inspected in response to complaints or because they are on an inspection schedule. A more reliable determination of overall compliance rates would require us to inspect a representative random sampling of the facilities in a given industrial or business sector. While statistically more satisfying, this method raises the resource issue of how to accomplish the representative random inspections while at the same time completing the required scheduled inspections that the Department is already under an obligation to conduct, as well as the specifically-targeted or complaint-driven inspections. The workgroup is exploring ways to improve our assessment of compliance rates and other performance indicators using the resources presently available to the Department.
- Obtained a \$100,000 grant commitment from EPA's Office of Enforcement and Compliance Assurance (OECA) to develop a compliance rate methodology and conduct a pilot program which could be used as a model for other states.
- Participated in drafting the enforcement component of the Year 2000 Performance Partnership Agreement with EPA;
- Continued to study the most effective use of various enforcement tools to achieve Departmental goals and establish valid performance measures to gauge *how well* the Department is doing in addition to simply counting *what* the Department is doing; including refinement of the Managing Maryland for Results efficiency measures.

- Developed regulation tables and data flow charts for use in the general compliance portion of the MDE Department wide database template;
- Helped coordinate multimedia inspections with EPA Region III including a series of process safety inspections at several potentially high risk facilities in the Fairfield/Wagner's Point area of Baltimore City.
- Conducted the third inspector forum that provided training as well as an opportunity for inspectors to provide feedback and input into improving the effectiveness of the Department's enforcement and compliance efforts.

The workgroup collectively compiled the statistics and information contained in this annual report. It is responsible for the present report format and is always seeking ways to improve the validity and presentation of the Department's enforcement and compliance performance measures. The workgroup's current members are:

Arthur Ray, Office of the Secretary, Chair
 Bernard Penner, Office of the Secretary
 Tom Boone, Water Management Administration
 Frank Courtright, Air and Radiation Management Administration
 Jack Bowen, Water Management Administration
 Horacio Tablada, Waste Management Administration
 Gerry Gietka, Waste Management Administration
 Roland Fletcher, Air and Radiation Management Administration
 Ian Forrest, Air and Radiation Management Administration
 Paul Stancil, Office of the Attorney General, Environmental Crimes Unit
 Dave Pushkar, Water Management Administration
 Dave Lyons, Water Management Administration
 Bob Daniel, Environmental Permits Service Center
 Denise Ferguson Southard, Office of the Attorney General
 Mel Knott, Technical and Regulatory Services Administration

Report Managers: Bernard Penner, Enforcement and Compliance Coordinator
 Cathy Wagenfer, Office of the Secretary

MDE'S ENFORCEMENT AND COMPLIANCE ROLE

MDE'S MISSION AND GOALS

MDE'S MISSION IS TO PROTECT and restore the quality of Maryland's air, land, and water resources, while fostering economic development, healthy and safe communities, and quality environmental education for the benefit of the environment, public health, and future generations. MDE's vision is to ensure a clean environment and excellent quality of life for all Marylanders.

The Maryland Department of the Environment is continuing to implement Governor Glendening's initiative Managing Maryland for Results (MMFR). MDE's Fiscal Year 2001 Managing Maryland for Results Workplan emphasizes the Department's commitment to using results-based, quality planning and management approaches to achieving its public health and environmental protection goals, as well as the agency's "management" goals. The following are MDE's 15 environmental and management goals:

Goal 1 - *Ensuring the Air is Safe to Breathe*

Goal 2 - *Ensuring that Marylanders are not Exposed to Unnecessary Levels of Radiation*

Goal 3 - *Ensuring Safe Drinking Water*

Goal 4 - *Reducing the Threat to Public Health from the Presence of Hazardous Waste and Hazardous Materials in the Environment*

Goal 5 - *Ensuring Water is Clean and Safe for Harvesting of Fish and Shellfish*

Goal 6 - *Improving and Protecting Maryland's Water Quality*

Goal 7 - *Ensuring Adequate Protection and Restoration of Maryland's Wetland*

Goal 8 - *Protecting and Maintaining Maryland's Natural Resource Land Base and*

Encouraging Smart Growth and Community Revitalization

Goal 9 - *Preventing Pollution and Compliance Assistance*

Goal 10 - *Supporting and Promoting Agency Diversity*

Goal 11 - *Improving Regulatory Customer Services -- Regulatory Reform and Permit Streamlining*

Goal 12 - *Maximizing Human Resources*

Goal 13 - Utilizing Information Technology to Optimize and Enhance Environmental and Administrative Operations

Goal 14 - Assuring Public Participation and Stakeholder Involvement

Goal 15 - Improving the Budget Process, Fiscal Management and Accountability

Within MDE's MMFR workplan, enforcement, compliance, and inspection activities are reported under each environmental goal. Capturing the activities counted in this report under the related environmental goal shows how our regulatory activities help achieve our environmental and public health goals. Relating the information in this report to management goals also aligns our enforcement and compliance activity to the appropriate environmental and public health indicator.

ENFORCEMENT WORKFORCE

	FY 1999 Actual*	Number of FTE Inspectors**	Number of FTE Inspector Vacancies***
Air & Radiation Mgmt Adm.	\$2,335,387	53	4.4
Waste Management Adm.	\$2,183,729	47	2.5
Water Management Adm.	\$2,933,742	60	0.0
Total	\$7,452,858	160	6.9

* Appropriation includes wages plus 28% fringe for permanent employees and 8% fringe for contractual employees. The numbers do not include any operating expenses such as vehicles, travel, gasoline, supplies, overhead or other related employment expenses.

**Inspectors represent the number of enforcement field inspectors budgeted for the fiscal year. These numbers do not include any administrative, management, or clerical staff associated with enforcement and compliance programs.

***FTE vacancies represent the total amount of time that positions were vacant equivalent to a full year. This can be more or less than 6 positions vacant depending upon the total amount of time a position is vacant.

FTE = Full Time Equivalent

INSPECTOR TRAINING AND OUTREACH

To maintain effective and efficient enforcement and compliance programs, it is necessary to have a highly trained inspection workforce working within a system that is responsive to inspectors' needs and supports open communication among all parties involved. As described last year, the Department issued an inspector survey that identified training, communication and management support as essential areas for improvement. . MDE used the inspector survey results to formulate the curriculum for future forums.

In June of 1999, MDE held its third Inspector Forum. Using the results of the surveys from the first two forums, a group of inspectors volunteered to participate in the planning and presentation of the training sessions. The sessions at this year's forum included, "the law of trespass/right of entry/fourth amendment issues"; "multi-media and cross-media complaint investigation"; and "addressing communication problems which may exist between permit writers and enforcement staff."

Evaluation results from the conference was very positive. The inspectors appreciated the opportunity to interact with management, increase communication among their peers, and obtain valuable information to help them carry out their job responsibilities. A well-trained workforce is an integral component to the success of any organization. MDE will continue to emphasize and support inspection and enforcement training needs throughout the Department.

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- Smart Growth
- Quality Management
- Enforcement and Compliance Coordination
- Fair Practice
- Legislation
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- Capital Budget
- Board of Public Works
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- Media Relations
- Events Coordination
- Educational Outreach
- Community Relations
- International Coordination

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- Permits Tracking
- Pollution Prevention
- Small Business Assistance

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- Air Quality Permits
- Air Quality Planning
- Air Quality Compliance
- Asbestos & Industrial Hygiene
- Air Monitoring & Information Systems
- Mobile Sources
- Radiological Health

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- Waste Management Permits
- Waste Management Planning
- Hazardous Waste
- Hazardous Materials Transportation
- Underground Tank Remediation
- Underground Tank Loans
- Oil Control
- Recycling
- Scrap Tire Management
- Lead Program
- Superfund (Federal/State)
- Federal Facilities Activities
- Sewage Sludge

James L. Hearn, Director
Water Management
Administration
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- Water Pollution Control Permits
- Water/Sewer Planning
- Water/Wastewater Compliance
- Capital Projects, Grants & Loans
- Water Supply/Drinking Water
- Tidal/Non-Tidal Wetlands
- Water Appropriations
- Coal and Non-Coal Mining
- Engineering/Construction
- Sewage Treatment
- Sediment/Erosion Control
- Stormwater Management
- Wells/Septics

Robert Summers, Director
Technical & Regulatory
Services Administration
(410) 631-3680

- Environmental Assessments
- Compliance Monitoring & Sampling
- Geographic Inform. Systems
- Information Systems & Communications
- Data Mngmt. & Integration
- Environmental Risk Manage.
- Toxics Reduction Inventory
- Regulations Coordination
- Public Information Act Coord.
- Graphics Services
- Emergency Response
- Shellfish Sanitation
- Multi-media Technical

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- Fiscal & Accounting
- Personnel
- Procurement
- Human Resources Development and Training
- Central Services
- Fleet Management
- Building Security
- Building Operations
- Library Services
- Employee Safety
- Charities & Campaign Coordination

MDE'S ENFORCEMENT POLICIES

PENALTY POLICY

WHEN MDE ASSESSES penalties in administrative cases, it must consider certain factors specified by statute. Those factors are used to guide the Department's discretion in determining the appropriate amount of a penalty.

The Department will consider each of the specific factors on a case by case basis. While all factors set forth in the statute will be considered, it is not necessary for all of the factors to be applicable before a maximum penalty may be assessed. A single factor (i.e. harm to the environment, willfulness, etc.) may warrant the imposition of the maximum penalty. Furthermore, all factors, even if applicable in a given case, are not necessarily of equal weight in the Department's determination of a reasonable penalty.

Additionally, the Department's policy is not to reward, by assessing no penalty or a lesser penalty, those who can afford to remediate the harm they caused. Penalty credit is considered for voluntary actions that exceed the legal requirements and result in environmental benefit beyond that needed to remediate the environmental harm.

It is the Department's policy to assess fair and equitable penalties in keeping with the statute and commensurate with the nature of the violations.

COMMITMENT TO PUBLICIZING ENFORCEMENT ACTIONS

MARYLAND CITIZENS ENTRUST MDE with the responsibility of achieving compliance with the environmental laws of the State. With that in mind, the Department has an obligation to inform the public about the State's progress in achieving compliance with applicable federal and state requirements.

Commitment to Public Information

The Department will keep the public informed of activities that contribute to our mission of protecting the environment and public health. In addition to enforcement and compliance actions, the Department will publicize projects and actions that yield beneficial environmental results through cooperative partnerships and alliances with businesses, community groups, environmental groups, and others who support environmental protection.

Individual Enforcement and Compliance Actions

The Department has established a process for the review and dissemination to news media sources of significant enforcement and compliance actions. The following factors are considered:

- *Significant Threats to Public Health or Environment* -- An action taken by the Department in response to acute and/or chronic conditions which cause significant damage to the environment, or which pose significant risks to public health;
- *Significant Public Interest* -- An action taken by the Department which, for any number of reasons, creates a high level of public interest; and,
- *Significant Penalty Impacts* -- An action taken by the Department which has significant economic impacts related to fine amounts, corrective action expenditures or other costs related to the violation(s) and the resulting enforcement action.

The Department responds to requests for information on any specific case as outlined in the State Public Information Act consistent with protections that apply to ongoing enforcement actions and proprietary business information.

In addition to routine press releases (available on MDE's web site at www.mde.state.md.us), the Department incorporates into its monthly newspaper, the *MDEnvironment*, a listing of enforcement actions and fines assessed. This is an effective way to provide enforcement information to a wide audience in a timely manner.

ENVIRONMENTAL AUDIT POLICY

THE MARYLAND DEPARTMENT OF THE ENVIRONMENT recognizes the benefit from companies that regularly evaluate their internal work processes for compliance with state environmental requirements. Equally as important as identifying violations is the reporting of such violations to MDE for proper and complete remediation and abatement. The Department encourages self-auditing as an effective environmental management technique. Companies that disclose environmental hazards to the Department, under specified requirements, may receive immunity from administrative penalties, pursuant to the Department's enforcement discretion.

This is not intended nor should it be interpreted to be a regulation as defined in Section 10-101, State Government Article. It sets forth criteria and guidelines to be used by the Department staff in settlement of enforcement cases, and does not confer any legal rights.

Statement of Guidance:

- A. The Department will not assess a civil penalty for violations of environmental requirements, which are voluntarily disclosed following an environmental audit if:
 - 1. Disclosure is made within 10 days after the information or knowledge concerning the violation is discovered;
 - 2. Action is promptly initiated to correct or eliminate the violation and all public or environmental harm caused by violation. If the violation cannot be fully corrected within 60 days, a compliance plan must be submitted to the Department within 60 days for review. Compliance with the plan must be maintained as approved by the Department;
 - 3. The applicant agrees in writing to take steps to prevent recurrence of the violation; and
 - 4. The regulated entity fully cooperates with the Department regarding investigation of the disclosed condition.
- B. Disclosure is considered voluntary if it is not required to be made in accordance with an established environmental requirement.
- C. The relief granted in Section A is not applicable if any of the following exist:

1. The disclosure was not voluntary as described in Section B;
 2. The violation was discovered by the Department or a third party prior to disclosure by the regulated entity to the Department or the disclosure was made after commencement of a federal, state or local agency inspection, investigation or request for information;
 3. The violation was committed willfully, wantonly, intentionally, knowingly, or with gross negligence by the regulated entity making the disclosure;
 4. Action is not promptly initiated and diligently pursued to correct or eliminate the violation;
 5. Significant environmental harm or a significant public health effect was caused by the violation or is imminent due to the violation;
 6. The specific or a closely related violation has occurred within the past three years at the same facility or the violation is part of a pattern of recurrent violations. For purposes of this section, violation includes any violations of a federal, state or local environmental law identified in a judicial or administrative order, consent agreement or order, complaint, or notice of violation, conviction or plea agreement; or
 7. The disclosure is made for a fraudulent purpose.
- D. The relief provided under this guidance shall not be applicable when the Department receives formal notification from the delegating federal agency of that agency's intention to propose rescission of the Department's authority over the federal environmental program.

MDE'S ENFORCEMENT PROCESS AND DEFINITIONS

ENFORCEMENT AND COMPLIANCE PROCESS

DESCRIBING ENFORCEMENT AND COMPLIANCE activities can be difficult, and measuring those activities is a challenge. Over the last 25 years a number of separate environmental programs were developed, some under federal law and still others under state law. Each of these programs has its own terminology and rules governing the type of sanctions and when they can be used. Also, many programs have some overlap with other programs. In FY 1999 MDE had 26 distinct environmental enforcement programs.

The development of common policies across programs is difficult. The level of flexibility that a program has varies greatly and is usually written into federal or state law. What follows is a general explanation of how enforcement works at MDE and what is expected at each level. Keep in mind that some programs may vary from this model. A diagram of the enforcement process is included on page 28. It may be helpful to refer to the diagram when reading this document.

INSPECTIONS: The first step in determining a course of action is to conduct a site inspection, audit, record review, or spot check. The purpose of such activity is to determine whether a facility is in compliance with all applicable permits, regulations and statutes. During an inspection, an inspector may conduct a visual observation of a facility's operation, review records or take samples for analysis, or any combination thereof. The results of these activities constitute the Department's findings. At the conclusion of an inspection, a written record of these findings is prepared, either at the time of the inspection or at a later date. A copy of the written record is either presented to the facility before the inspector leaves or it is mailed.

POST-INSPECTION EVALUATION: At some point, either while the inspector is on the site or at a later date, the Department reviews the inspector's findings to determine whether the facility is in compliance with applicable requirements. The need to review findings also arises through other activities, such as the periodic submittal of self-monitoring reports by permittees. If the review determines that the facility is in compliance, no further action is warranted. If the post-inspection review reveals that a violation of an applicable requirement has occurred, a determination is made concerning the seriousness of the violation. Different

courses of action are recommended for significant violations versus those that are determined to be not significant. In most situations where a violation has occurred, a report of the violation is served on the facility. This report can either be the written record of the inspection itself or a separate document.

MINOR VIOLATIONS: Sometimes a violation is discovered that is minor in nature and does not have the potential to affect human or environmental health. These may include:

- Minor excursions from prescribed numerical standards.
- Minor record keeping violations.
- First offenses that present no imminent harm or potential harm to public health or the environment.
- Minor violations that can be corrected immediately or in short order.

Minor violations should not be confused with technical violations. Technical violations are often significant. For example, technical violations involving radiation or asbestos are frequently counted as “*significant*”. An intentional falsification of self-monitoring reports is considered significant. Also, repeated minor violations or recalcitrant behavior can be elevated to the significant violation status and appropriate enforcement actions are taken.

If a violation is minor and a facility is cooperative, the inspector can request that the facility correct the violation within a specified time frame. A follow-up inspection is then conducted or other measure taken until adequate assurance exists to verify that the correction has occurred. The inspector may request that a violation be corrected prior to the leaving the facility, in which case no follow-up is needed. For certain technical matters, MDE provides assistance to help facilities achieve compliance with federal and state laws. If the facility needs assistance to correct a minor violation, the inspector can either provide the assistance directly, or arrange to have assistance provided at a later date. If a minor violation results in a Report of Observation, or similar document, it is not reported in this report as a violation. Many documented minor violations are tracked under the category of Compliance Assistance.

Minor violations may become significant if they are a part of a reoccurring pattern. Such a violation could become serious if it remains uncorrected or is only partially corrected at the time of a follow-up inspection. Whether this occurs is left to the judgment of the inspector (and/or supervisor) considering factors such as: past compliance history, willfulness of the violation, the degree of harm or potential harm, the ability of the facility to make timely corrections and any other appropriate factor.

SIGNIFICANT VIOLATIONS: Certain violations uncovered during an inspection are considered significant on their face. Examples of significant violations are:

- Major excursions from prescribed standards.
- Offenses that pose a direct threat to public health or the environment.
- An offense that is part of a pattern of chronic, non-compliant behavior.
- An offense that requires a significant amount of time or capital to correct.
- A violation deemed significant under federal criteria.

EVALUATION OF ENFORCEMENT OPTIONS: Once a violation has been deemed significant, it generally follows that enforcement action is warranted. An evaluation of the available enforcement options is conducted to determine the most appropriate course of conduct given the particulars of the situation. Generally the options available are:

- Issue a directive
- Issue a show-cause order
- Issue a corrective order
- Enter into a consent order
- Seek judicial relief
- Criminal referral
- Assess a penalty (can be done in conjunction with the options above)
- Or in some circumstances no action

Some programs have specific sanctions spelled out in law. The enforcement option that is pursued depends on a variety of factors and circumstances, including: whether certain actions are prescribed by state/federal delegation or enforcement agreements, the severity of the violation, the degree of harm or potential harm to public health or the environment, the willingness of the facility to correct the violation, the past compliance history of the facility and the willfulness of the act. If a penalty is thought to be warranted, there are often factors, incorporated in the statute, that must be considered as part of the decision-making process.

There are rare occasions where circumstances require the Department to decline taking further action. It may be that upon a review of the available evidence, the Department's case is found to be too weak, or is precluded by statute of limitations, or other legal defense. It is also possible that a case is more appropriately pursued by a federal oversight agency such as the EPA.

COMPLIANCE ASSISTANCE

Compliance assistance is both a valuable customer service and an efficient, effective way to improve environmental safeguards. Environment Article section 1-301(d) requires this report to “*include information on the type and number of contacts or consultations with businesses concerning compliance with state environmental laws.*” This section of the report generally identifies the types of contacts MDE has with businesses to help them come into compliance.

One specific form of contact between businesses and MDE’s enforcement and compliance inspectors is counted in the programs’ performance measures charts under the category of “*compliance assistance.*” As an element of MDE’s enforcement process, an inspector renders an identifiable and countable act of compliance assistance when he or she:

- (a) Documents a specific past or current violation which the regulated entity corrects in the absence of a formal enforcement action; or
- (b) Documents a specific action or actions which the regulated entity has the option of undertaking to prevent the likelihood of potential future violations, which action or actions the regulated entity undertakes voluntarily in such manner and within such time period as deemed acceptable by MDE in the absence of a formal enforcement action.

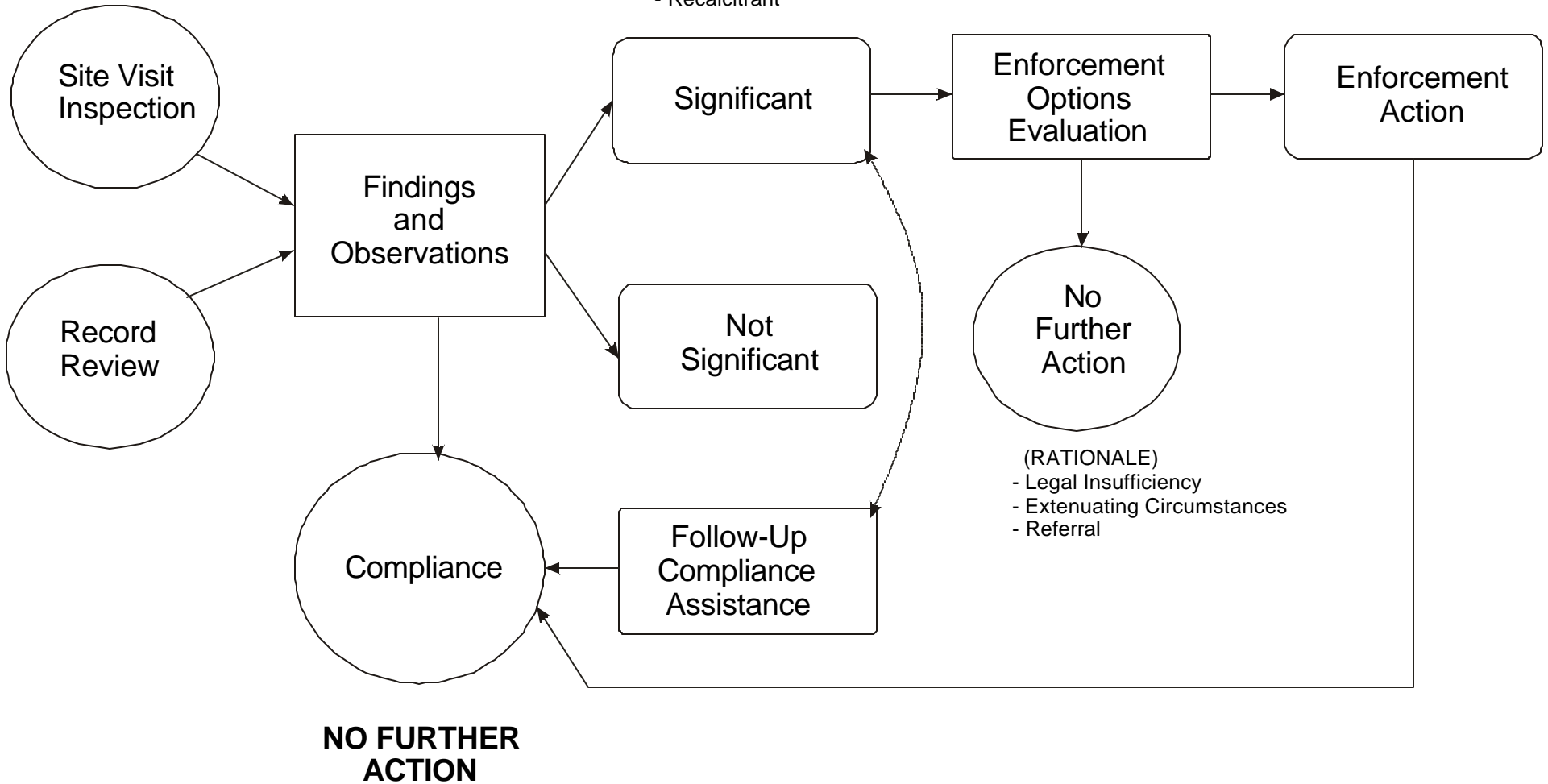
In either (a) or (b), the MDE inspector must document the manner in which the regulated entity voluntarily achieved compliance. This definition of “compliance assistance” has the advantage of being measurable, and objectively verifiable by a third party.

Beyond the enforcement process, the concept of compliance assistance also involves MDE’s public outreach and assistance activity which helps the regulated community understand the law and assists the regulated community in complying with the law’s requirements. Although the count of these public outreach activities is not included in this report, examples of these activities include:

- The Environmental Permits Service Center which assists businesses that need MDE permits or approvals to understand their responsibilities under the law and establish lines of communication between businesses and the Department through which assistance may be sought and rendered.
- The Department operates a Small Business Assistance Program (SBAP) which helps small businesses understand and comply with Maryland's environmental programs and regulations, and provides pollution prevention and waste minimization information to businesses, explaining how businesses can save money, reduce environmental liabilities and the need for permits by changing their operations to avoid creating pollution. In the past, the SBAP has conducted site visits and workshops to dry cleaners, auto body shops, printers, and metal platers. The SBAP is developing new outreach programs to focus on small business industry sectors that cumulatively have the potential to significantly impact the environment.
- The Department publishes and distributes a *Business Guide to Environmental Permits and Approvals* which provides detailed information about each of MDE's permits, such as the purpose of the permit, the permit requirements, the permit application process, the standard turnaround time, the term of certification, the permit fee, and the Department contact for further information and assistance if needed. The Department has made a number of permit applications and instructions for completing the application available through the Internet at MDE's website. The Department is also working to enable businesses to submit their permit applications via the Internet.

ENFORCEMENT PROCESS

- Major
- Chronic
- Unresponsive
- Recalcitrant



PERFORMANCE MEASURES OVERVIEW AND DEFINITIONS

THE TASK OF EVALUATING the performance of the enforcement and compliance programs is difficult but not impossible. Three of MDE's administrations handle the bulk of the enforcement actions taken by the Department. For that reason we have broken down our evaluation of MDE's programs by media:

- Air:** This includes programs that deal with air pollution and radiation.
- Waste:** This includes oil control, solid and hazardous waste as well as the sewage sludge, scrap tire, lead poisoning, natural wood waste and superfund remediation programs.
- Water:** This includes the drinking water, tidal and non-tidal wetlands, the NPDES program, coal and mineral mining, oil and gas exploration and production, water appropriation, waterway and floodplain construction, dam safety, stormwater management, sediment and erosion control programs.

The first step in assessing performance was the development of measures. This proved to be more difficult than anticipated because each program used different statistics to measure their performance. In an effort to gauge performance, and take a step forward to achieve consistency, the Department developed the Measures of Success program.

In 1997 our first attempt was to create a consistent system of performance measurement. In that effort we found it necessary to use three sets of definitions to adequately explain all of our statistics. Trying to implement 1997's system proved difficult and, as it turns out, unnecessarily complicated. We believe that the format employed last year and this year is better because it is simpler. The six pages of definitions used in the 1997 report continue to be valid, but we are not repeating them here because we feel the more generic definitions which follow are sufficient for purposes of this report. If the reader needs more details concerning specific categories of numbers as applied to any given program, the Department stands prepared to provide that detail on a program by program basis.

CHART FORMAT

As promised last year, this year the Department is using the same chart format as we used the previous year. The advantage of this format is that all programs are reporting their numbers in a consistent manner, making the information accessible to the reader without having to refer to different definitions. Repeated use of the same format also facilitates comparison of information from one year to the next, hopefully making enforcement activity trends more apparent

The Logic of the Chart

The purpose of this document is to report and attempt to measure the performance of MDE's enforcement effort. Each program's performance chart consistently follows the same logic and is designed to give the citizens of Maryland a common sense, plain English, accounting of their activity. A blank example of the chart with the lines numbered to correspond to the following definitions can be found on page 34.

1. *Identify the total universe of facilities over which the program has regulatory responsibility.*

Lines 2 - 9

Line 3 shows the number of new permits or permit renewals issued during the year. Line 4 accounts for the total number of permits that were in effect at fiscal year end. Lines 5 through 9 are used by those programs that have regulatory responsibility for sites and facilities that are not required to obtain a formal permit. These lines make it possible to merge last year's "facility maintenance charts" with the "discharge permit charts."

2. *Count the number of inspections audits and spot checks conducted*

Lines 10 - 12

Lines 11 and 12 provide a count of the individual sites inspected and the total number of inspections conducted including record reviews, audits and spot check activities. It should be noted that a record review, audit, or spot check is counted the same as a full inspection for purposes of this report.

Individuals familiar with these activities know that often a full inspection involves a whole set of activities including record reviews, interviews, and site visits. Because different types of inspections conducted by the various enforcement programs involve many diverse activities, the "number of

inspections, audits, and spot checks” reported here includes some activities which do not amount to full formal inspections.

Also, the reason the number of inspections is often substantially higher than the number of sites is because some sites are inspected or checked more than one time during the year. Another reason is that some individual sites are sufficiently large or diverse to warrant having different portions of the site, or pieces of equipment, inspected separately.

3. *Compliance Profile*

Lines 13 – 16

The Compliance profile portion of the chart is a snapshot of the overall compliance status of the facilities inspected during the fiscal year. Line 14 identifies how many of the inspected sites were found with significant violations, providing a key element used to determine the overall compliance rate. The percentages on lines 15 and 16 show the percentage of inspected sites that had significant violations. If a site was found to have a significant violation it was counted as being out of compliance, even if the site was brought back into compliance later in the year. These percentages, along with the number of compliance assistance actions rendered, reflect some measure of how responsive the regulated community is to our enforcement efforts.

4. *How many significant violations did the inspections, audits, and spot checks reveal?*

Lines 17 – 21

Lines 18 through 21 record the total number and nature of the significant violations the program identified during the Fiscal Year. Line 18 indicates how many significant violations resulted in an *environmental or health impact*. Line 19 counts how many significant violations were *technical/preventative* in nature. The distinction here is based on evidence or proof that the Department must present to establish the violation in a contested case. Cases which require proof of actual physical damage to the environment or a human being, such as samples, photographs, or direct observations of a discharge are counted as having an *environmental or health impact*. Cases in which documentary evidence such as falsified discharge monitoring reports, lack of permits, or failure to maintain records are counted as *technical/preventative* on line 19. It is a mistake to infer that only environmental/health violations are significant and technical/preventative are not significant. Both types of violations are considered significant or insignificant depending on the circumstances of the violations. It is necessary to make the distinction between physical and technical violations in order to

avoid the misperception that all violations involve pollution. This report reveals that a substantial amount of effort goes into enforcing the many technical requirements of the law.

The specific definition of what constitutes a **significant** violation ultimately rests with the individual programs that have unique statutory and regulatory threshold requirements. The Department's general definition of a significant violation is any violation that requires the Department to take some form of remedial or enforcement action to bring the facility into compliance. Consequently, the Department is under a self-imposed obligation to account for how it handles each and every significant violation. Line 20 accounts for the number of significant violations carried over from last year. Thus, adding lines 18 through 20, we get the total number of significant violations (line 21) which the program attempted to resolve during the fiscal year.

5. *How where those significant violations resolved? What did we do with them?*

Lines 22 - 24

Lines 23 and 24 answer the question of how many enforcement responses were concluded for significant violations in the fiscal year and how many are going to be carried over to next year. Resolved means that (1) an enforcement action or compliance assistance has been taken, and (2) the violator either has completed any required corrective action or has an executed agreement to take the corrective action and has begun bringing the site back into compliance.

An ongoing enforcement response is one that is still in process and the site or violator has not taken adequate steps to correct the violation. Cases remain ongoing if the violator does not respond to the Department's initial violation notification; hearings have been scheduled and not yet held, or; the hearing is complete and the violator has chosen to appeal the order. Simply put, the "ongoing" enforcement responses are those not yet finished.

6. *Use of Enforcement Tools*

Lines 25 – 31

The Department has a number of different enforcement tools that can be used to achieve compliance. Line 26 captures how often the program used **compliance assistance**. Compliance assistance is rendered when written documentation states that the correction has been made or commenced. This tool allows MDE to bring facilities into compliance without the necessity of resorting to formal enforcement actions. It is often implemented in less time and may reduce the environmental consequences of the violation. This

number does not necessarily correspond to the number of significant violations found because potential problems, which have not yet become violations, when corrected and documented, are counted as compliance assistance.

Lines 27 through 29 cover specific types of enforcement actions that are required to be reported under Environment Article Section 1-301(d).

Line 30 is the number of penalty actions and other enforcement actions not specifically designated above. These actions are primarily penalty actions, but they also include various forms of remedial requirements that do not fit the descriptions of the actions named in the statute.

Line 31 records how often the program referred a matter over to the Environmental Crimes Unit of the Attorney General's Office for possible criminal prosecution. These are not counted as resolved until there is a completed criminal case or the crimes unit has declined to take a criminal action, returned the case to the program and the program has taken an alternative form of enforcement.

7. Penalties

Line 32 - 33

Line 33 discloses the amount of administrative or civil penalties obtained. This means monies collected during the fiscal year. The penalties recorded here may have been imposed in prior years but are collected in whole or part in FY 98.

EXAMPLE – PERFORMANCE MEASURES CHART

		Totals
1		
2	<u>PERMITTED SITES/FACILITIES</u>	
3	Number of Permits/Licenses issued	
4	Number of Permits/Licenses in effect at Fiscal Year End	
5	<u>OTHER REGULATED SITES/FACILITIES</u>	
6	(other sites)	
7	(other sites)	
8	(other sites)	
9	(other sites)	
10	<u>INSPECTIONS</u>	
11	Number of Sites Inspected	
12	Number of Inspections, Audits, Spot Checks	
13	<u>COMPLIANCE PROFILE:</u>	
14	Number of Inspected Sites/Facilities with Significant Violations	
15	% of Inspected Sites/Facilities in Significant Compliance	
16	% of Inspected Sites/Facilities with Significant Violations	
17	<u>SIGNIFICANT VIOLATIONS</u>	
18	Number of Significant Violations involving Environmental or Health Impact	
19	Number of Significant Violations based on Technical/Preventative Deficiencies	
20	Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	
21	Total	
22	<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
23	Resolved	
24	Ongoing	
25	<u>ENFORCEMENT ACTIONS</u>	
26	Number of Compliance Assistance rendered	
27	Number of Show Cause, Remedial, Corrective Actions Issued	
28	Number of Stop Work Orders	
29	Number of Injunctions Obtained	
30	Number of Penalty and Other Enforcement Actions	
31	Number of referrals to Attorney General for possible Criminal Action	
32	<u>PENALTIES</u>	
33	Amount of Administrative or Civil Penalties obtained	

ENVIRONMENT ARTICLE

§ 1-301(d) Report on Enforcement Activities.

(1) (i) On or before October 1 of each year, the Secretary, in consultation with the Attorney General, shall submit to the Legislative Policy Committee, in accordance with §1246 of the State Government Article, a report on enforcement activities conducted by the Department during the previous fiscal year.

(ii) The report shall:

1. Include the information required under this subsection and any additional information concerning environmental enforcement that the Secretary decides to provide;

2. Be available to the public as soon as it is forwarded to the Legislative Policy Committee;

3. Include information on the total number of permits and licenses issued by or filed with the Department at any time and still in effect as of the last date of the fiscal year immediately preceding the date on which the report is filed;

4. Include information concerning specific enforcement actions taken with respect to the permits and licenses during the immediately preceding fiscal year; and

5. Include information on the type and number of contacts or consultations with businesses concerning compliance with State environmental laws.

(iii) The information required in the report under paragraph (3) of this subsection shall be organized according to each program specified.

(2) The report shall state the total amount of money as a result of enforcement actions, as of the end of the immediately preceding fiscal year:

(i) Deposited in the Maryland Clean Air Fund;

(ii) Deposited in the Maryland Oil Disaster Containment, Clean-up and Contingency Fund;

(iii) Deposited in the Nontidal Wetland Compensation Fund;

(iv) Deposited in the Maryland Hazardous Substance Control Fund;

(v) Recovered by the Department from responsible parties in accordance with §7-221 of this article;

(vi) Deposited in the Sewage Sludge Utilization Fund; and

(vii) Deposited in the Maryland Clean Water Fund.

(3)(i) The report shall include the information specified in subparagraphs (ii), (iii), (iv), and (v) of this paragraph for each of the following programs in the Department:

1. Ambient air quality control under Title 2, Subtitle 4 of this article;
2. Oil pollution under Title 4, Subtitle §4 of this article;
3. Nontidal wetlands under Title 5, Subtitle 9 of this article;
4. Asbestos under Title 6, Subtitle 4 of this article;
5. Lead paint under Title 6, Subtitle 8 of this article;
6. Controlled hazardous substances under Title 7, Subtitle 2 of this article;
7. Water supply, sewerage systems, and refuse disposal systems under Title 9, Subtitle 2 of this article;
8. Water discharges under Title 9, Subtitle 3 of this article;
9. Drinking water under Title 9, Subtitle 4 of this article; and
10. Wetlands under Title 16, Subtitle 2 of this article.

(ii) For each of the programs set forth in subparagraph (i) of this paragraph, the Department shall provide the total number or amount of:

1. Final permits or licenses issued to a person or facility, as appropriate, and not surrendered, suspended or revoked;
2. Inspections, audits, or spot checks performed at facilities permitted;
3. Injunctions obtained;
4. Show cause, remedial, and corrective action orders issued;
5. Stop work orders;
6. Administrative or civil penalties obtained;
7. Criminal actions charged, convictions obtained, imprisonment time ordered, and criminal fines received; and
8. Any other actions taken by the Department to enforce the requirements of the applicable environmental program, including:
 - A. Notices of the removal or encapsulation of asbestos under §6-414.1 of this article; and
 - B. Actions enforcing user charges against industrial users under §9-341 of this article.

(iii) In addition to the information required in subparagraph (ii) of this paragraph, for the Lead Paint Program under Title 6, Subtitle 8 of this article, the report shall include the total number or amount of:

1. Affected properties registered; and
2. Inspectors or other persons accredited by the Department, for whom accreditation has not been surrendered, suspended, or revoked.

(iv) In addition to the information required in subparagraph (ii) of this paragraph, for the Controlled Hazardous Substances Program under Title 7, Subtitle 2 of this article, the report shall include the following lists, updated to reflect the most recent information available for the immediately preceding fiscal year:

1. Possible controlled hazardous substance sites compiled in accordance with §7-223 (a) of this article.

2. Proposed sites listed in accordance with §7-223 (c) of this article at which the Department intends to conduct preliminary site assessments; and

3. Hazardous waste sites in the disposal site registry compiled in accordance with §7-223 (f) of this article.

(v) In addition to the information required in subparagraph (ii) of this paragraph, for the Drinking Water Program, the report shall include the total number of:

1. Actions to prevent public water system contamination or to respond to a Safe Drinking Water Act emergency under §§9-405 and 9-406 of this article; and

2. Notices given to the public by public water systems under §9-410 of this article.

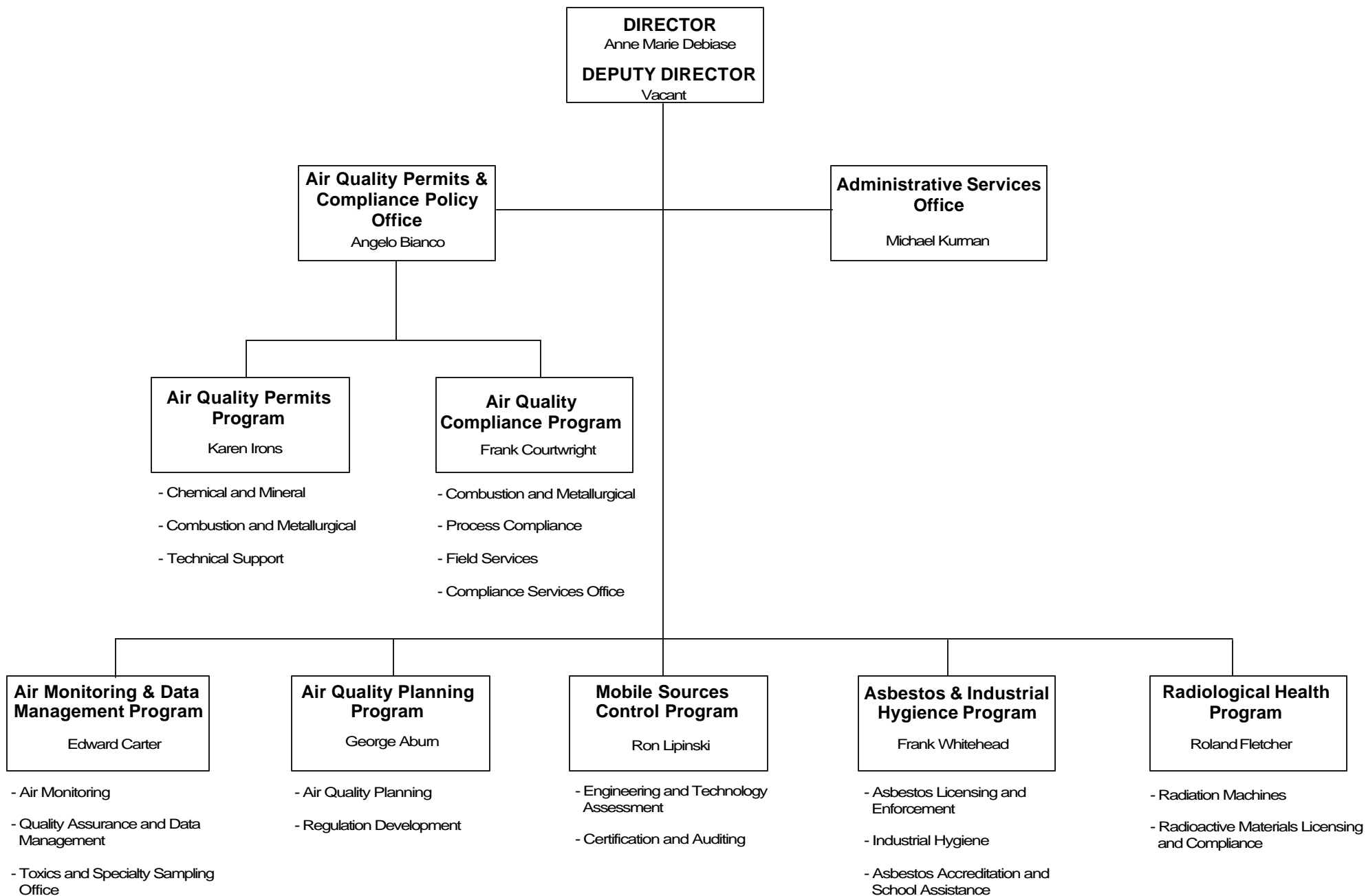


**ENFORCEMENT AND COMPLIANCE
PERFORMANCE MEASURES**



**AIR AND RADIATION MANAGEMENT
ADMINISTRATION**

MARYLAND DEPARTMENT OF THE ENVIRONMENT AIR AND RADIATION MANAGEMENT ADMINISTRATION



Ambient Air Quality Control

PURPOSE

There are approximately 10,000 stationary sources of air emissions registered in Maryland. The Air Quality Compliance Program is responsible for ensuring that these sources comply with applicable air pollution control requirements.

Approximately 200 of these sources emit more than 95% of all the pollutants emitted from stationary sources. These 200 high-emitting sources and an additional nearly 400 priority sources are the primary focus of this program. The additional priority sources are selected due to concerns regarding potential emissions, toxic air pollutant emissions, potential for nuisance impact, impact on the general welfare, or are considered to have the potential for significant risk to public health or the environment. Combined, this group of nearly 600 sources includes facilities such as large industrial operations, paper mills, asphalt plants and incinerators. This group varies slightly in number from year to year due to sources reducing emissions or using less toxic materials to the point where they are no longer considered priority sources and thus do not demand close scrutiny. The remainder of the 10,000 sources are generally smaller in terms of their emissions or their impacts and are considered to be of potential low risk to public health or the environment. Examples of these smaller sources include dry cleaning operations, charbroilers, small boilers, paint spray booths, and degreasing machines. For this reason, performance measures information is presented in two categories, *High Impact Air Emission Facilities* and *Low Impact Air Emission Facilities*.

AUTHORITY

FEDERAL: Clean Air Act, Title I, Section 110

STATE: Environment Article, Title 2; COMAR 26.11

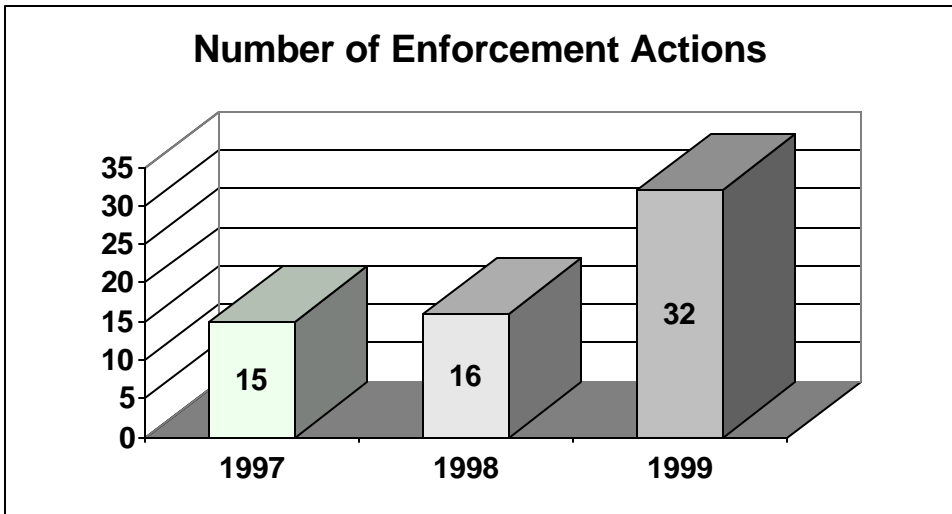
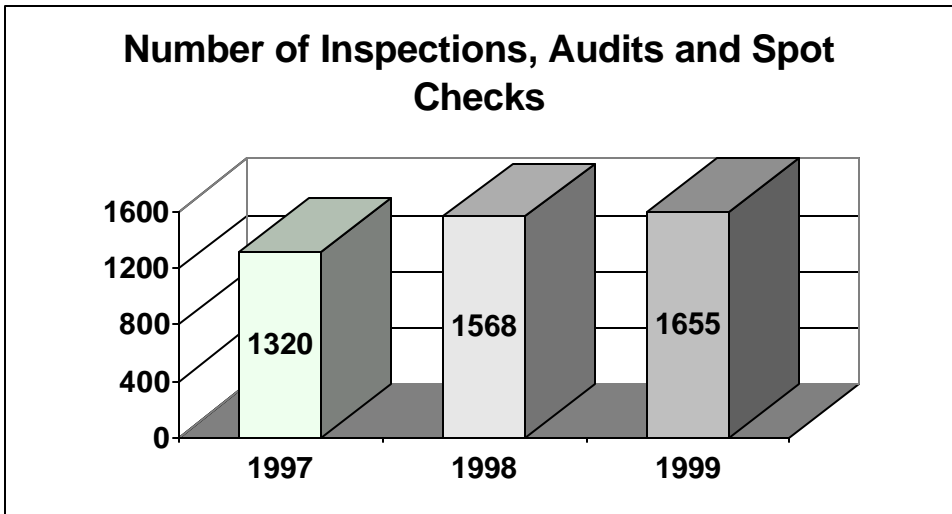
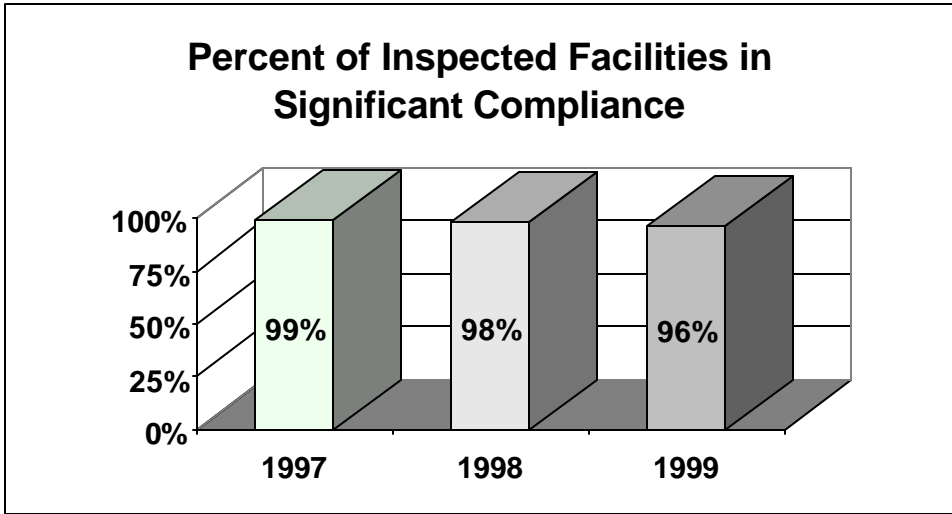
PROCESS

In inspecting facilities, a major focus is given to those approximately 600 sources described above that are considered a potential significant risk to public health or the environment. Often, multiple inspections are performed at these sources over the course of a year. Inspections are both announced and unannounced, depending on the nature and purpose of the inspection. Attention is given to smaller, lower risk sources through special initiatives that focus on inspecting all sources within a particular source category, spot-checks of a percentage of sources in a category where the category contains a large number of small sources, and the education of trade groups and equipment operators and owners.

Ambient Air Quality Control High Impact Facilities

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Registrations issued	574
Number of Permits/Registrations in effect at Fiscal Year End	394
	3548
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	474
Number of Inspections, Audits, Spot Checks	1655
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	17
% of Inspected Sites/Facilities in Significant Compliance	96.4%
% of Inspected Sites/Facilities with Significant Violations	3.6%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	19
Number of Significant Violations based on Technical/Preventative Deficiencies	8
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	21
Total	48
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	23
Ongoing	25
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	73
Number of Show Cause, Remedial, Corrective Actions issued	12
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	20
Number of Referrals to Attorney General for possible Criminal Action	1
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$367,500.00

Ambient Air Quality Control High Impact Facilities

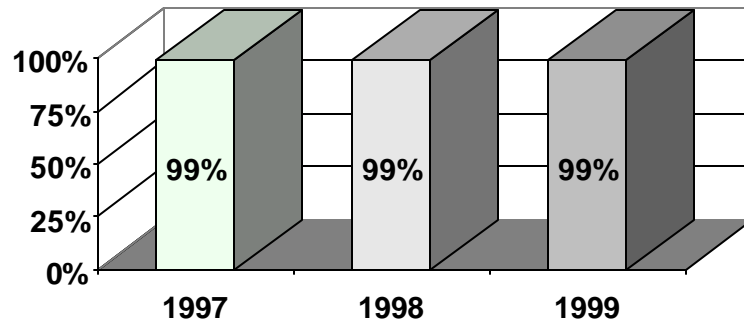


Ambient Air Quality Control Low Impact Facilities

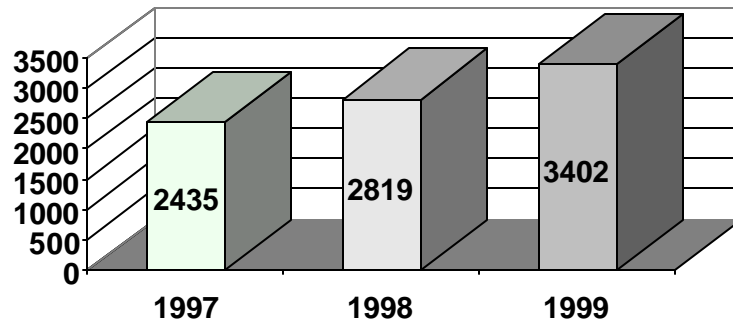
	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Registrations issued	9998
Number of Permits/Registrations in effect at Fiscal Year End	486
	16935
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	661
Number of Inspections, Audits, Spot Checks	3402
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	3
% of Inspected Sites/Facilities in Significant Compliance	99.5%
% of Inspected Sites/Facilities with Significant Violations	0.5%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	6
Number of Significant Violations based on Technical/Preventative Deficiencies	0
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	30
Total	36
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	35
Ongoing	1
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	19
Number of Show Cause, Remedial, Corrective Actions issued	1
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	3
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$57,975.00

Ambient Air Quality Control Low Impact Facilities

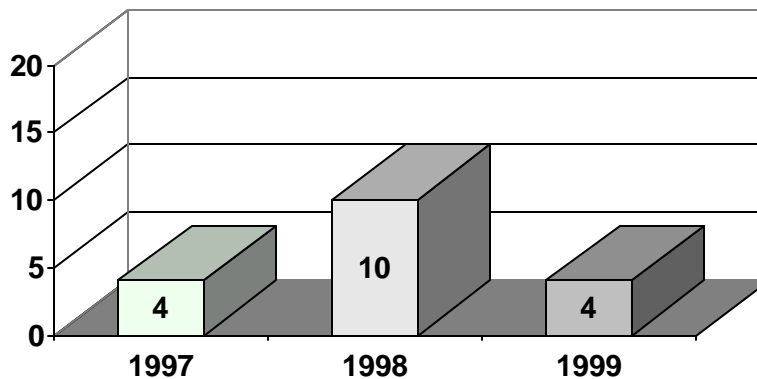
Percent of Inspected Facilities in Significant Compliance



Number of Inspections, Audits and Spot Checks



Number of Enforcement Actions



Air Quality Complaints

PURPOSE

In addition to the approximately 10,000 registered or permitted sources of air emissions in Maryland, there are numerous potential sources of air pollution that are not required to be registered or permitted by the Department. Examples include some composting operations, construction sites, open burning activities, hot-tar roofing operations, material storage piles, welding and burning activities, and certain portable operations of short duration. These sites or activities can create nuisance conditions such as odors or fugitive dust. The Air Pollution Complaints Program responds to complaints regarding nuisance odors and dust from both permitted and non-permitted operations. Close to 900 complaints are received each year. After investigation, some complaints reveal no basis for potential harm to environment or public health, but will be addressed to reduce nuisance conditions to neighbors or communities.

AUTHORITY

STATE: Environment Article, Title 2; COMAR 26.11

PROCESS

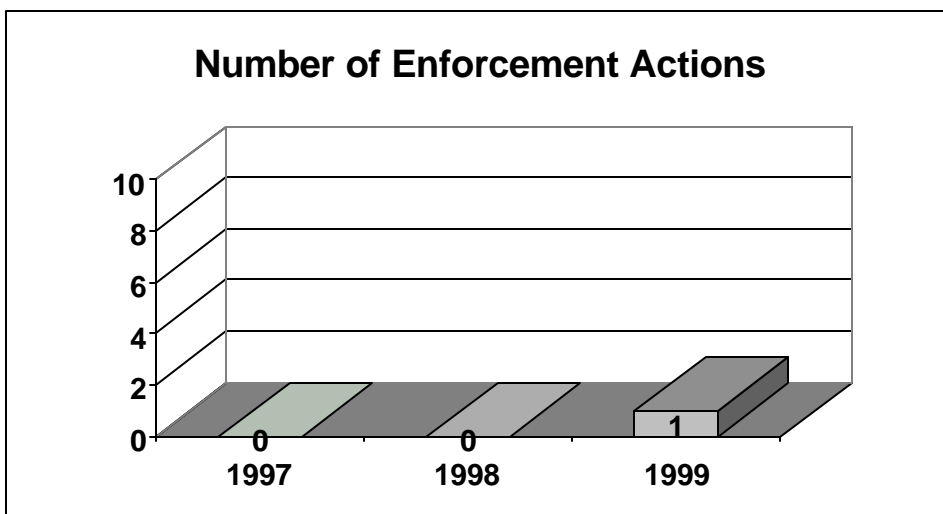
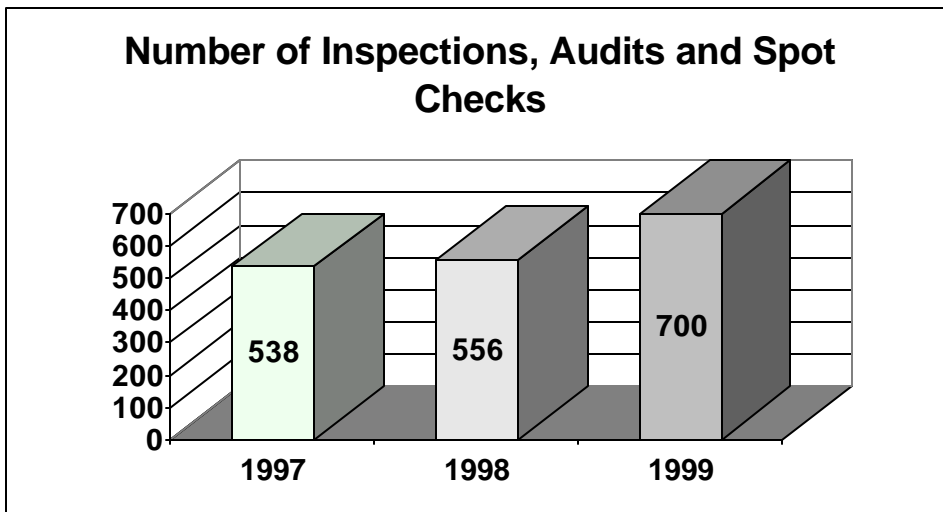
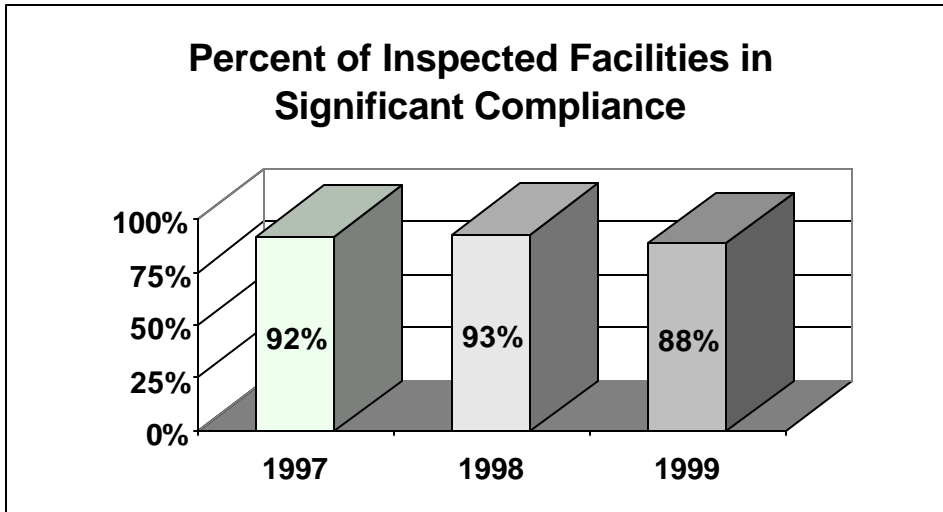
Complaints are addressed in a number of ways. A complaint situation may be of sufficient severity to warrant an immediate site visit. Complaints arising from severe nuisance situations generally result in the Department receiving multiple and separate complaints for a single situation. A complaint situation can also be a sporadic occurrence, which may lead to increased surveillance of the site in an attempt to verify the existence of a problem, which could then generate a need to conduct a formal inspection. Some complaints, particularly where only an explanation of what is allowed is needed, can be resolved through phone contact or letters. If the complaint investigation reveals a violation at a permitted site, the violation and subsequent enforcement action is counted under the ambient air quality control program's performance measures chart.

Only those violations which occur at non permitted sites are counted here. Most violations in this category are related to open burning activities or the creation of off-site nuisances caused by odors or dust from sites. Violations such as these rarely result in actual harm, but have the potential to cause harm to the environment or public health, and on this basis are included in this report. Nearly all violations in this program are resolved without the need to take enforcement action, as they generally relate to short-lived activities, are quickly corrected (often at the time of inspection), do not reoccur, and result in no actual harm to public health or the environment.

Air Quality Complaints

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	n/a
Number of Permits/Licenses in effect at Fiscal Year End	n/a
<u>OTHER REGULATED SITES/FACILITIES</u>	
Complaints received at all sites	848
Complaints received at unregistered/unpermitted sites	605
<u>INSPECTIONS</u>	
Number of Sites inspected	346
Number of Inspections, Audits, Spot Checks	700
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	40
% of Inspected Sites/Facilities in Significant Compliance	88.4%
% of Inspected Sites/Facilities with Significant Violations	11.6%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	42
Number of Significant Violations based on Technical/Preventative Deficiencies	9
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	0
Total	51
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	42
Ongoing	9
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	42
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	1
Number of Referrals to Attorney General for possible Criminal Action	1
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$2,500.00

Air Quality Complaints



Asbestos

PURPOSE

The Asbestos and Industrial Hygiene Program manages the licensing of asbestos removal contractors and oversees their efforts when removing or encapsulating asbestos to assure that it is removed in a manner that is protective of human health. Any project that involves demolition or the removal of more than 240 linear feet or more than 160 square feet of asbestos-containing material is subject to federal safety standards under EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) program. All projects are subject to additional requirements under state laws and regulations. Projects can range from something as small as a single pipe wrapping to a major removal project at a power plant or similarly large facility.

AUTHORITY

FEDERAL: Clean Air Act, Title 1, Section 112

STATE: Environment Article, Title 6, Subtitle 4; COMAR 26.11

PROCESS

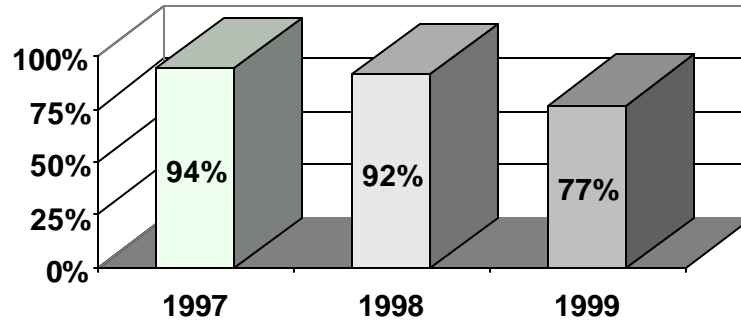
Removing or encapsulating asbestos is required to be done by a contractor licensed by MDE for such purposes. The contractor is required to notify the Department of the location of the activity and the approximate amount of asbestos-containing material to be removed or encapsulated prior to undertaking the work. From the information contained in the notification, the Department will determine whether the project is required to meet federal safety standards. Approximately 25% to 30% of all asbestos projects undertaken are subject to federal program requirements. Projects subject to such requirements are considered a priority and an inspection will generally take place. Priority is also given to inspecting contractors with poor performance records, projects in close proximity to other priority projects (for inspection efficiency) and projects for which complaints have been lodged. The focus of an inspection is on determining whether a contractor is adhering to strict safety standards designed to protect workers and the public from exposure to asbestos. Because there is no safe level of exposure to asbestos, almost any violation is considered significant.

Asbestos

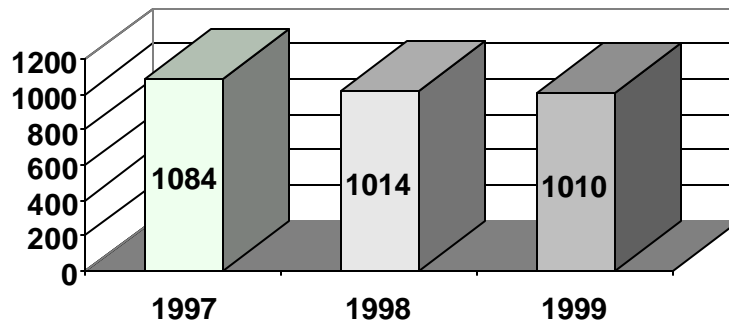
	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	n/a
Number of Permits/Licenses in effect at Fiscal Year End	n/a
<u>OTHER REGULATED SITES/FACILITIES</u>	
Number of contractor licenses issued in FY 98	155
Number of licenses in effect at fiscal year end	186
Number of asbestos removal notifications received	3165
<u>INSPECTIONS</u>	
Number of Sites inspected	703
Number of Inspections, Audits, Spot Checks	1010
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	160
% of Inspected Sites/Facilities in Significant Compliance	77%
% of Inspected Sites/Facilities with Significant Violations	23%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	176
Number of Significant Violations based on Technical/Preventative Deficiencies	6
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	22
Total	204
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	165
Ongoing	39
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	20
Number of Show Cause, Remedial, Corrective Actions issued	15
Number of Stop Work Orders	2
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	9
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$29,405

Asbestos

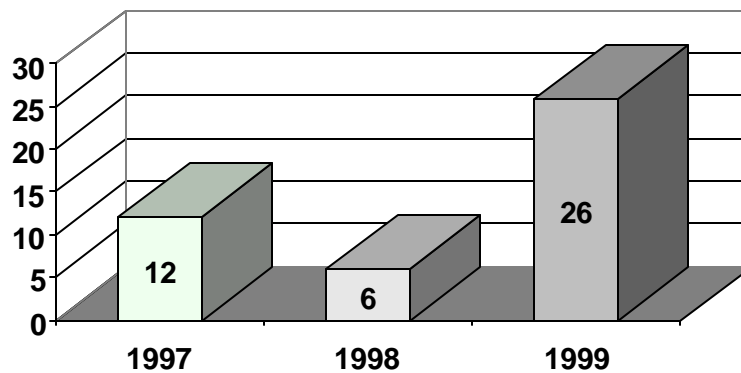
Percent of Inspected Facilities in Significant Compliance



Number of Inspections, Audits and Spot Checks



Number of Enforcement Actions



Radiation Machines Program

PURPOSE

The Radiation Machines Program's charge is to regulate man-made electronic sources of radiation so as to minimize the amount of radiation exposure to the general public. These sources include dental and veterinary x-ray machines, mammography machines, radiation machines used in medical settings to diagnose or treat illnesses, and radiation emitting devices used in research or industry.

State regulations, which derive in part from federal statutory requirements, require that all radiation exposures be "As Low As Reasonably Achievable" (ALARA). Such a requirement is necessary, since radiation exposure in high dose rates or large quantities can cause adverse health effects. Radiation protection is based on evidence that receiving numerous small exposures over time may have a detrimental effect similar to receiving a single large exposure, since the radiation dose is cumulative. Fortunately, documented human health impacts are rare, and the medical benefits of radiation diagnostic, therapy and treatment procedures far outweigh the potential risk of sustained biological damage. Nonetheless, it is prudent to take every reasonable precaution when dealing with radiation.

AUTHORITY

FEDERAL: Radiation Control for Health and Safety Act;
Mammography Quality Standards Act; 21-CFR-1020
STATE: Environment Article, Title 8, Subtitle 1; COMAR 26.12.

PROCESS

Dental and veterinarian x-ray machines are inspected by the Department on a 3-year cycle. Under a contractual arrangement with the U.S. Food and Drug Administration (FDA), mammography machines in facilities certified by the FDA are inspected annually by the Radiation Machines Program. The mammography inspection reports are provided to FDA for follow up enforcement actions. Inspections of all radiation-emitting machines in hospitals, private medical or industrial facilities and academic institutions are performed by inspectors licensed by MDE. Licensing requirements include an education and a health physics experience element. Inspection priorities for these machines are based on the type of the machine, with inspection intervals ranging from 1 to 3 years. Following MDE's review and approval of an inspection report from an MDE-licensed inspector, the inspected machine is issued a certification by MDE. An inspection in any of the program categories below involves testing the accuracy and intensity of the radiation beam, testing the accuracy of the dosage timer, and checking for proper film development procedures. A review of operator credentials and adherence to safety procedures may also be included as part of an inspection.

Radiation Machines Program

Following an inspection, appropriate follow-up protocols are conducted to verify that all violations uncovered during the inspection are corrected in a timely manner. Facilities with violations that are not corrected in a reasonable time frame (30 days) are targeted for enforcement action.

The chart below shows the types of facilities regulated by MDE listed in terms of radiation machine type or purpose, and the frequency at which they are inspected.

Facility Type	Registered Machines (X-ray Tubes*)	Inspection Frequency
High Energy & Particle Accelerators	6 Machines	Annual
Therapy	56 Machines (56 Tubes)	Annual
Hospitals	947 Machines (1118 Tubes)	Biennial
Physicians: MD, GP, Chiropractic, Podiatric	1754 Certified Machines (1847 Tubes)	Biennial
Industrial	406 Machines (412 Tubes)	Triennial
Dental	7126 Machines (7422 Tubes)	Triennial
Veterinary	448 Machines (449 Tubes)	Triennial
Mammography (178 MQSA)	251 Machines (261 tubes)	Annual

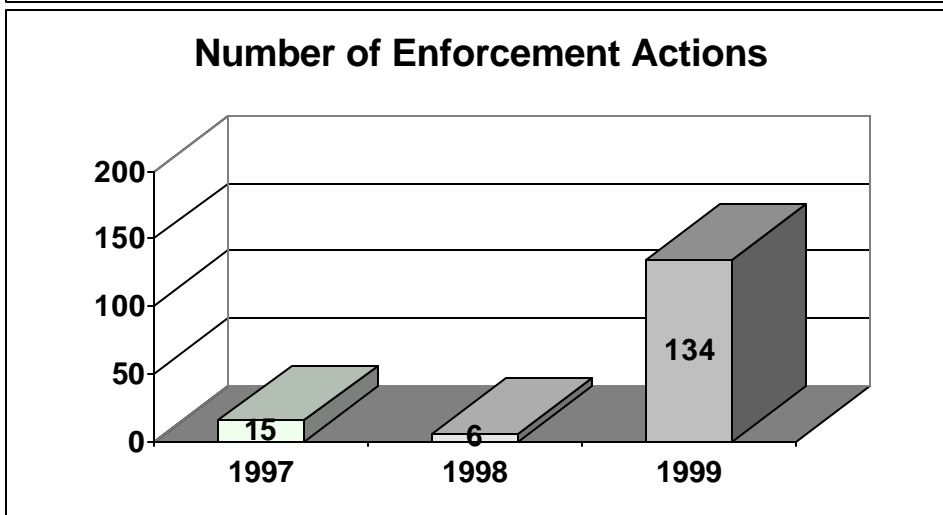
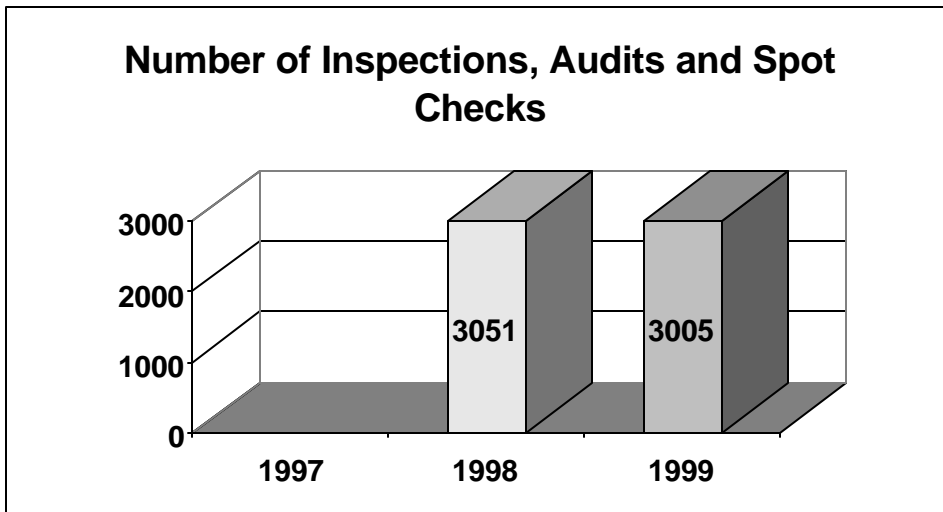
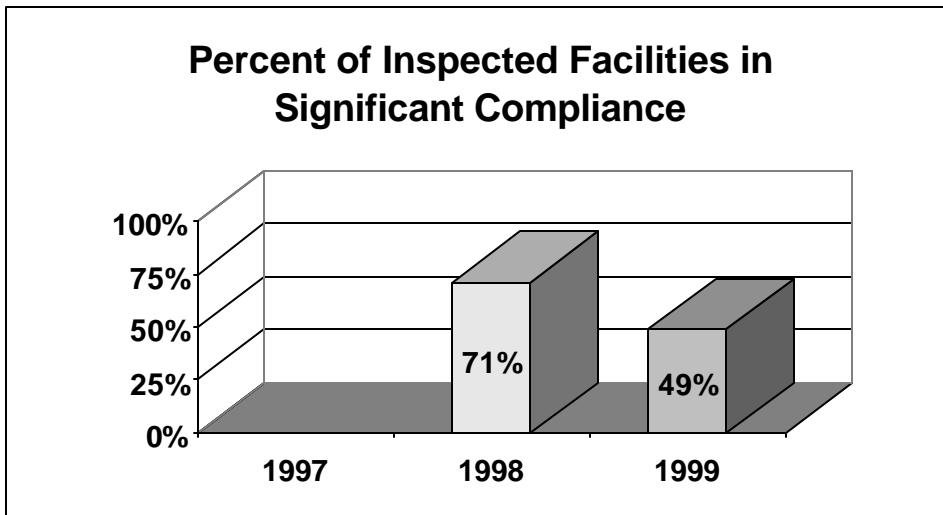
* Maryland regulations define “tubes” as any individual electron tube designed for the production of x-ray radiation.

Radiation Machines Program

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of New Facility Registrations Issued	349
Number of Facility Registrations in effect at Fiscal Year End	4720
<u>INSPECTIONS</u>	
Number of Sites inspected	1370
Number of Inspections, Audits, Spot Checks	3005
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Violations	706
% of Inspected Sites/Facilities in Significant Compliance	49%
% of Inspected Sites/Facilities with Significant Violations	51%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environment of Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	2730
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	1312
Total	4042
<u>DISPOSITION OF VIOLATIONS</u>	
Resolved	2910
Ongoing	1132
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	345
Number of Show Cause, Remedial, Corrective Actions issued	7
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions *	127
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$4,063

* The 127 "penalty and other enforcement actions" for 1999 reflects a different method of counting enforcement actions from prior years. For the first time in 1999, Notices of Violation (NOVs) issued by MDE immediately following an inspection were counted as enforcement actions because they recite the violations found and require that the violations be corrected immediately with subsequent notification to MDE of the corrective action taken. In past years these on-site NOVs were inadvertently not counted as enforcement actions because they were issued in the field and resolved without having to resort to any formal adversarial proceeding.

Radiation Machines Program



Radiation - Radioactive Materials

PURPOSE

The Radioactive Materials Licensing and Compliance Division (RAMLCD) regulates the use, handling and control of radioisotopes in Maryland to protect the health and safety of radiation workers and the members of the public and minimize radioactive contamination of the environment. Examples of facilities that use and handle radioactive materials are hospitals, private medical practices, manufacturers, industries, research and development firms, academic institutions, nuclear pharmacies, and distributors of sealed sources. RAMLCD issues specific radioactive material licenses to these facilities based on the nature and use of the radioisotopes, the training and experience of the facility's Radiation Safety Officer and radioactive material users and the sufficiency of the radiation safety program submitted.

AUTHORITY

FEDERAL: Atomic Energy Act of 1954

STATE: Environment Article, Title 8; Subtitle 1; COMAR 26.12:

PROCESS

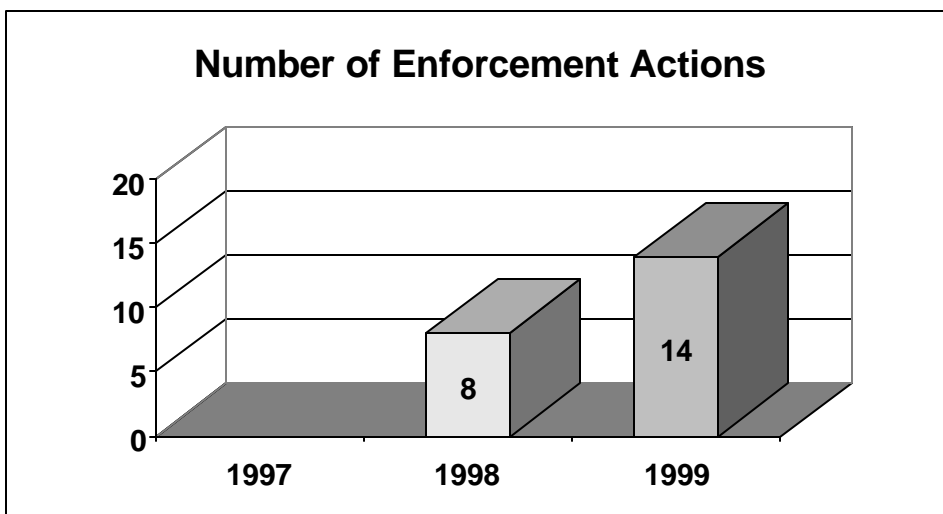
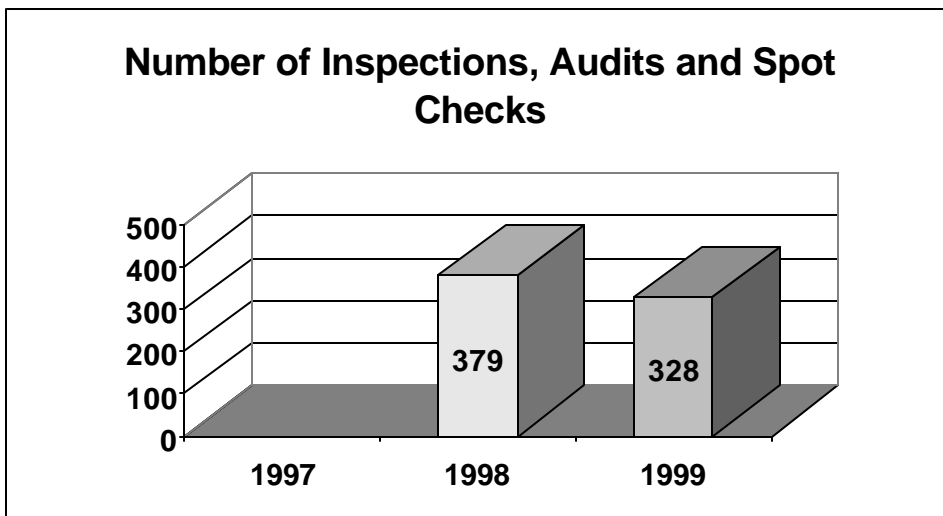
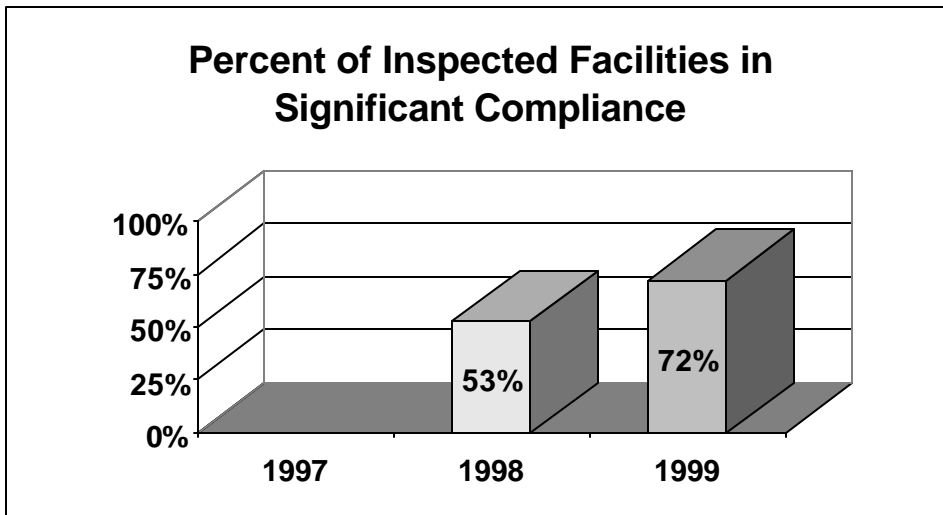
RAMCLD conducts inspections of the above-described facilities to determine compliance with the Maryland radiation regulations and specific license conditions. Inspections may be performed over a 1-4 day period by one inspector or a team of inspectors, depending upon the size and complexity of the license. Inspection frequencies range from quarterly (which is unique to Maryland due to the presence of Neutron Products, Incorporated, the only cobalt-60 teletherapy source manufacturer in the nation), up to 5 years. The frequency of these inspections is determined by the quantity, activity and toxicity of the radioisotope(s), the potential hazards resulting from the radioactive material use, and the nature of the facility itself. Inspections routinely focus on a compliance review of Maryland radiation regulations, the conditions of the specific license and the licensee's adherence to radiation safety procedures and practices.

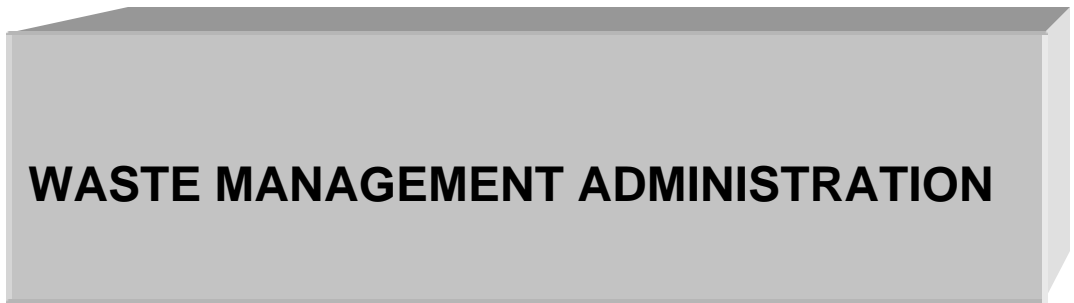
Additionally, RAMLCD conducts investigations throughout Maryland where radioactive material incidents have occurred and complaints regarding radiation safety at licensed facilities or worksites have been received, or upon notification to RAMCLD that a facility has relocated their radioactive material use areas without proper authorization. The Division also oversees the decommissioning of previously licensed radioactive materials facilities and conducts safety evaluations on radioactive material sources and devices distributed by Maryland manufacturers. Additionally, the division performs inspections on at least 25% of the radiation operations conducted in Maryland by out of State licensees under reciprocal recognition of their license. Finally, the RAMLCD responds to emergencies such as transportation accidents involving radioisotopes, and is also prepared to respond and assist with nuclear power plant accidents. Each year the Division participates in an exercise involving a mock accident at either the Calvert Cliffs Nuclear Power Plant or Peach Bottom Atomic Station to test the Department's preparedness for responding to a nuclear accident.

Radiation – Radioactive Materials

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	437
Number of Permits/Licenses in effect at Fiscal Year End	589
<u>OTHER REGULATED SITES/FACILITIES</u>	
Sources from Other Jurisdictions	393
<u>INSPECTIONS</u>	
Number of Sites inspected	328
Number of Inspections, Audits, Spot Checks	328
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	92
% of Inspected Sites/Facilities in Significant Compliance	72%
% of Inspected Sites/Facilities with Significant Violations	28%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	7
Number of Significant Violations based on Technical/Preventative Deficiencies	212
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	6
Total	225
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	200
Ongoing	19
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	139
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	1
Number of Penalty and Other Enforcement Actions	13
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$58,700

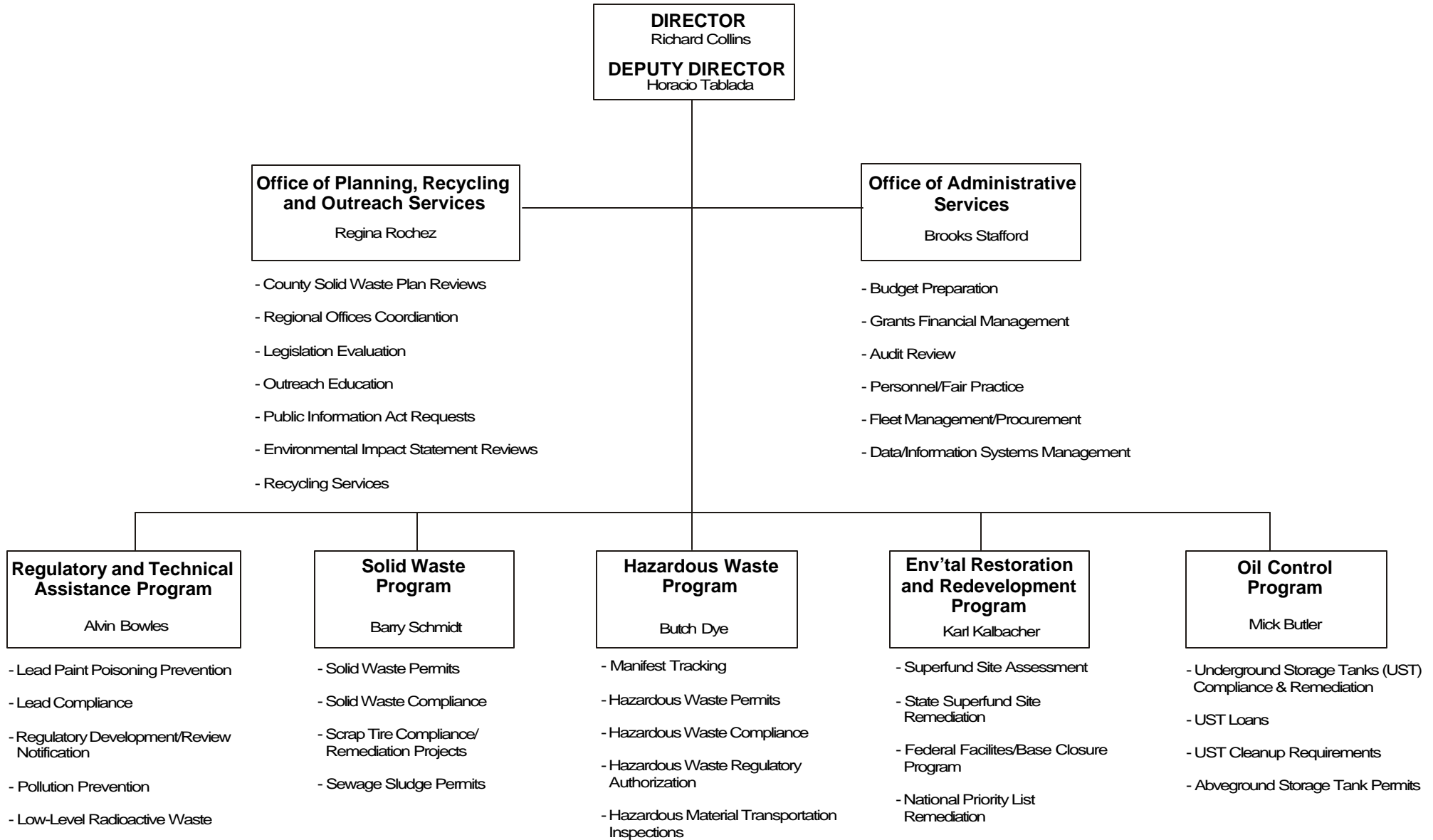
Radiation - Radioactive Materials Program





WASTE MANAGEMENT ADMINISTRATION

MARYLAND DEPARTMENT OF THE ENVIRONMENT WASTE MANAGEMENT ADMINISTRATION



Environmental Restoration And Redevelopment Program

PURPOSE

The purpose of this program is to protect public health and the environment by identifying sites that are either contaminated or are potentially contaminated by controlled hazardous substances. Once identified, the sites are prioritized for remedial activities. The sites are then listed on the State Master List and the Disposal Site Registry.

AUTHORITY

FEDERAL: Comprehensive Environmental Response, Compensation and Liability Act

STATE: Environment Article, Title 7. Subtitle 2; COMAR 26.14

PROCESS

The State Master List identifies sites that are either contaminated or are potentially contaminated. The Department conducts environmental assessments that include investigation and sampling of sites to determine whether remediation is necessary. If necessary, remedial activities include cleanup of sites contaminated with controlled hazardous substances. Assessments are conducted based on available resources. The Disposal Site Registry ranks those sites that are the highest in priority for investigation and remedial action based on the federal hazard ranking system score.

Controlled Hazardous Substances Program	Number of Sites end FY 98	Number of Sites end FY 99
State Master List (7-223 (a))	426	390
Disposal Site Registry (7-223(f))	16	16
Intended number of preliminary assessments of State Master List sites	6	0

Several State deferral sites neared completion in FY 99. Thus the total amount of money collected during FY 99 from responsible parties as a result of cost recovery under 7-221 is \$61,490 compared to \$96,508 end FY 98. Please note that the enforcement for the sites under this program comes under the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Program. For an actual listing of sites on both the State Master list and the Disposal Site Registry, please see Appendix A.

Hazardous Waste

PURPOSE

The Federal Resource Conservation and Recovery Act (RCRA) of 1976 established a system for controlling the disposition of hazardous waste from generation until its ultimate disposal. The Hazardous Waste Program regulates the management of hazardous wastes through the review and issuance of hazardous waste treatment, storage or disposal (TSD) facility permits. The Program assists the U.S. Environmental Protection Agency in the review, issuance and monitoring of Corrective Action Permits. It enforces all permits and regulated activities at hazardous waste generators, transporters and facilities through inspections, monitoring and initiation of compliance actions including issuance of site complaints and development of formal legal actions.

AUTHORITY

FEDERAL: Resource Conservation and Recovery Act (RCRA) - Subtitle C
STATE: Environment Article, Title 7, Subtitle 2; COMAR 26.13

PROCESS

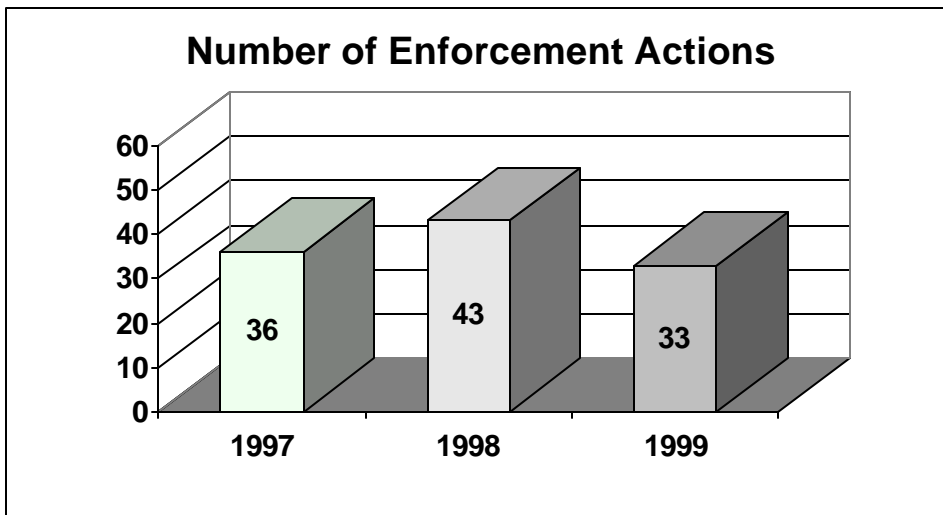
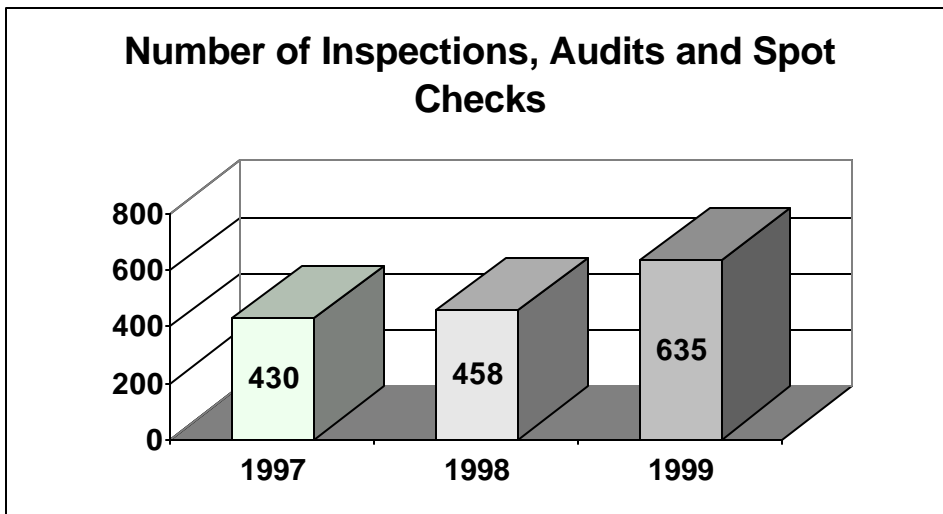
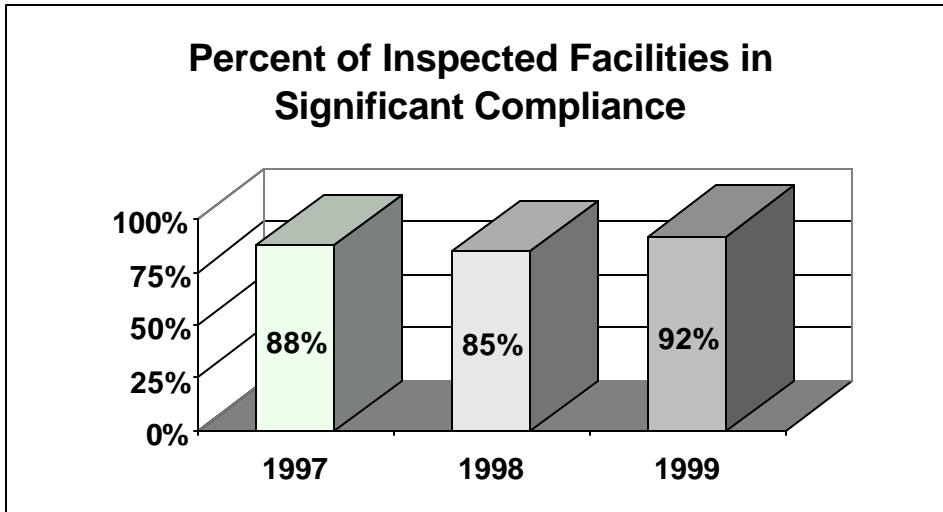
The Hazardous Waste Program's Enforcement Division is responsible for RCRA violation discovery and compliance activities. The focus of the enforcement program is on those hazardous waste treatment, storage and disposal facilities which pose the greatest threat to public health and the environment or which have been previously cited for violations and have not responded or continue to be out of compliance. Hazardous waste management is accomplished by unannounced inspections of permitted facilities, generators and transporters as well as investigations of complaints.

Hazardous Waste

	1999 Total
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	3
Number of Permits/Licenses in effect at Fiscal Year End	23
<u>OTHER REGULATED SITES/FACILITIES</u>	
Number of Generators and Haulers	9,945
<u>INSPECTIONS</u>	
Number of Sites inspected	436
Number of Inspections, Audits, Spot Checks	635
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	33
% of Inspected Sites/Facilities in Significant Compliance	92%
% of Inspected Sites/Facilities with Significant Violations	8%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	7
Number of Significant Violations based on Technical/Preventative Deficiencies	25
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year*	10
Total	42
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	31
Ongoing	11
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	46
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	33
Number of Referrals to Attorney General for possible Criminal Action	7
<u>PENALTIES</u>	
Amount of Penalties obtained	\$72,424

* Number of ongoing violations reported in last annual report was 8. This was incorrect.

Hazardous Waste



Lead Poisoning Prevention

PURPOSE

Lead Poisoning Prevention includes oversight of activities designed to reduce the incidence of childhood lead poisoning. These activities involve accreditation and oversight of lead abatement services contractors; maintaining a registry of rental properties; maintaining a registry of lead-poisoned children; and enforcement.

AUTHORITY

FEDERAL: Toxic Substances Control Act

STATE: Environment Article, Title 6, Subtitles 8 & 10; COMAR 26.16 and Environment Article, Title 7, Subtitle 2; COMAR 26.02

PROCESS

Affected properties (rental dwelling properties) must meet a risk reduction standard at turnover. MDE Accredited contractors carry out inspections and lead paint services. Accreditation and oversight of inspectors/contractors is a multi-step process. Attendance at multiple day training sessions is required. In addition, contractors must show evidence of fulfilling an experience requirement and submit a protocol to MDE for the work they are being accredited to perform. Third party testing requirements were added this year. Review courses are required every two years.

Property registration is required to identify the stock of available rental housing that has been certified as having met the risk reduction standard. Owners of affected properties must renew the registration annually. An annual per unit fee is paid into the Lead Poisoning Prevention for the establishment of a Community Outreach and Education program and for the administration of the program.

Maryland law requires that all blood lead level test results be reported to MDE. MDE in turn reports all results for children considered at risk to the local Health Departments for case management.

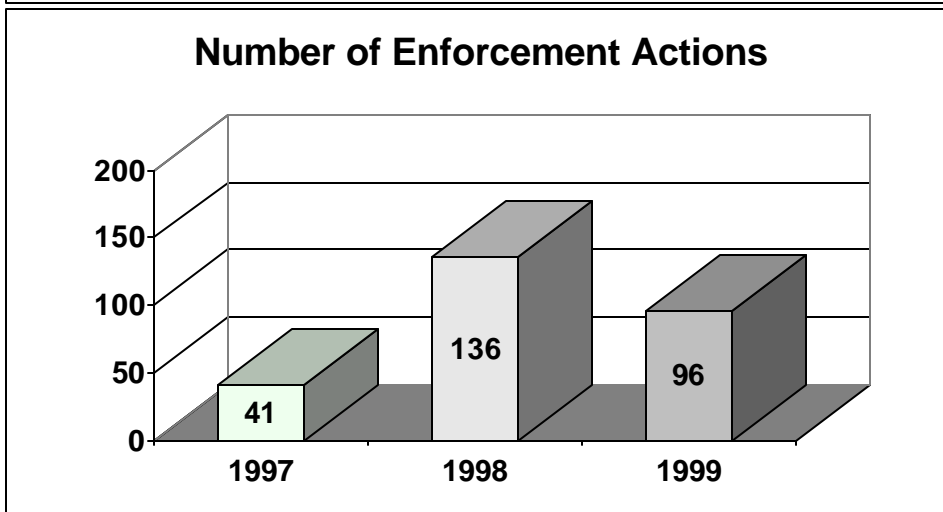
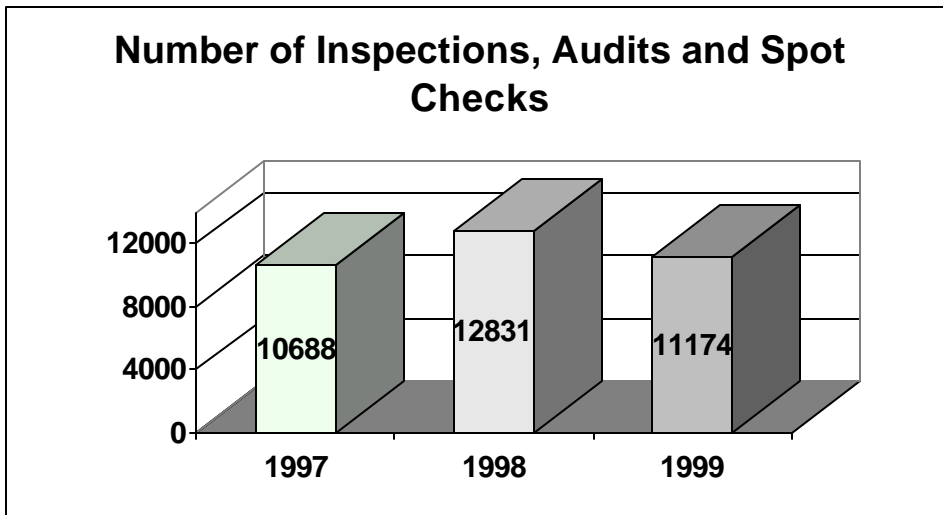
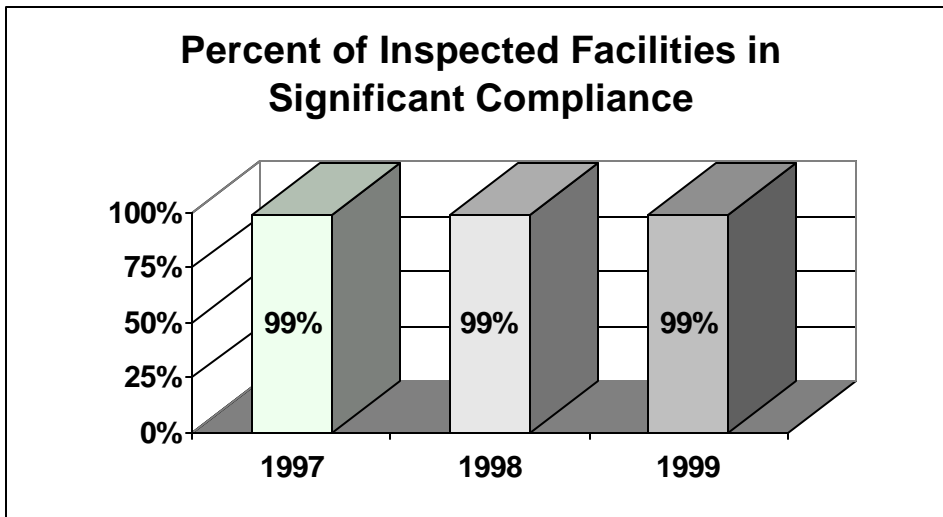
The Maryland Lead Risk Reduction in Housing law has now been in effect in some form since 1994. The numbers of registered properties have not matched the number of rental properties projected from the 1990 census data. In an effort to ensure compliance, the focus of the program has been shifting from earlier efforts stressing outreach and education toward enforcement and compliance.

Lead Poisoning Prevention

	1999 Total
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	na
Number of Permits/Licenses in effect at Fiscal Year End	na
<u>OTHER REGULATED SITES/FACILITIES</u>	
Rental Dwelling Units Registered this FY	3,554
Total Rental Dwelling Units in Registered Properties	113,457
Affected Properties Registered as of end of FY	67,634
Total number of Accreditations in effect as of end of FY*	2,230
<u>INSPECTIONS</u>	
Number of Sites inspected	10,942
Number of Inspections, Audits, Spot Checks	11,174
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	80
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	35
Number of Significant Violations based on Technical/Preventative Deficiencies	45
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	86
Total	166
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	48
Ongoing	118
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	12
Number of Show Cause, Remedial, Corrective Actions issued	80
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	16
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$15,419

*This number includes Inspectors, Risk Assessors, Supervisors, Instructors, Courses of Instruction and Contractors involved in lead related activities in Maryland.

Lead Poisoning Prevention



Oil Aboveground Facilities

PURPOSE

The Oil Control Program performs a broad range of activities in regard to the safe handling, storage, and remediation of petroleum products across the State of Maryland. The Program, through engineers and support staff, issues permits and performs oversight for aboveground storage facilities, oil contaminated soil and the transportation of oil products in Maryland. The Program also issues permits related to discharge activities, awards and audits licenses for the import of petroleum products into Maryland.

AUTHORITY

STATE: Environment Article, Title 4, Subtitle 4; COMAR 26.10

PROCESS

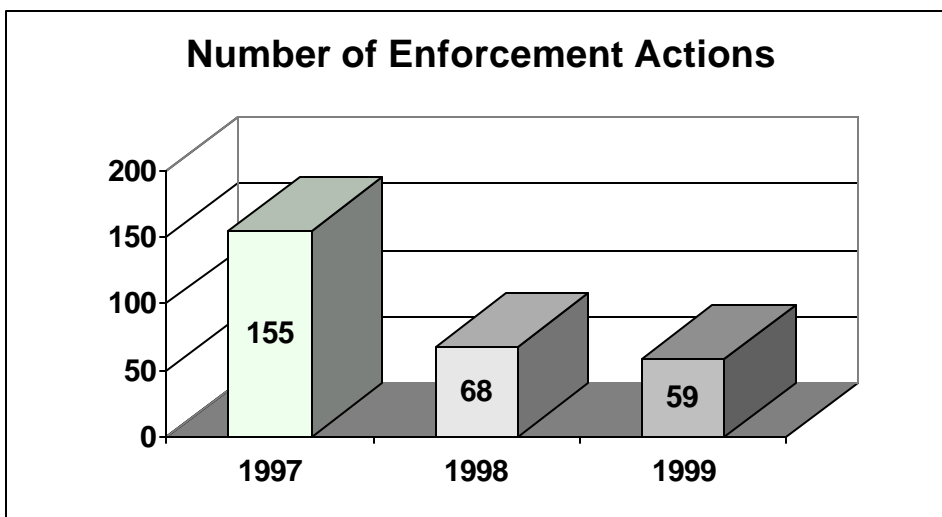
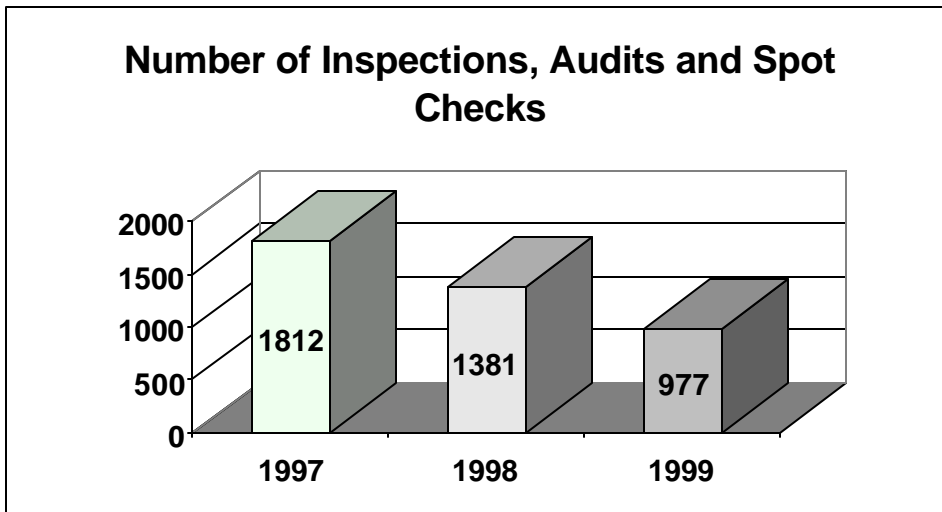
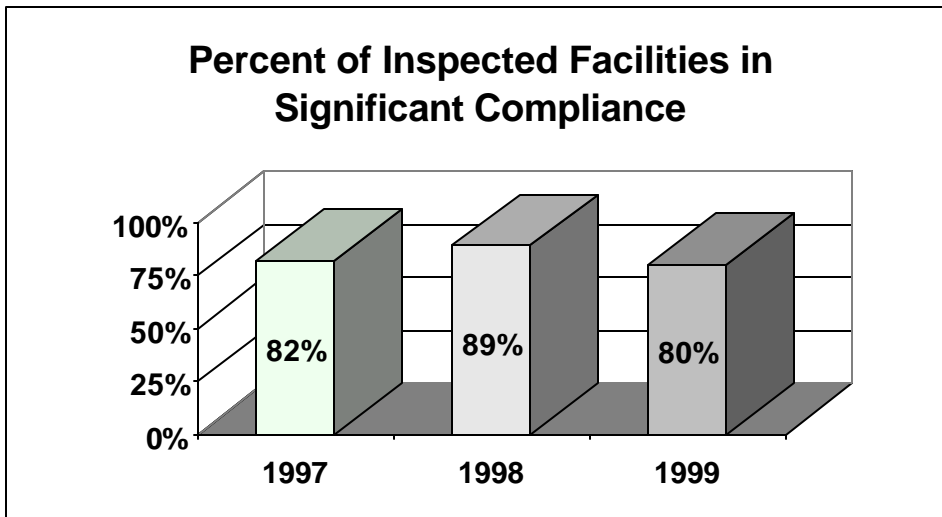
The regional environmental inspector schedules routine inspections of the facilities. During the inspection, facility conditions are documented and the permittee is advised of the status of compliance. If corrective action is warranted the facility is directed in accordance with Department guidelines and procedures. The inspection frequency can be adjusted as conditions warrant.

Oil Aboveground Facilities

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued*	704
Number of Permits/Licenses in effect at Fiscal Year End	1,624
 <u>OTHER REGULATED SITES/FACILITIES</u>	
Spill Response to AST Sites less than permitted capacity	700
 <u>INSPECTIONS</u>	
Number of Sites inspected	332
Number of Inspections, Audits, Spot Checks	977
 <u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	65
% of Inspected Sites/Facilities in Significant Compliance	80%
% of Inspected Sites/Facilities with Significant Violations	20%
 <u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	9
Number of Significant Violations based on Technical/Preventative Deficiencies	53
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	24
Total	86
 <u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	74
Ongoing	12
 <u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	892
Number of Show Cause, Remedial, Corrective Actions issued	14
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions**	45
Number of Referrals to Attorney General for possible Criminal Action	2
 <u>PENALTIES</u>	
Amount of Penalties obtained	\$34,635

*This was previously reported as Oil Above Ground Storage Tanks and Oil Contaminated Soil Operations. The Oil (Contaminated Soil) Operations Permit is issued to facilities within the State of Maryland that store and/or treat soil contaminated with petroleum product from underground storage tank leaks or surface spills. Due to the small number of facilities involved the numbers were incorporated into the Oil Aboveground Facilities numbers for Fiscal Year 1999. This was predicted on page 64 of last year's report.

Oil Aboveground Facilities



Oil Pollution Remediation Activities

PURPOSE

In addition to permitting, licensing and enforcement activities for facilities and underground storage tanks, the Oil Control Program oversees remediation activities at sites where petroleum products have been discharged from old underground storage tanks. These sites are referred to as “leaking underground storage tank” (LUST) sites. The oversight ensures that responsible parties remediate the site in a timely manner protecting the public's health and the environment. Discharges impacting soil or groundwater have occurred in each of these locations. These sites include for the most part gasoline service stations, both operating and closed out. They also include businesses that have their own petroleum distribution systems for use in vehicle fleets and even some heating oil systems. MDE approved remediation is being carried out in an environmentally protective manner at these sites.

AUTHORITY

FEDERAL: Resource Conservation and Recovery Act (RCRA) - Subtitle I
STATE: Environment Article, Title 4, Subtitle 4; and Title 7, Subtitle 2;
COMAR 26.10

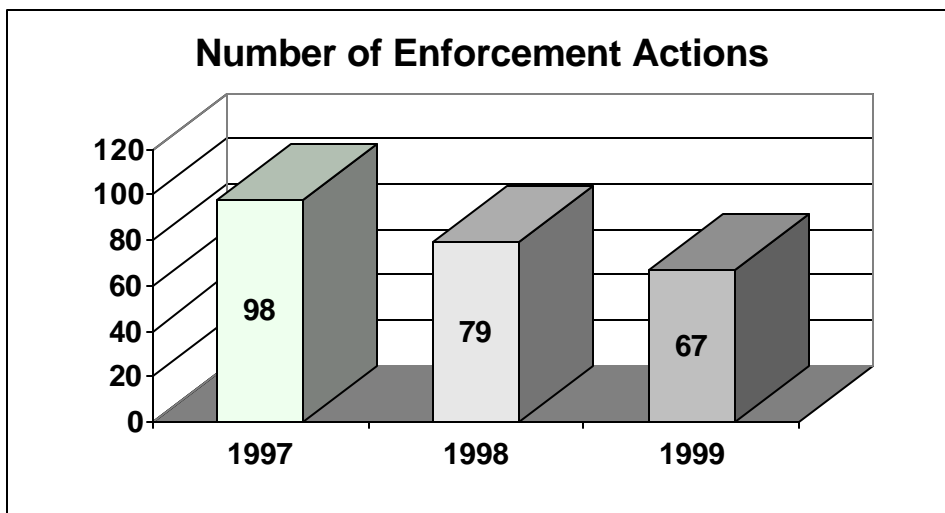
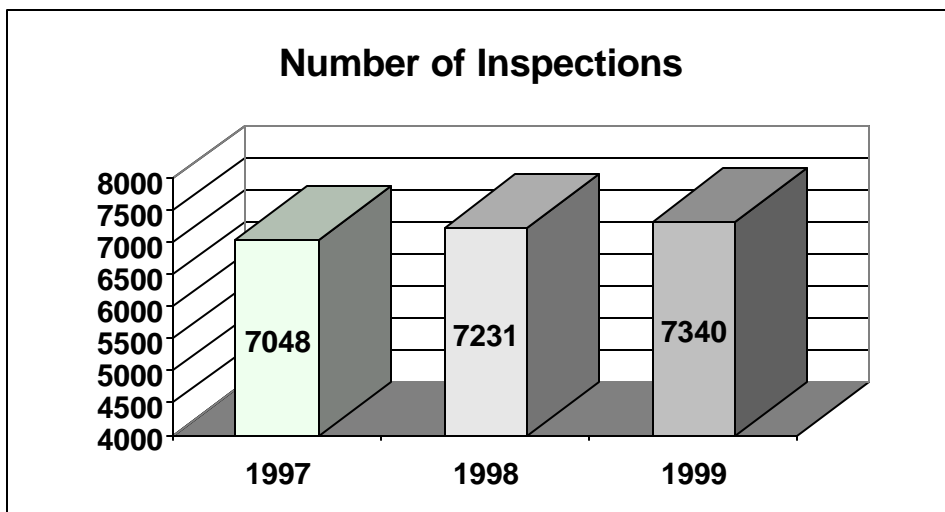
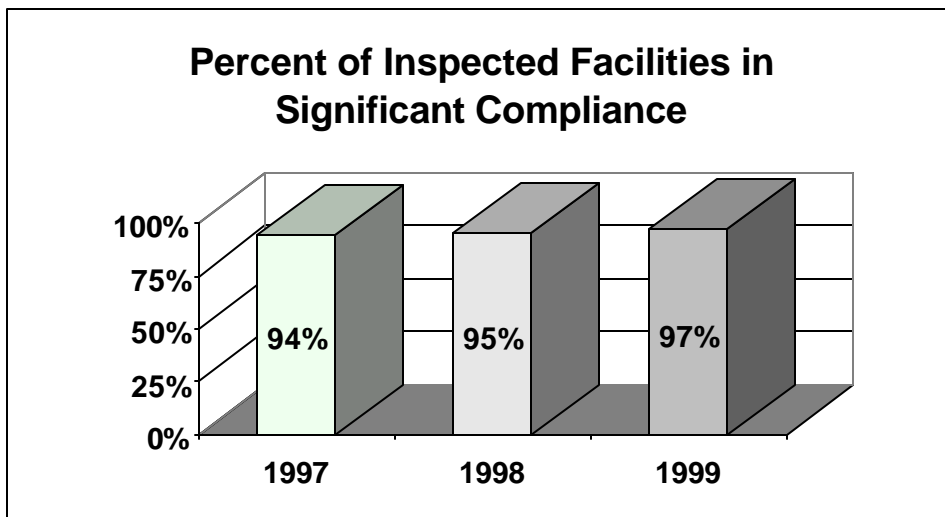
PROCESS

LUST cleanups are technical in nature, usually requiring numerous site visits and meetings. When a release of petroleum product is reported to the Department, a team of specialists is assigned to investigate, supported by geologists. The team of specialists will prioritize the response effort to the release based on product type, amount released and potential impacts from the release. Remediation generally includes removal of the contaminated soil and pumping and treating groundwater. Each site is in violation by virtue of the fact that a discharge has occurred. Inspection frequency is also determined per site as conditions warrant. During the inspection of remedial sites, conditions are documented and the responsible party is given direction and advised of the status of compliance. There are cases where the responsible party fails to perform the necessary steps to remediate the discharge. If enforcement action is warranted the action will be performed in accordance with Department guidelines and procedures.

Oil Pollution Remediation Activities

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	na
Number of Permits/Licenses in effect at Fiscal Year End	na
<u>OTHER REGULATED SITES/FACILITIES</u>	
Identified locations where there is a leaking underground storage tank Discharges impacting soil or groundwater have occurred. MDE approved remediation being conducted in an environmentally protective manner	1,617
<u>INSPECTIONS</u>	
Number of Sites inspected	1,968
Number of Inspections, Audits, Spot Checks	7,340
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	67
% of Inspected Sites/Facilities in Significant Compliance	97%
% of Inspected Sites/Facilities with Significant Violations	3%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	67
Number of Significant Violations based on Technical/Preventative Deficiencies	0
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	79
Total	146
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	130
Ongoing	16
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	5,867
Number of Show Cause, Remedial, Corrective Actions issued	9
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	58
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$12,907

Oil Pollution Remediation Activities



Oil Underground Storage Tanks (UST)

PURPOSE

The Oil Control Program is a preventative program that regulates activities associated with the storage of regulated substances in underground storage tanks throughout the State of Maryland. These sites range from the local neighborhood service station to churches, hospitals, schools, and military facilities.

AUTHORITY

FEDERAL: Resource Conservation and Recovery Act - Subtitle I

STATE: Environment Article, Title 4, Subtitle 4; COMAR 26. 10.

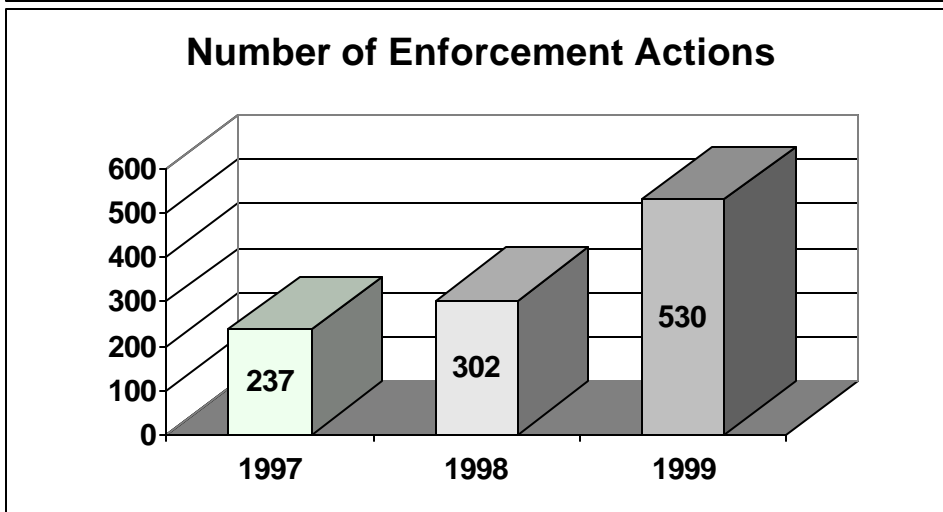
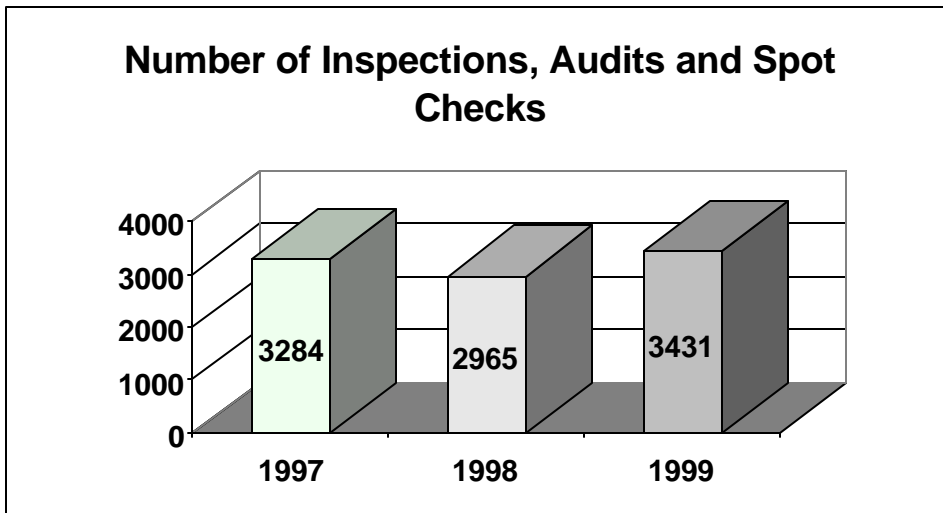
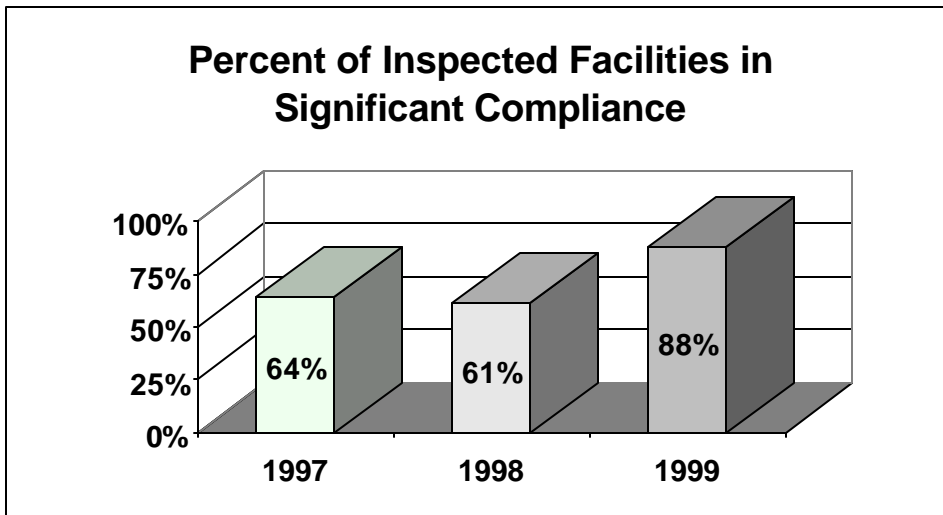
PROCESS

The Program assists tank owners in the prevention of the release of regulated substances by ensuring compliance with detailed State and Federal regulations. These include release detection, corrosion and overfill prevention, insurance requirements, construction standards, and vapor recovery installation and operation. All regulated USTs in Maryland must be registered with the Department. A comprehensive database is maintained by the Program's Office of Resource Management.

Oil Underground Storage Tanks

	1999 Total
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	na
Number of Permits/Licenses in effect at Fiscal Year End	na
<u>OTHER REGULATED SITES/FACILITIES</u>	
Registered underground storage tank sites	10,181
<u>INSPECTIONS</u>	
Number of Sites inspected	610
Number of Inspections, Audits, Spot Checks	3,431
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	73
% of Inspected Sites/Facilities in Significant Compliance	88%
% of Inspected Sites/Facilities with Significant Violations	12%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	73
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	91
Total	164
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	148
Ongoing	16
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	3,358
Number of Show Cause, Remedial, Corrective Actions issued	60
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	470
Number of Referrals to Attorney General for possible Criminal Action	1
<u>PENALTIES</u>	
Amount of Penalties obtained	\$151,912

Oil Underground Storage Tanks



Refuse Disposal

PURPOSE

Improper handling of society's byproducts in the form of domestic, commercial and industrial wastes can pose direct threats to both the public health and the quality of Maryland's water resources. The Solid Waste Program is responsible for two important elements of environmental regulation: the review of the technical information needed to support application for new solid waste disposal facilities; and the inspection and enforcement of regulations at permitted and unpermitted disposal facilities. Regulated facilities include municipal sanitary landfills, rubble landfills, land clearing debris landfills, non-hazardous industrial waste landfills, municipal incinerators and waste-to-energy facilities, solid waste processing and composting facilities, and transfer stations.

AUTHORITY

FEDERAL: Resource Conservation and Recovery Act - Subtitle D

STATE: Environment Article, Title 9, Subtitle 2; COMAR 26.04

PROCESS

Permits are required for the construction and operation of solid waste acceptance facilities. These include landfills, transfer stations, processing facilities, and incinerators. The purpose of the permits is to insure that these facilities are designed and operated in a manner protective of public health and the environment. The permit review activities cover a broad range of environmental and engineering elements to insure that new facilities use state-of-the-art techniques to protect the state's surface water, ground water, air, and other natural resources. Routine unannounced inspections are performed several times per year at the permitted facilities to ensure compliance with the permits.

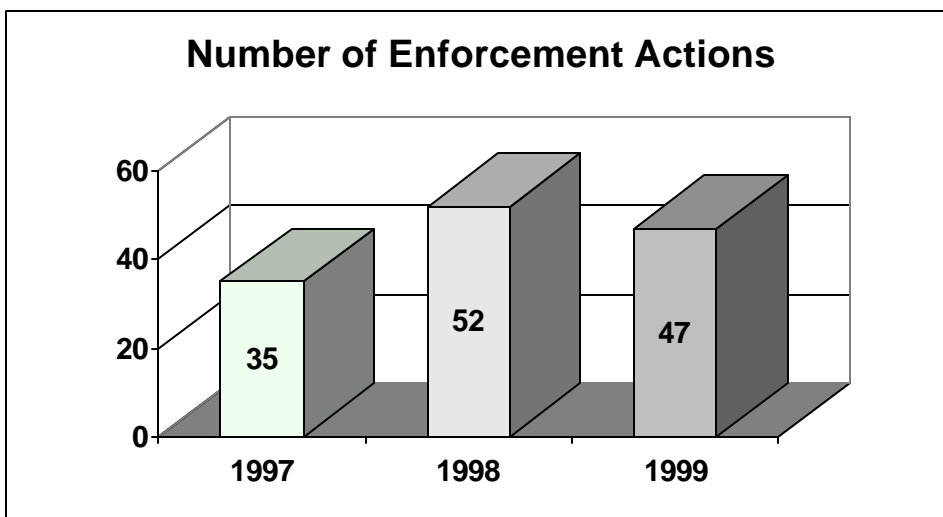
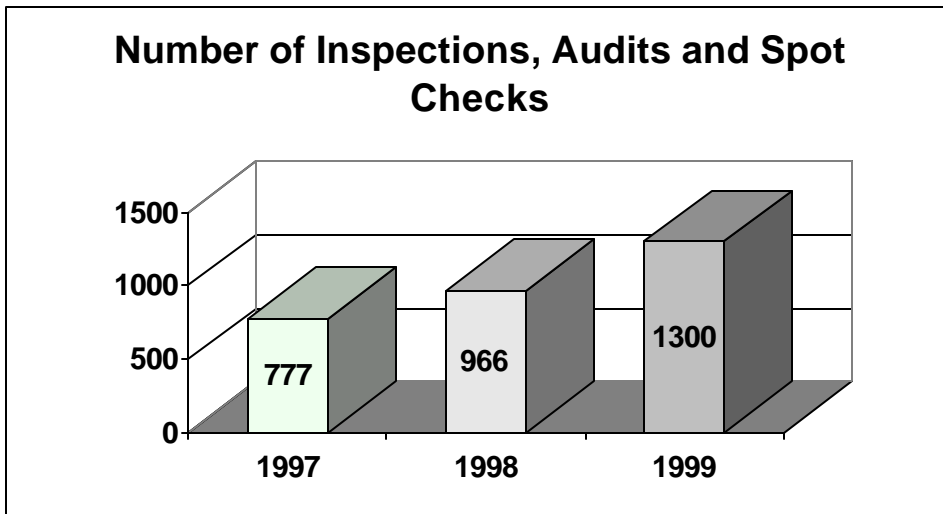
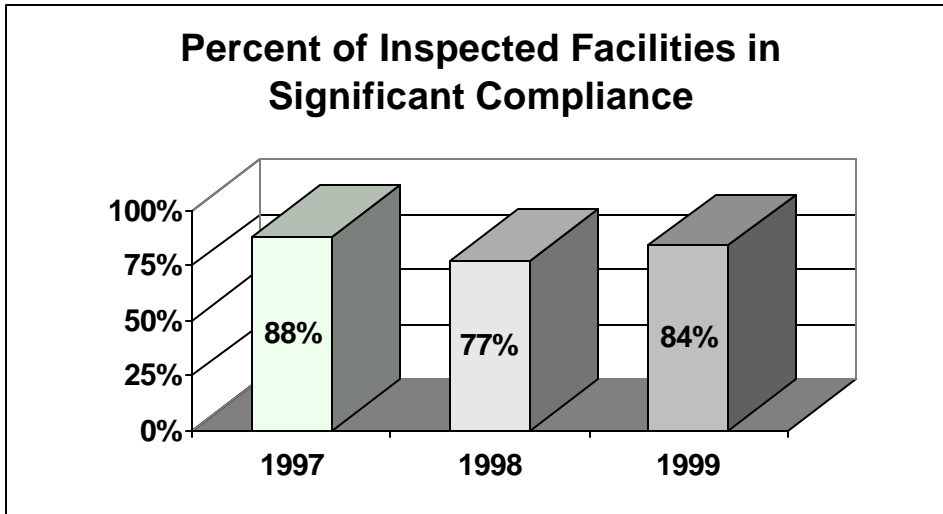
Inspectors also spend a large percentage of their time investigating complaints about unpermitted facilities, usually open dumps. The compliance staff performs inspections and investigations to find, stop and clean up illegal dumps and operational problems at permitted facilities. Typical problems requiring correction include: odor problems; soil erosion; discharges of pollutants to surface water; groundwater pollution; and inadequate cover leading to the propagation of potentially disease-bearing animals, such as rats, flies and mosquitoes. Corrective orders and penalties may be issued for violations in accordance with Department guidelines and procedures.

Compliance activities also include environmental monitoring and remediation. Geologists and engineers review groundwater monitoring and soil gas data to detect aqueous or gaseous pollutants, which may be migrating through the ground from landfill and dumpsites. When releases are detected, plans for landfill caps, groundwater and gas extraction, and treatment systems are developed by the permittees and/or their consultants. The plans are subject to review and approval by MDE technical staff prior to implementation and the installation and performance of these systems are evaluated.

Refuse Disposal

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	16
Number of Permits/Licenses in effect at Fiscal Year End	81
<u>OTHER REGULATED SITES/FACILITIES</u>	
Unpermitted sites with ongoing violations	14
<u>INSPECTIONS</u>	
Number of Sites inspected	286
Number of Inspections, Audits, Spot Checks	1300
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	46
% of Inspected Sites/Facilities in Significant Compliance	84%
% of Inspected Sites/Facilities with Significant Violations	16%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	6
Number of Significant Violations based on Technical/Preventative Deficiencies	40
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	23
Total	69
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	47
Ongoing	22
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	264
Number of Show Cause, Remedial, Corrective Actions issued	1
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	46
Number of Referrals to Attorney General for possible Criminal Action	3
<u>PENALTIES</u>	
Amount of Penalties obtained	\$1,766

Refuse Disposal



Scrap Tires

PURPOSE

Licenses are required for the hauling, collection, storage, processing, recycling and burning of scrap tires. These licenses ensure that scrap tires are managed in a manner protective of public health and the environment.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 2; COMAR 26.04

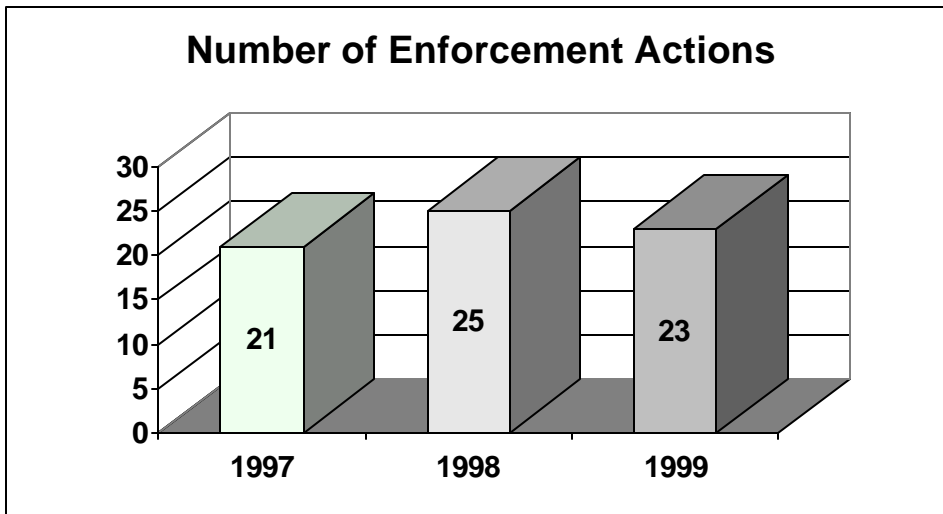
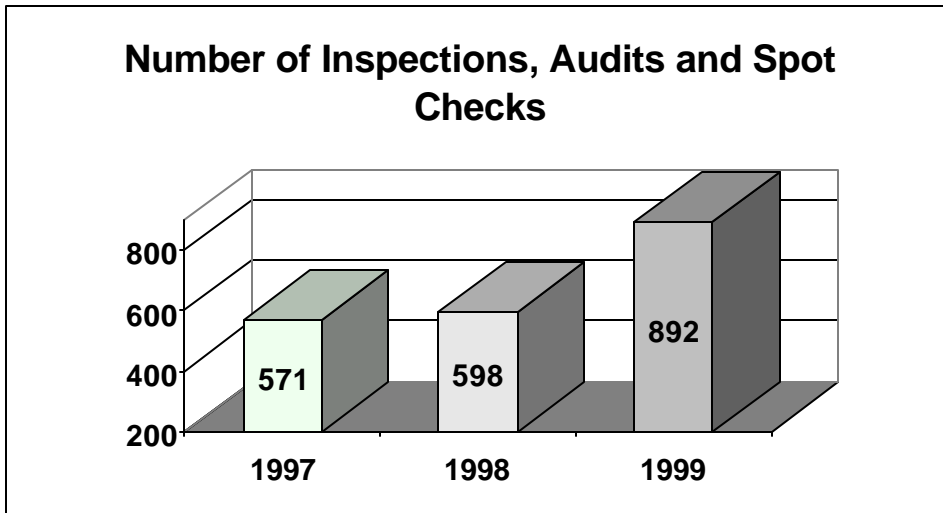
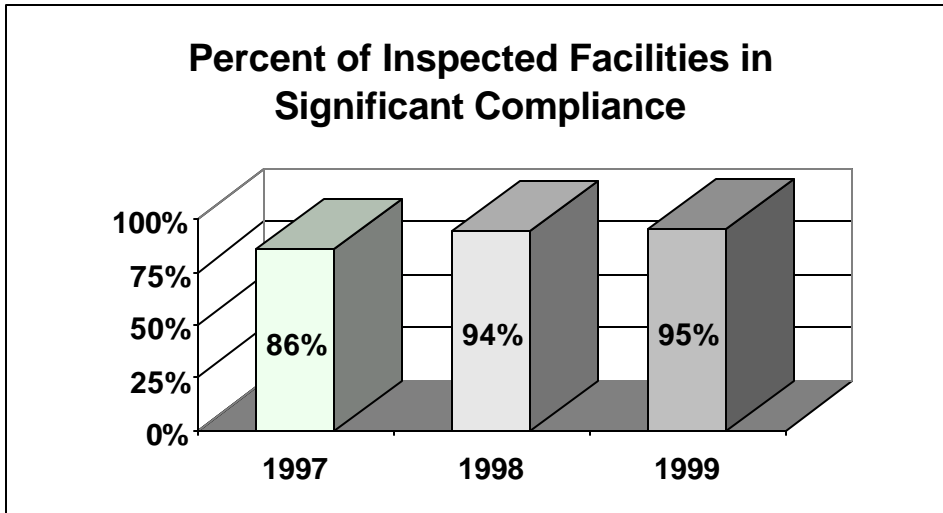
PROCESS

The licensing system is intended to prevent the dumping of scrap tires. A State fund is available for cleaning up scrap tire dumps if the landowner fails to do this. If the fund is used for this purpose cost recovery is required. The landowner is billed for the amount of the cleanup. In general, larger scrap tire facilities are inspected more frequently than smaller ones. Routine inspections are performed unannounced. Inspectors also investigate citizen complaints about illegal dumping or handling of scrap tires. Corrective orders and penalties may be issued for violations in accordance with Department guidelines and procedures.

Scrap Tires

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	500
Number of Permits/Licenses in effect at Fiscal Year End	3,287
<u>OTHER REGULATED SITES/FACILITIES</u>	
Stockpiles to be cleaned up	63
<u>INSPECTIONS</u>	
Number of Sites inspected	363
Number of Inspections, Audits, Spot Checks	892
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	17
% of Inspected Sites/Facilities in Significant Compliance	95%
% of Inspected Sites/Facilities with Significant Violations	5%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	17
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	9
Total	26
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	10
Ongoing	16
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	70
Number of Show Cause, Remedial, Corrective Actions issued	1
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	22
Number of Referrals to Attorney General for possible Criminal Action	1
<u>PENALTIES</u>	
Amount of Penalties obtained	\$7,300

Scrap Tires



Sewage Sludge Utilization

PURPOSE

These permits are required for the transportation, collection, handling, storage, treatment, land application, or disposal of sewage sludge in the State. The purpose of the permits is to ensure that sewage sludge is managed in a manner that is protective of public health and the environment. Sewage sludge utilized in Maryland is applied mostly for agricultural uses, composted, pelletized, landfilled, or incinerated. Permits include applicable nutrient management plans and other necessary documents.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 2; COMAR 26.04

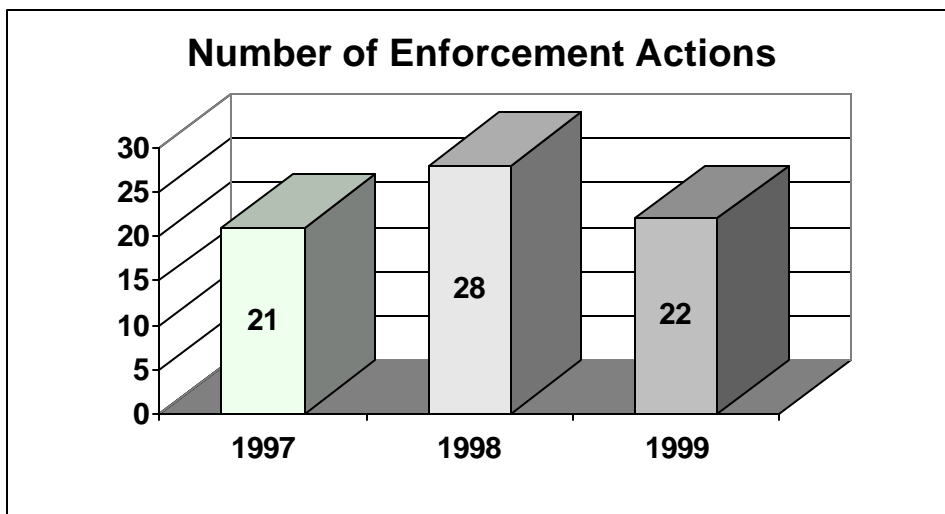
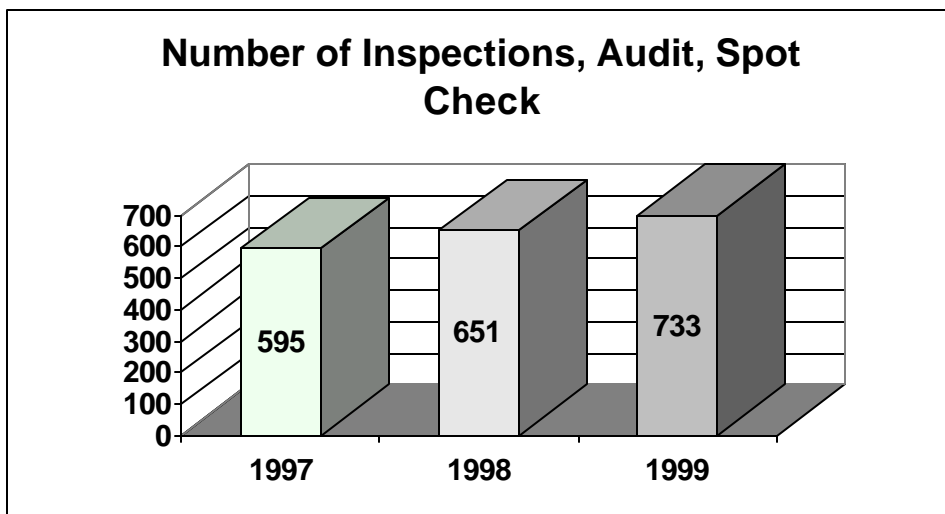
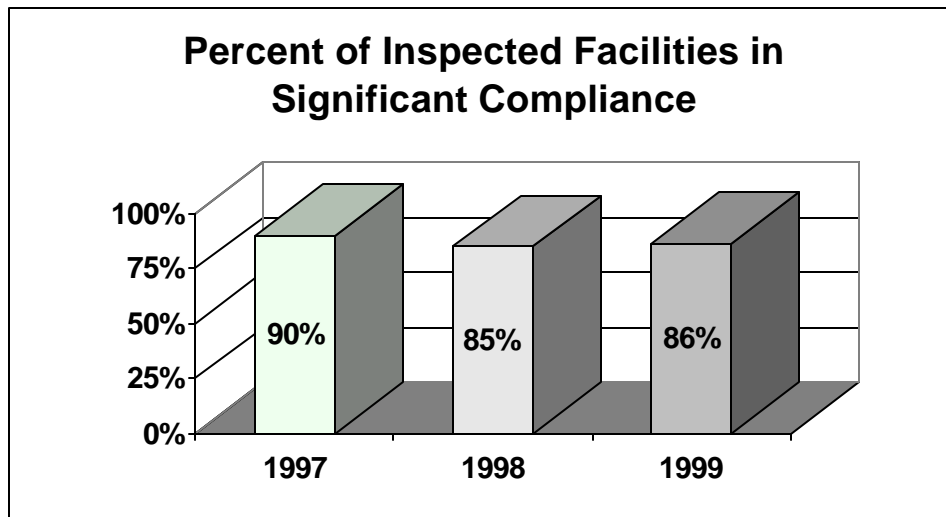
PROCESS

Composting facilities and pelletizers are inspected monthly. Storage facilities are inspected monthly when in use. Landfill disposal operations are inspected during the course of routine landfill inspections. Land application sites are inspected when the workload allows. The inspector may recommend corrective actions to take, if any are required. If a significant violation is found, the inspector may issue a site complaint. Corrective orders and penalties may be issued for violations in accordance with Department guidelines and procedures. Inspectors also investigate citizens' complaints about sewage sludge utilization.

Sewage Sludge Utilization

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	187
Number of Permits/Licenses in effect at Fiscal Year End	992
<u>OTHER REGULATED SITES/FACILITIES</u>	
none	2
<u>INSPECTIONS</u>	
Number of Sites inspected	133
Number of Inspections, Audits, Spot Checks	733
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	19
% of Inspected Sites/Facilities in Significant Compliance	86%
% of Inspected Sites/Facilities with Significant Violations	14%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	20
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	0
Total	20
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	15
Ongoing	5
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	42
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	22
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$1,750

Sewage Sludge Utilization



Wood Waste Recycling

PURPOSE

The purpose of the permits is to ensure that natural wood wastes are managed in a manner protective of public health and the environment. In particular, the permitting system is intended to prevent large scale fires at these facilities.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 17; COMAR 26.04

PROCESS

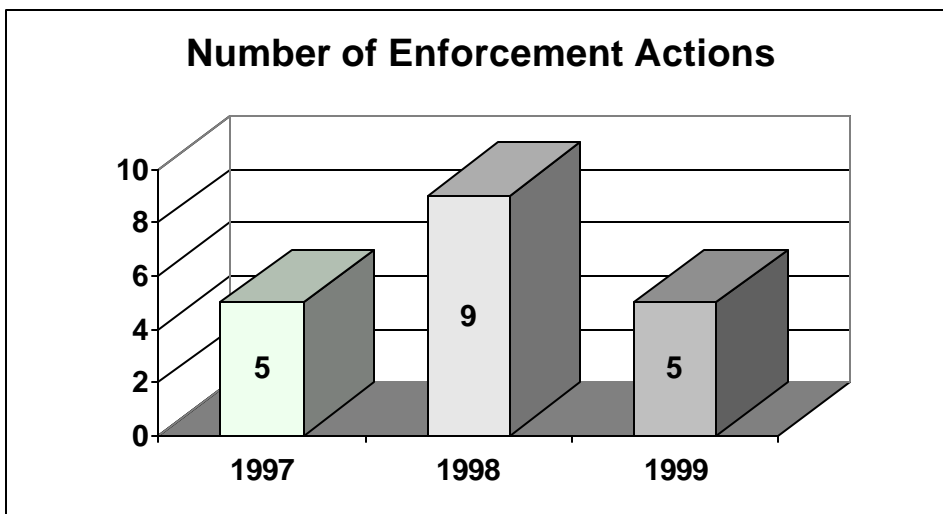
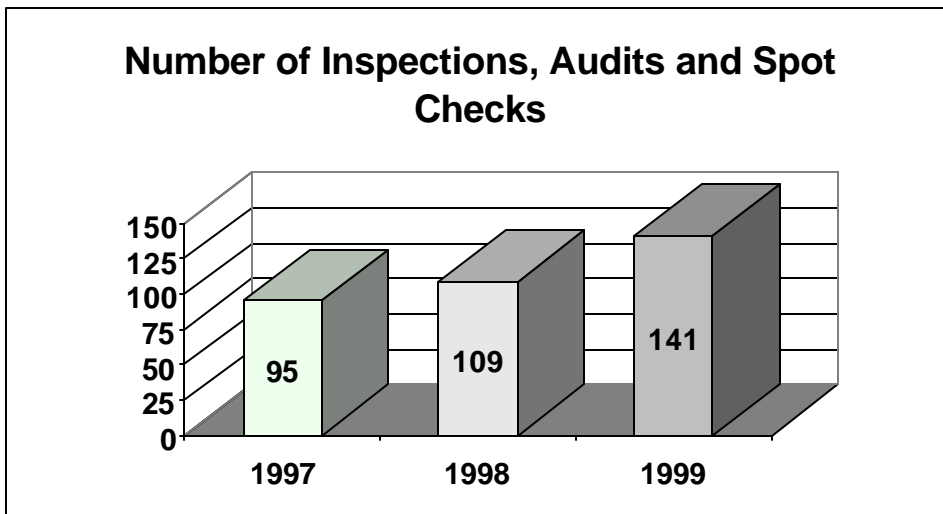
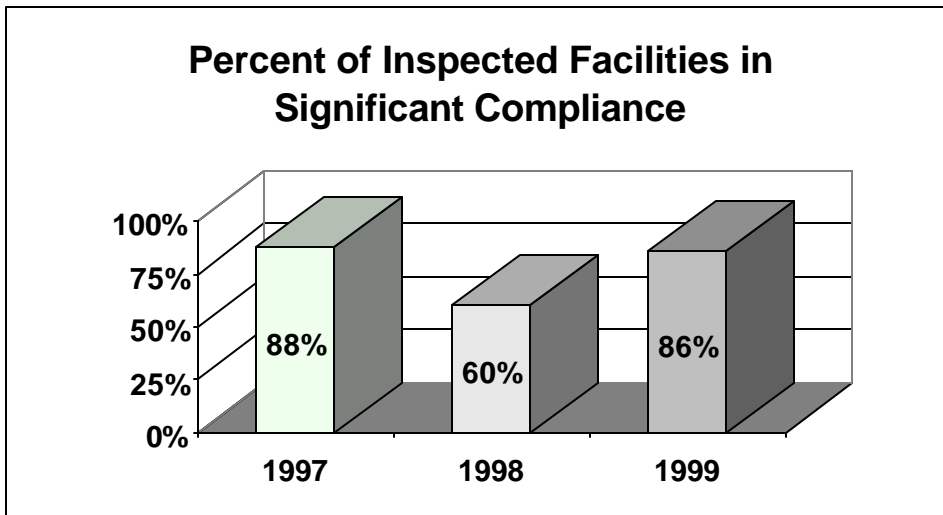
Permits are required for the operation of facilities that recycle natural wood waste (stumps, root mat, branches, logs, and brush). This is usually done by chipping the wastes and converting them into mulch. This process is regulated by the conditions in the permit.

Routine unannounced inspections are performed at these facilities several times per year to ensure compliance with the permit conditions. MDE inspectors also investigate citizen complaints about wood waste recycling operations. These responses account for the large number of inspections, audits, and spot checks relative to the number of inspected sites. Corrective orders and penalties may be issued for violations in accordance with Department guidelines and procedures.

Wood Waste Recycling

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	1
Number of Permits/Licenses in effect at Fiscal Year End	13
<u>OTHER REGULATED SITES/FACILITIES</u>	
Unpermitted sites with ongoing violations	0
<u>INSPECTIONS</u>	
Number of Sites inspected	35
Number of Inspections, Audits, Spot Checks	141
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	5
% of Inspected Sites/Facilities in Significant Compliance	86%
% of Inspected Sites/Facilities with Significant Violations	14%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	5
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	1
Total	6
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	3
Ongoing	3
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	36
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	5
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$2,917

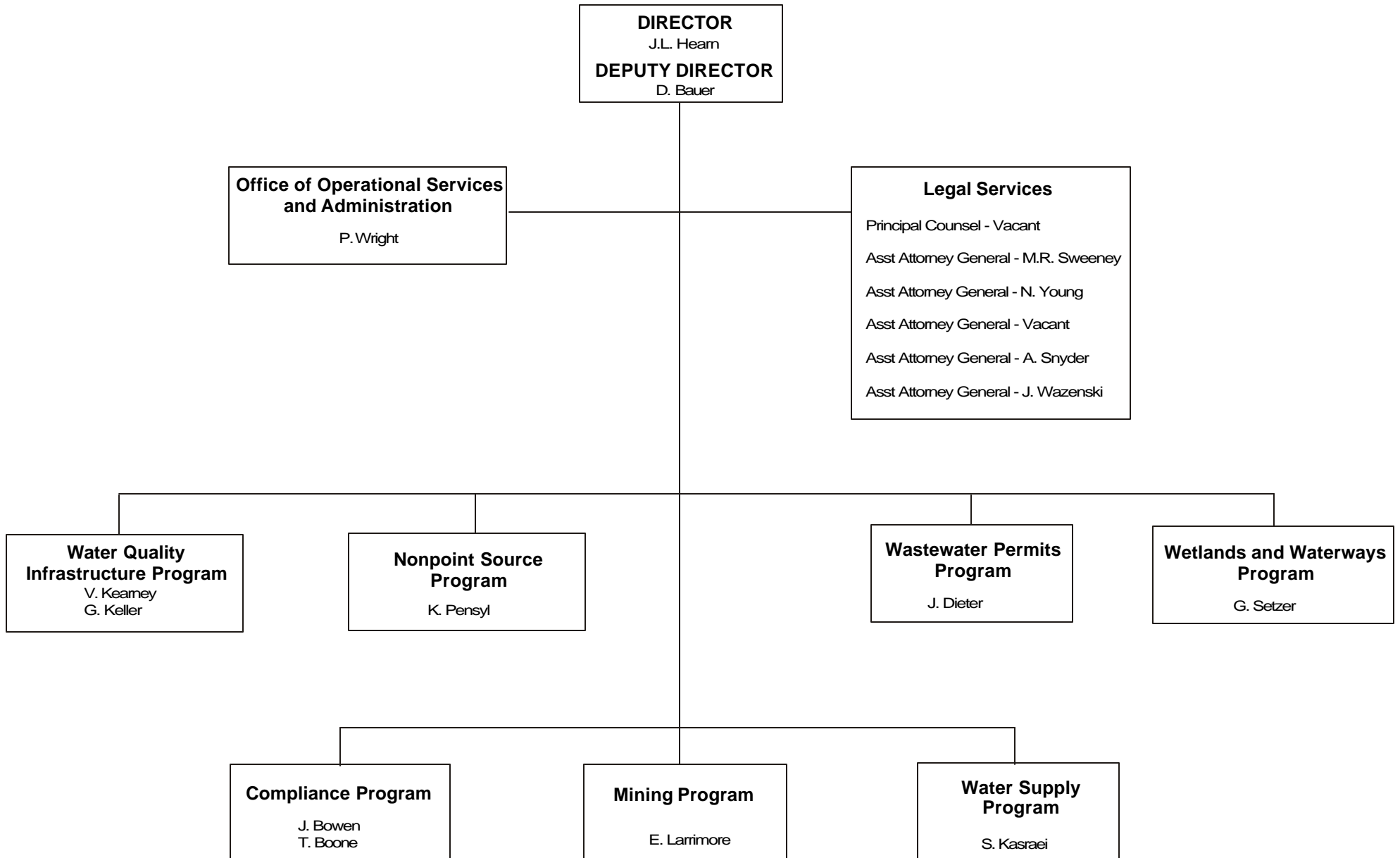
Wood Waste Recycling





WATER MANAGEMENT ADMINISTRATION

MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION



Discharges - Groundwater (Municipal And Industrial)

PURPOSE

Groundwater Discharge Permits control the disposal of treated municipal or industrial wastewater into the State's groundwater via spray irrigation or other land-treatment applications. A groundwater discharge permit will contain the limitations and requirements deemed necessary to protect public health and minimize groundwater pollution.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08

PROCESS

Upon permit issuance, the file is transferred to the Compliance Program where an inspection priority is assigned. Inspections at the facilities are scheduled in accordance with the assigned priority. Scheduled inspection frequencies may be modified as workload or priorities change. If samples are needed to document site conditions they are taken and turned into a lab for analysis. Discharge Permits require sample self-monitoring of the discharge by the facility; results are filed quarterly with the Department in the form of Discharge Monitoring Reports (DMR). DMR review by the inspector is not counted as a separate activity; rather it is part of the inspector's preparation for making a facility inspections. Submitted DMR's are reviewed, in the office, by Enforcement Division Staff in order to determine whether the criteria for "Significant Noncompliance" has been met. The DMR reviews performed at this time are included in the following Table on the line identified as "Inspections, Audits, Spot Checks." The Enforcement Division is also responsible for entering all DMR data into a database.

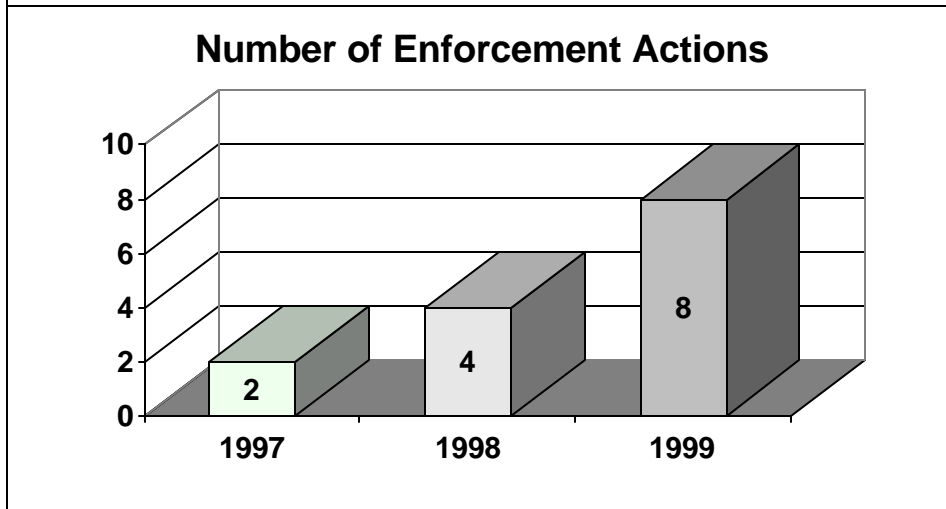
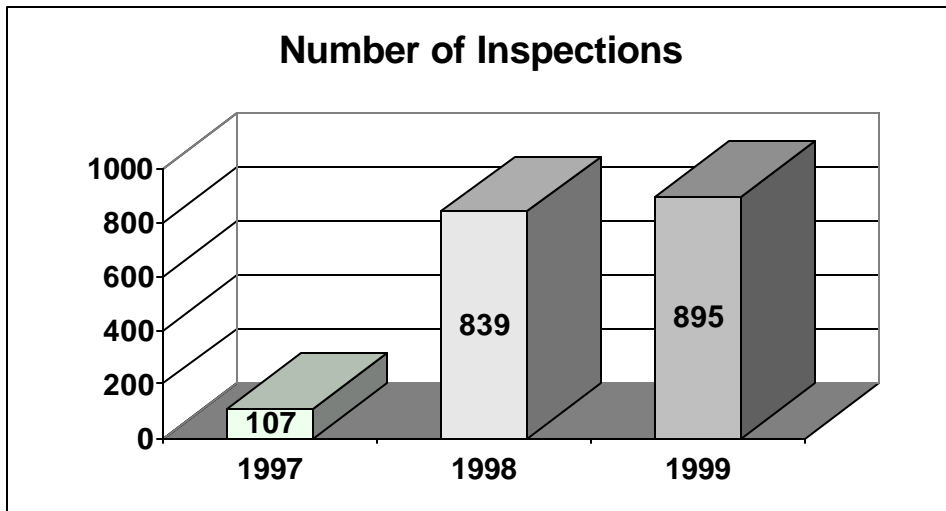
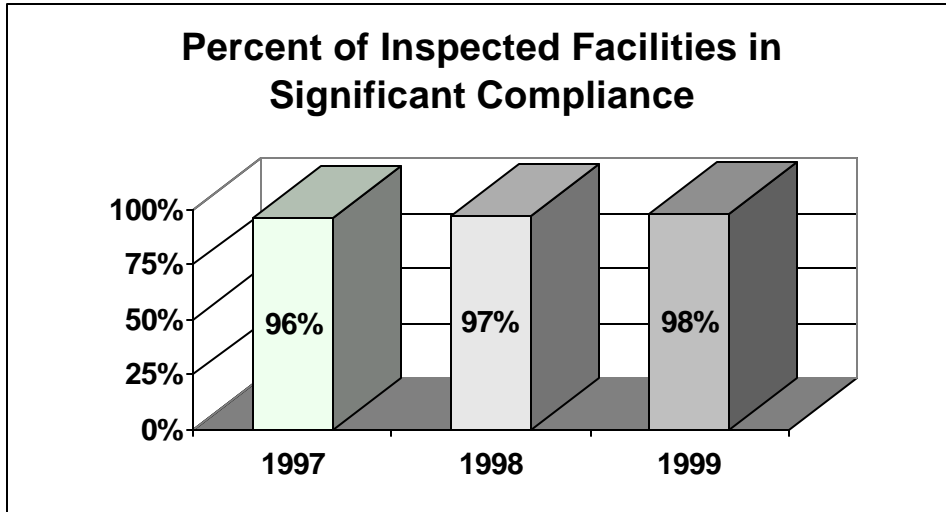
Discharges - Groundwater (Municipal And Industrial)

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued*	24
Number of Permits/Licenses in effect at Fiscal Year End	220
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	201
Number of Inspections, Audits, Spot Checks**	895
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	4
% of Inspected Sites/Facilities in Significant Compliance	98%
% of Inspected Sites/Facilities with Significant Violations	2%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	6
Number of Significant Violations based on Technical/Preventative Deficiencies	0
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	3
Total	9
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	0
Ongoing	9
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	45
Number of Show Cause, Remedial, Corrective Actions issued	3
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	5
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0.00

*Includes 9 new/12 renewals/3 modifications

**This number includes 328 inspections and 567 DMR reviews.

Discharge – Groundwater (Municipal and Industrial)



Discharges - Surface Water (Municipal & Industrial) State and NPDES Permits

PURPOSE

The purpose of the federal National Pollutant Discharge Elimination System (NPDES) stormwater program is to control pollution generated from runoff associated with industrial activity and municipal storm sewer systems. Eleven categories of industry and certain sized local governments are required by the Clean Water Act and the U.S. Environmental Protection Agency (EPA) to be permitted under the NPDES stormwater program. The surface water discharge permit combines the requirements of the State discharge permit program and the National Pollutant Discharge Elimination System (NPDES) into one permit for municipal wastewater treatment facilities that discharge to State surface waters. The permit is designated to maintain water quality standards in the water receiving the discharge.

Anyone who discharges wastewater to surface waters needs a surface water discharge permit. Applicants include municipalities, counties, schools and commercial sewage treatment plants, as well as treatment systems for private residences that use surface discharge techniques. All industrial, commercial or institutional facilities that discharge wastewater (or storm water from certain facilities) directly to surface waters of Maryland need this permit. All discharges to municipal wastewater systems will only require a pretreatment permit.

NOTE: Industrial Stormwater Discharge permits for construction activities are tracked and documented under the Stormwater Management and Erosion & Sediment Control Program. General discharge permit coverage is required for construction activities which involve five acres or greater of disturbance.

AUTHORITY

FEDERAL: Clean Water Act

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08

PROCESS

Upon issuance of a permit the file is transferred to the Compliance Program where an inspection priority is assigned. Inspections at the facility are scheduled in accordance with the assigned priority. Scheduled inspection frequencies may be modified as workload or priorities change. If water quality samples are needed to document site conditions they are taken and submitted to a lab for analysis. Discharge Permits require self-monitoring sampling of the discharge by the facility and results filed quarterly with the Department in Discharge Monitoring Reports (DMR). DMR review by the inspector is not counted as a separate activity; rather it is part of the inspector's preparation for making a facility

inspection. Submitted DMR's are reviewed, in the office, by Enforcement Division Staff in order to determine whether the criteria for "Significant Noncompliance" has been met. The DMR reviews performed at this time are included in the following Table on the line identified as "Inspections, Audits, Spot Checks. The Enforcement Division is also responsible for entering all DMR data into a database.

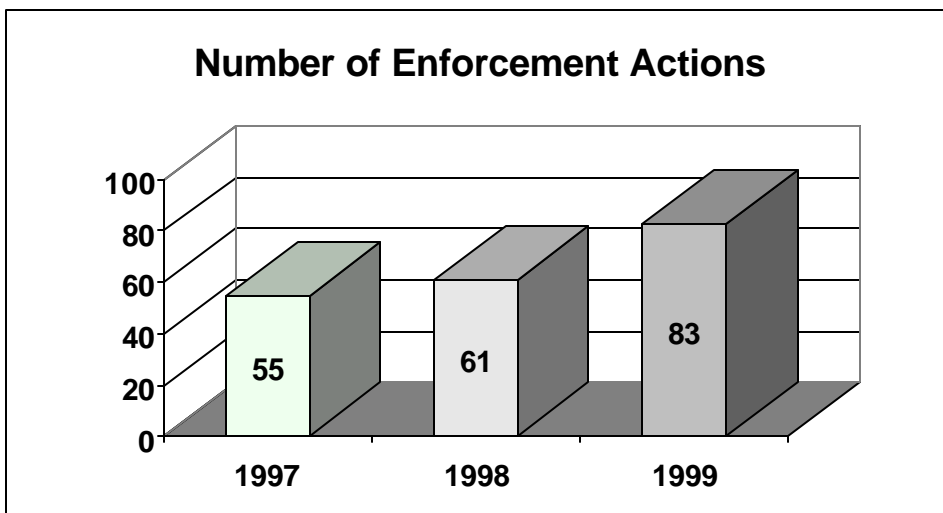
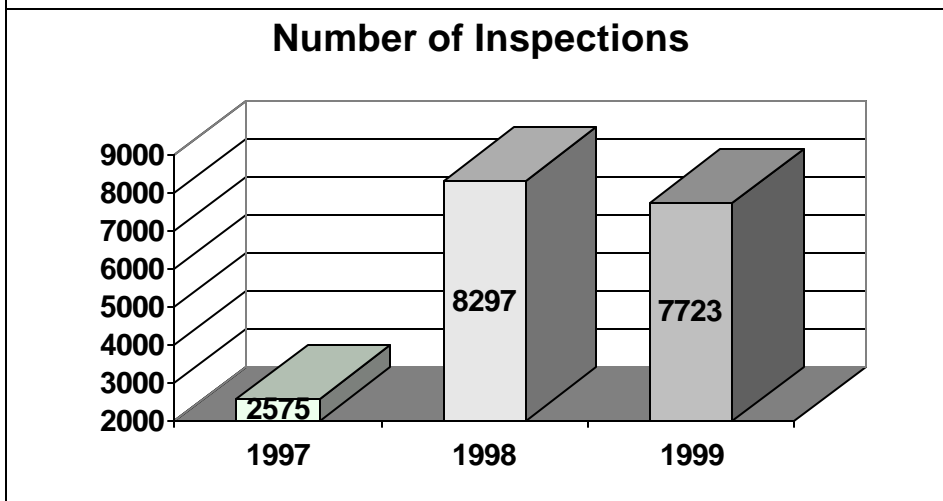
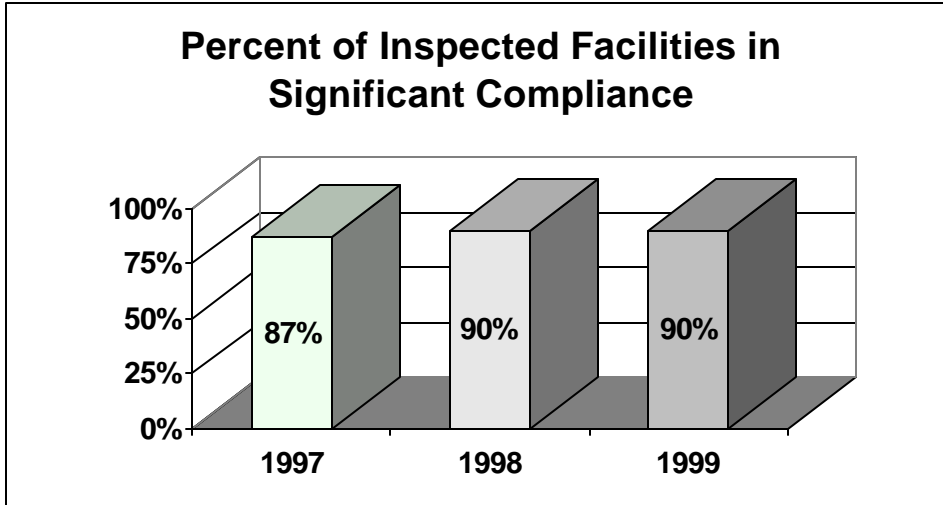
Discharges – Surface Waster (Municipal & Industrial) State and NPDES Permits

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued*	325
Number of Permits/Licenses in effect at Fiscal Year End	1926
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	1152
Number of Inspections, Audits, Spot Checks**	7723
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	116
% of Inspected Sites/Facilities in Significant Compliance	90%
% of Inspected Sites/Facilities with Significant Violations	10%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	12
Number of Significant Violations based on Technical/Preventative Deficiencies	96
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	101
Total	209
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	153
Ongoing	56
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	256
Number of Show Cause, Remedial, Corrective Actions issued	40
Number of Stop Work Orders	0
Number of Injunctions obtained	3
Number of Penalty and Other Enforcement Actions	40
Number of Referrals to Attorney General for possible Criminal Action	8
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$249,536.00

* This number includes 80 new, 177 renewals, 54 conversions, and 14 modifications.

** This number includes 2691 inspections and 5032 DMR reviews.

Discharges – Surface Water (Municipal & Industrial) State and NPDES Permits



Discharges – Pretreatment (Industrial)

PURPOSE

As part of its responsibility for enforcing federal and state laws and regulations pertaining to the discharge of wastes, MDE is responsible for controlling wastes from industrial and other non-domestic sources discharged into publicly owned treatment works (POTW). In accordance with its authority as delegated by EPA, MDE has delegated responsibility for implementation of a pretreatment program to 17 local pretreatment programs which are responsible for 244 sites. Local pretreatment program responsibilities include issuing discharge permits to industrial users, conducting industrial inspections and performing compliance monitoring, developing and enforcing local limits, enforcing federal pretreatment standards and assessing penalties against industrial users. These requirements are included in a delegation agreement, which is signed by the POTW and MDE and then incorporated by reference into the POTW's NPDES permit issued by MDE. Given the fact that the bulk of the responsibility for this program is delegated to POTW's, the enforcement actions and penalties that are pursued and collected in this program are by local government and would not be reflected in MDE's enforcement statistics.

AUTHORITY

FEDERAL: Clean Water Act

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08

PROCESS

MDE, through the Pretreatment Program, oversees local pretreatment program implementation. This oversight is performed by the permitting program staff by conducting: 1) pretreatment compliance inspections; 2) audits of pretreatment programs; 3) joint review of industrial user permits; 4) independent and joint industrial inspections with the POTW; 5) review of the monitoring reports from POTW's; or, 6) initiation of enforcement actions when the POTW fails to act in accordance with its delegated responsibilities. The Pretreatment Program also issues permits to categorical industrial users discharging to wastewater treatment plants in areas of the state without delegated pretreatment programs. Compliance of these industrial users is tracked by review of periodic compliance reports and annual inspections.

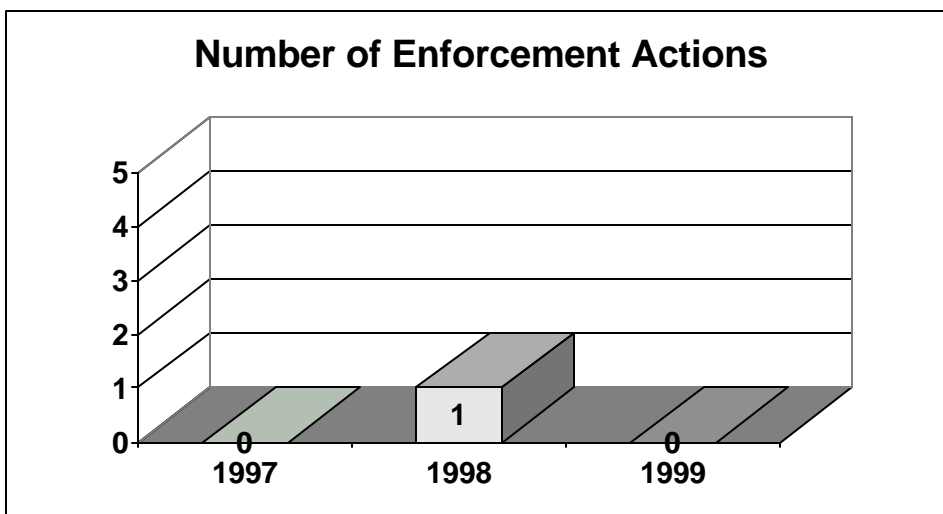
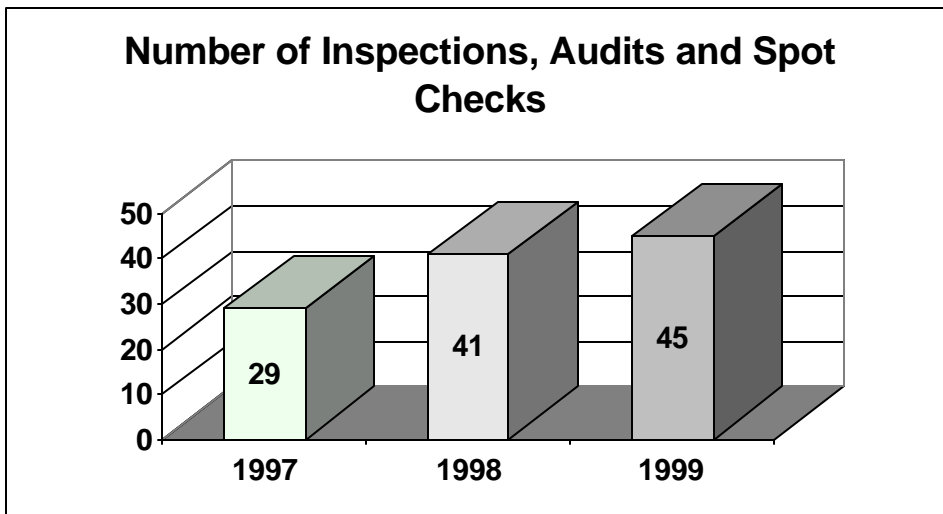
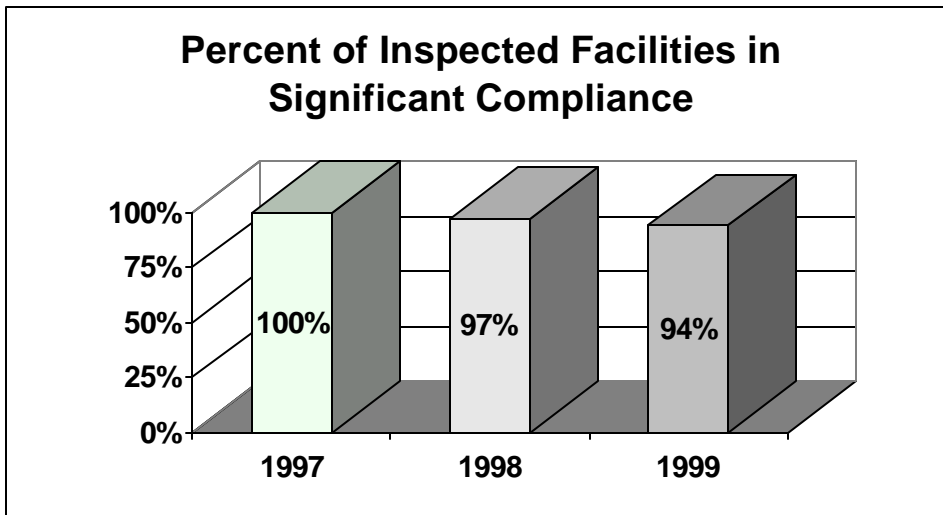
Discharges - Pretreatment (Industrial)

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	1
Number of Permits/Licenses in effect at Fiscal Year End	4
 <u>OTHER REGULATED SITES/FACILITIES</u>	
Publicly Owned Treatment Works (POTWs)	17
Sites at which oversight is delegated to local authorities	244
 <u>INSPECTIONS</u>	
Number of Sites inspected *	32
Number of Inspections, Audits, Spot Checks	45
 <u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	2
% of Inspected Sites/Facilities in Significant Compliance	94%
% of Inspected Sites/Facilities with Significant Violations	6%
 <u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	2
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	0
Total	2
 <u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	0
Ongoing	2
 <u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	8
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions**	0
Number of Referrals to Attorney General for possible Criminal Action	1
 <u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	0

*Includes 17 POTW's and 15 Industrial users.

** Except for 4 MDE permits, enforcement is initiated by delegated POTW .

Discharge – Pretreatment (Industrial)



Stormwater Management and Erosion & Sediment Control For Construction Activity

PURPOSE

The purpose of Maryland's erosion and sediment control program is to lessen the impact to the aquatic environment caused by sediment leaving construction sites. Any construction activity in Maryland that disturbs 5,000 square feet or more of land, or results in 100 cubic yards or more of earth movement must have approved stormwater management and erosion and sediment control plans before construction begins. The purpose of the Maryland's stormwater management program is to reduce stream channel erosion, pollution, siltation, and local flooding caused by land use changes associated with urbanization. This is accomplished by maintaining after development, the pre-development runoff conditions through the use of various stormwater management measures. Additionally, for any construction activity that disturbs five or more acres, coverage must be obtained under the Department's general discharge permit for construction activity. The purpose of this permit is to prevent water pollution and streambank erosion caused by excess erosion, siltation, and stormwater flows from construction sites.

The purpose of the federal National Pollutant Discharge Elimination System (NPDES) stormwater program is to control pollution generated from runoff associated with industrial activity and municipal storm sewer systems. Eleven categories of industry and certain sized local governments are required by the Clean Water Act and the U.S. Environmental Protection Agency (EPA) to be permitted under the NPDES stormwater program.

AUTHORITY

FEDERAL: Clean Water Act, Section 402; 40 CFR

STATE: Environment Article, Title 4, Subtitle 1 and Subtitle 2; COMAR
26.17

PROCESS

In 11 counties and 10 municipalities, inspection and enforcement authority for erosion and sediment control has been delegated by the state. State inspections are performed at all construction projects in the 12 non-delegated counties.

Inspections at all state and federal projects throughout Maryland are the responsibility of the State inspection program. This report does not reflect the erosion and sediment control inspection and enforcement activities conducted by local governments in delegated jurisdictions. Stormwater management approval for all nonstate and nonfederal projects is by law the responsibility of each local jurisdiction. State inspections of stormwater management facilities are performed only for state and federal projects. Upon issuance of a permit or authorization, whether by the Sediment and Stormwater Permits Division or by the local sediment control approval authority, the file is transferred to the Compliance Program where an inspection priority is assigned. The inspectors then schedule routine inspections of the facilities adhering to the assigned priority as much as workload allows. At any time during the process, the inspection frequency can be adjusted as site conditions or workload demands.

As in the previous fiscal year and proposed for this, and future reports, the Stormwater Management and Erosion and Sediment Control programs have been combined into one table. The rationale for this change is that at the state level, these projects are reviewed and approved as one project. For all state and federally funded projects, plan review and approval for stormwater management and for sediment control is performed by the Nonpoint Source Program, and inspections for stormwater management and sediment control are performed by the Compliance Program. Conversely, all non-state/non-federally funded projects are reviewed at the local level, and if delegated, inspected at the local level. In non-delegated jurisdictions, the MDE Compliance Program performs sediment control inspections. In FY'98 there was a redirection of effort toward inspecting these permits and for accounting for those inspections when they were performed in association with the inspection of other media permits.

FY99 continued the previous year's focus on sediment control inspections. This year there was an increase in the number of sites inspected and the number of inspections performed over the previous year.

In the following table, the 7889 inspections were performed at 3410 local Erosion and Sediment Control Approvals, while 1718 inspections were performed at 690 stormwater management approvals.

Stormwater Management and Erosion & Sediment Control For Construction Activity

1999 Totals

PERMITTED SITES/FACILITIES

Number of Permits/Licenses issued*	577
Number of Permits/Licenses in effect at Fiscal Year End	8468

OTHER REGULATED SITES/FACILITIES

none

INSPECTIONS

Number of Sites inspected	4100
Number of Inspections, Audits, Spot Checks	9607

COMPLIANCE PROFILE:

Number of Inspected Sites/Facilities with Significant Violations	35
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%

SIGNIFICANT VIOLATIONS

Number of Significant Violations involving Environmental or Health Impact	12
Number of Significant Violations based on Technical/Preventative Deficiencies	24
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	6
Total	42

DISPOSITION OF SIGNIFICANT VIOLATIONS

Resolved	23
Ongoing	19

ENFORCEMENT ACTIONS

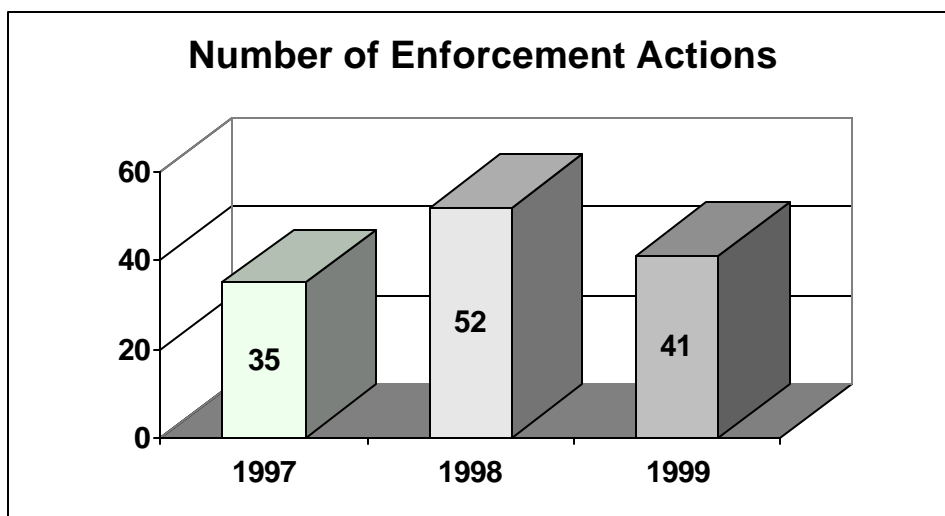
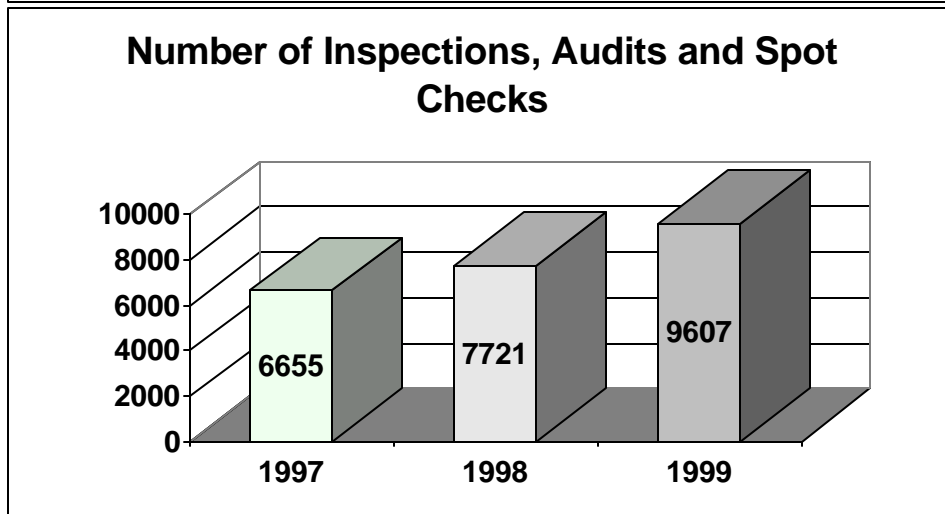
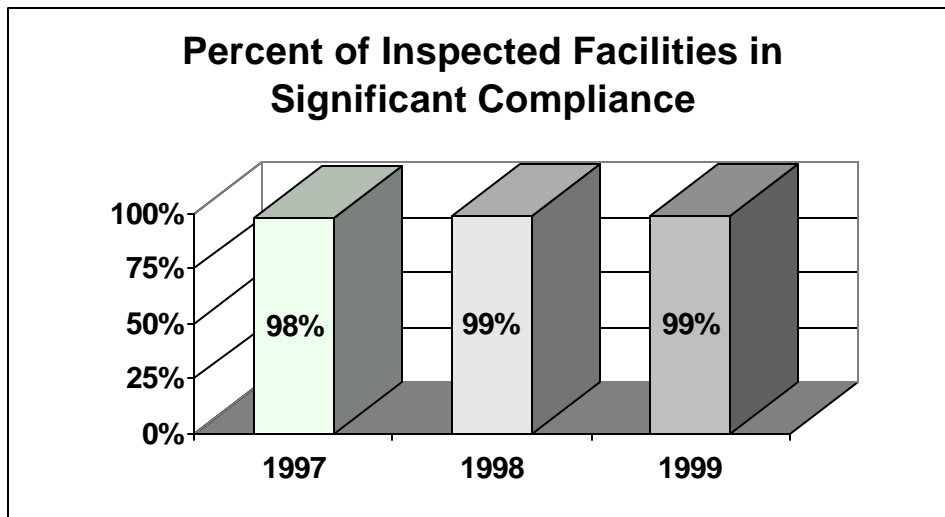
Number of Compliance Assistance rendered	1109
Number of Show Cause, Remedial, Corrective Actions issued	12
Number of Stop Work Orders	3
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	26
Number of Referrals to Attorney General for possible Criminal Action	1

PENALTIES

Amount of Administrative or Civil Penalties obtained	\$120,920
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* Includes 314 Permits of Industrial Stormwater for Construction Activities

Stormwater Management and Erosion & Sediment Control For Construction Activity



Mining – Coal

PURPOSE

A coal-mining permit has been implemented to minimize the effects of coal mining on the environment. In addition to environmental controls, the permit provides for proper land reclamation and ensures public safety. Permits are required for surface coal mining, deep coal mining, prospecting, preparation plants, loading facilities, and refuse reclamation operations. All coal mining activity occurs in Allegany and Garrett Counties.

AUTHORITY

FEDERAL: Surface Mining Control and Reclamation Act of 1977

STATE: Environment Article, Title 15, Subtitle 5; COMAR 26.20

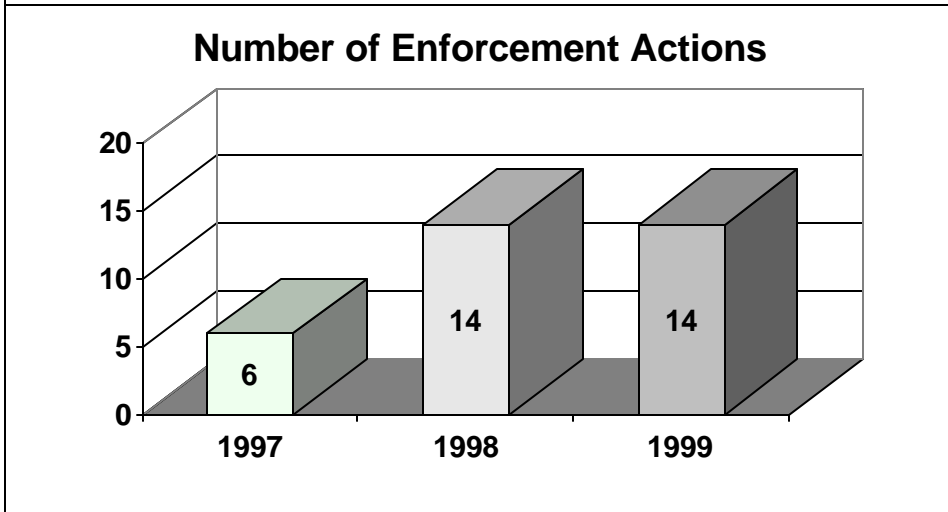
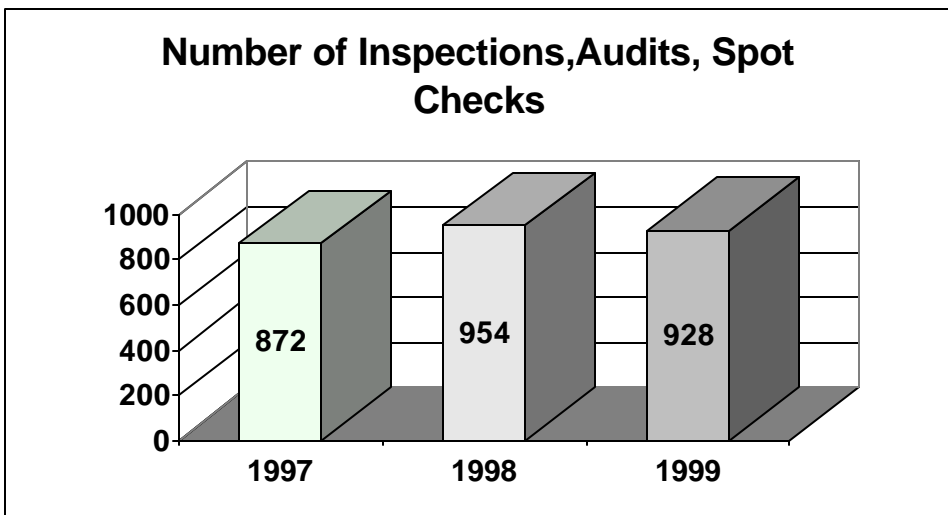
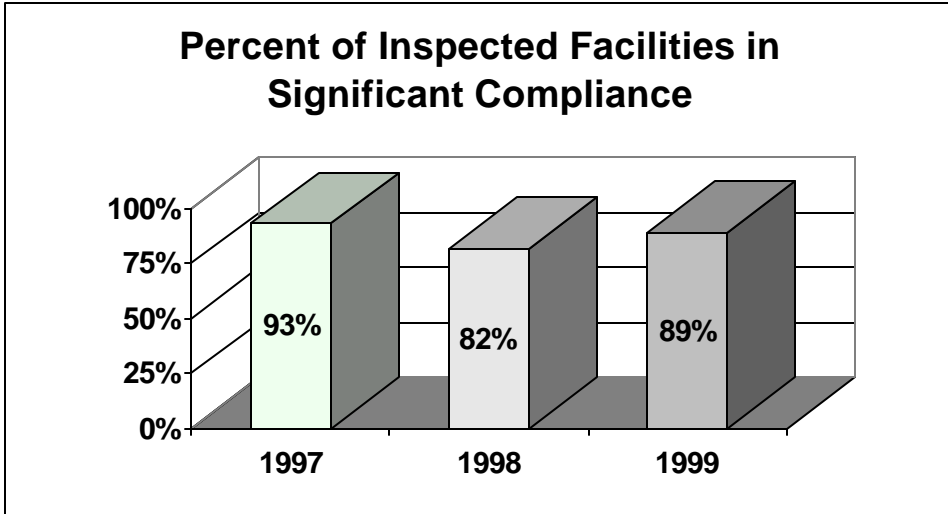
PROCESS

Upon issuance of a permit/license/authorization the file is transferred to the Compliance Program where an inspection priority is assigned. By agreement with the federal Office of Surface Mining, MDE has committed to inspect each permitted facility on a monthly basis. The inspectors then schedule routine inspections of the facilities adhering to the assigned priority as much as workload allows. At any time during the process, the inspection frequency can be adjusted as site conditions or workload demands. This program has realized a decline of seven permits in each of the last two fiscal years.

Mining – Coal

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	61
Number of Permits/Licenses in effect at Fiscal Year End	64
<u>OTHER REGULATED SITES/FACILITIES</u>	
none	
<u>INSPECTIONS</u>	
Number of Sites inspected	64
Number of Inspections, Audits, Spot Checks	928
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	8
% of Inspected Sites/Facilities in Significant Compliance	89%
% of Inspected Sites/Facilities with Significant Violations	11%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	3
Number of Significant Violations based on Technical/Preventative Deficiencies	7
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	2
Total	12
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	11
Ongoing	1
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	9
Number of Show Cause, Remedial, Corrective Actions issued	10
Number of Stop Work Orders	2
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	2
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0.00

Mining - Coal



Mining – Non-Coal

PURPOSE

A mining permit has been implemented to minimize the effects of surface mining on the environment. In addition to environmental controls, the permit provides for proper land reclamation and ensures public safety. A performance bond of \$1,250 per acre is required to ensure that proper reclamation occurs.

AUTHORITY

STATE: Environment Article – Title 15, Subtitle 8; COMAR 26.21

PROCESS

Upon issuance of a permit/license/authorization the file is transferred to the Compliance Program where an inspection priority is assigned. The inspectors then schedule routine inspections of the facilities adhering to the assigned priority as much as workload allows. At any time during the process, the inspection frequency can be adjusted as site conditions or workload demands.

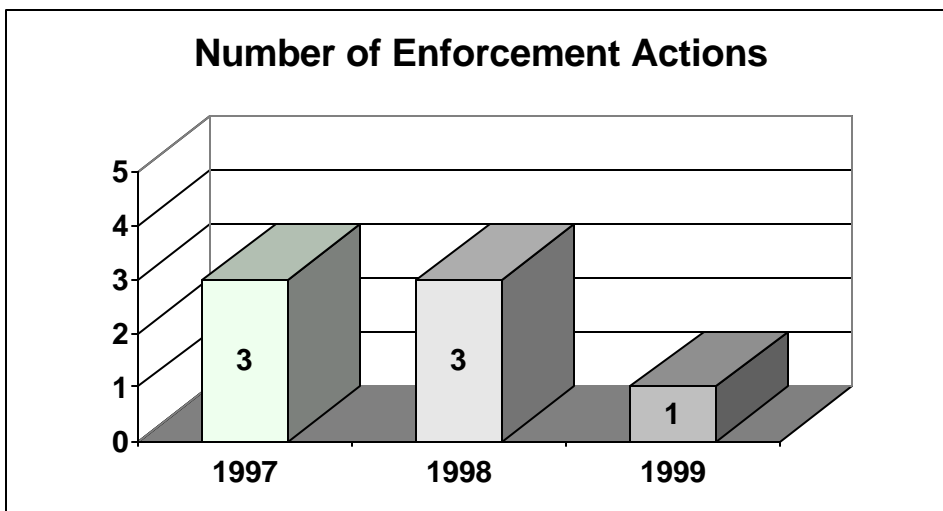
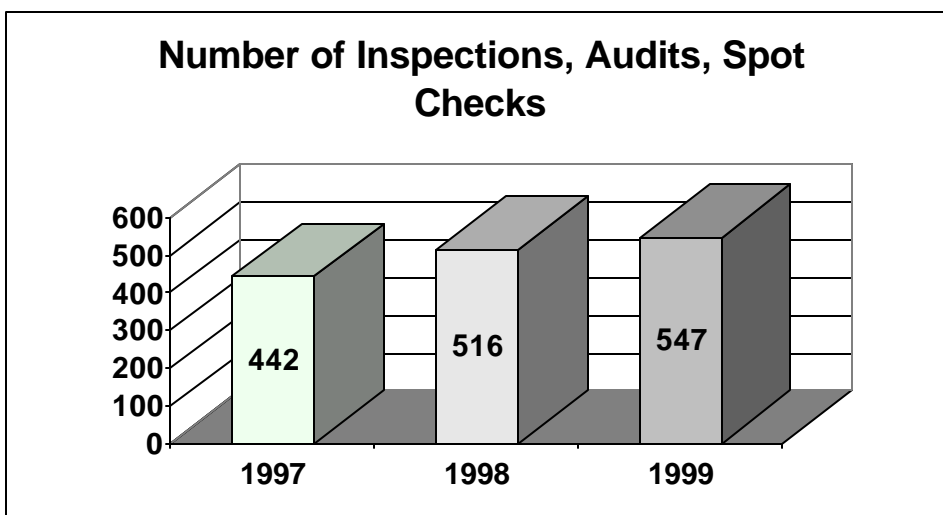
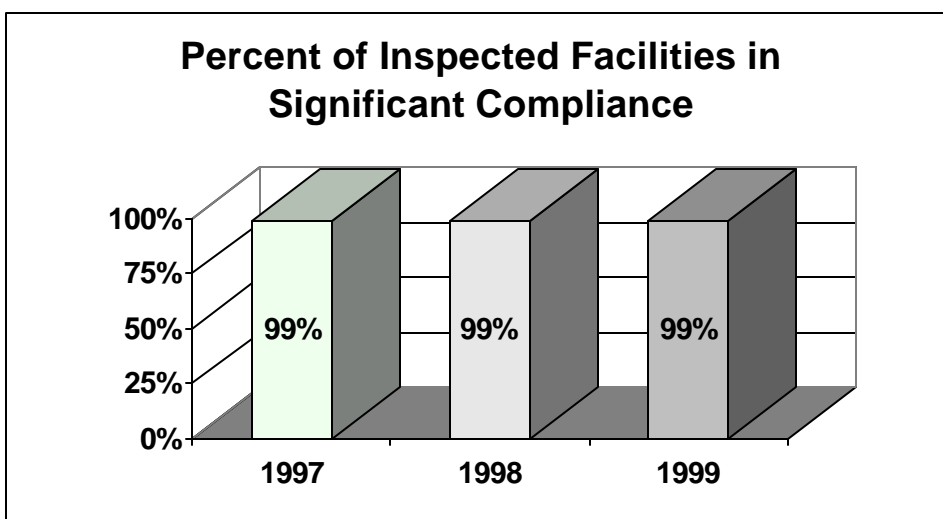
The Department does not have the authority to collect administrative penalties for this program.

Mining – Non-Coal

	1999 totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued*	326
Number of Permits/Licenses in effect at Fiscal Year End	366
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	268
Number of Inspections, Audits, Spot Checks	547
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	1
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	1
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	2
Total	3
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	3
Ongoing	0
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	93
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	1
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$10,000.00

* Includes 67 Permits (new 15/Renewals 52), 259 licenses (New 7/ Renewals 252)

Mining – Non-Coal



Oil and Gas Exploration And Production

PURPOSE

The drilling and operation of a gas or oil well requires a permit. The operation of a gas storage facility also requires a permit. Permits are also required for seismic operations. Permits are issued to ensure public safety and to provide for the protection of public and private property. Permitting provides for the use of stringent environmental controls to minimize impacts resulting from the operation.

AUTHORITY

STATE: Environment Article - Title 14, Subtitles 1, 2 and 3; COMAR 26.19.

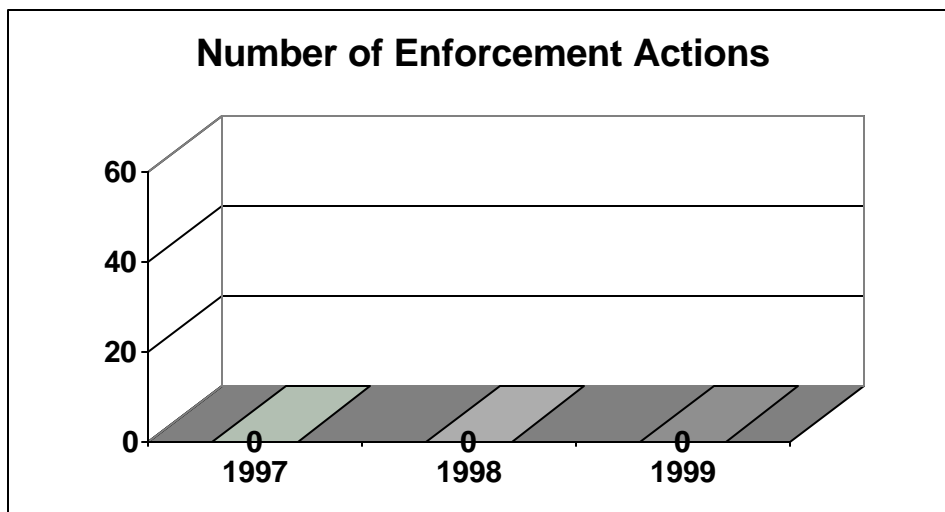
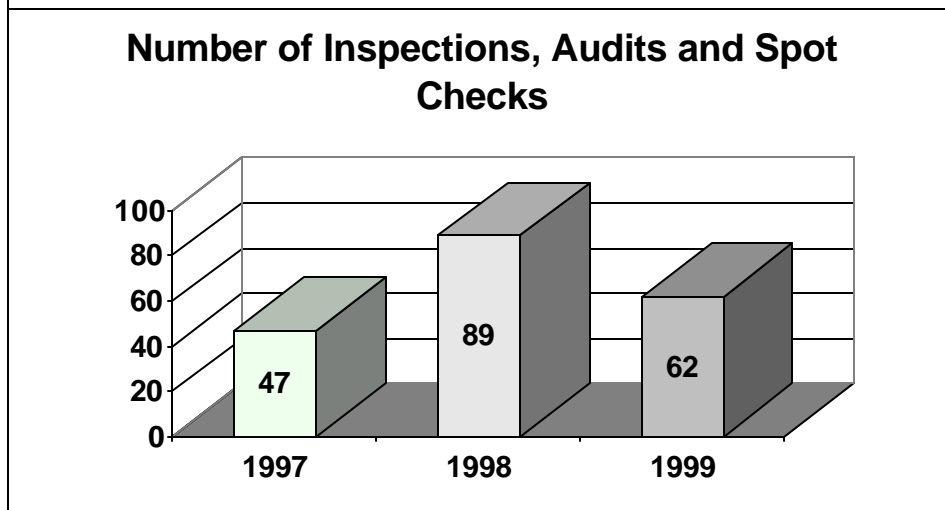
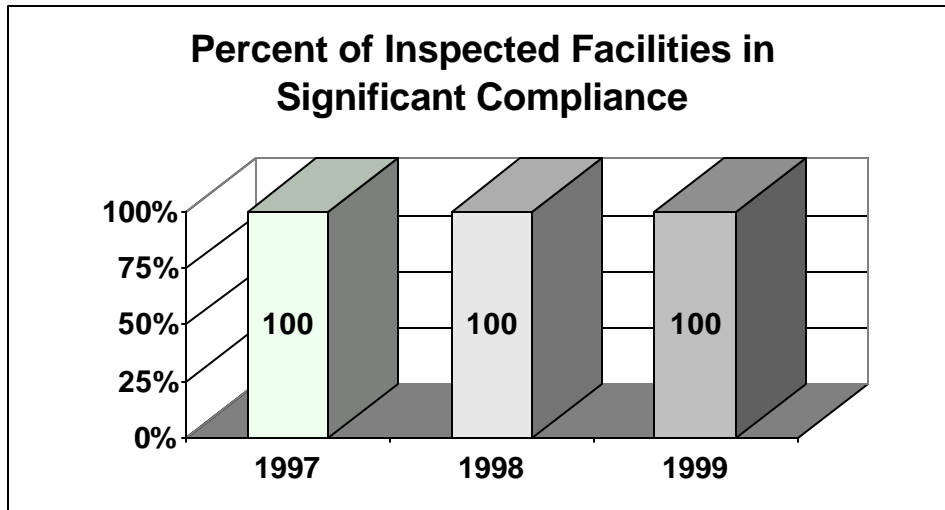
PROCESS

Upon issuance of a permit/license/authorization the file is transferred to the Compliance Program where an inspection priority is assigned. The inspectors then schedule routine inspections of the facilities in accordance with the assigned priority. Site inspections may be adjusted to reflect changing workloads or inspection priorities. Inspections performed for this program are typically safety inspections at natural gas storage facilities. The inspections typically verify that proper warning and informational signs are properly placed and that any special conditions specific to the permit are in compliance.

Oil and Gas Exploration And Production

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued (renewal of previously expired permits)	35
Number of Permits/Licenses in effect at Fiscal Year End	94
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	42
Number of Inspections, Audits, Spot Checks	62
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	0
% of Inspected Sites/Facilities in Significant Compliance	100%
% of Inspected Sites/Facilities with Significant Violations	0
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	0
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	0
Total	0
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	0
Ongoing	0
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	2
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	0
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0.00

Oil and Gas Exploration and Production



Public Drinking Water

PURPOSE

The Water Supply Program ensures that the public drinking water systems provide adequate quality and quantity of water to their users. A combination of State and federal drinking water regulation enforcement, source protection activities, inspections and technical assistance are used to accomplish this goal. MDE directly regulates community water systems that include municipalities, small private water systems and mobile home parks, and non-transient water systems that include businesses, schools and day care centers that have their own water supply system.

The local environmental health departments, through delegation agreements, regulate transient systems such as gas stations, campgrounds and restaurants. In addition to the various inspection and compliance measures listed in the following table, 150 laboratory certifications are performed annually by the Department of Health and Mental Hygiene under contract with MDE.

AUTHORITY

FEDERAL: Safe Drinking Water Act; 40 CFR 141, 142, and 143

STATE: Environment Article, Title 9, Subtitles 2, 4, and 5; COMAR 26.04

PROCESS

A sanitary survey is a comprehensive on-site assessment of all water system components that include the water source, treatment unit processes, equipment, operations and maintenance of a public water supply system. The survey is conducted for the purpose of determining the adequacy and reliability of the water system to provide safe drinking water to its customers. Sanitary surveys can be used to follow up known or suspected problems or on a routine basis to assess the water system's viability and prevent future problems from occurring. In the Water Supply Program, emphasis is placed on preventative measures instead of reactive enforcement actions in order to avert serious public health incidents. The vast majority of drinking water violations are corrected immediately or following issuance of Notice of Violation public notices.

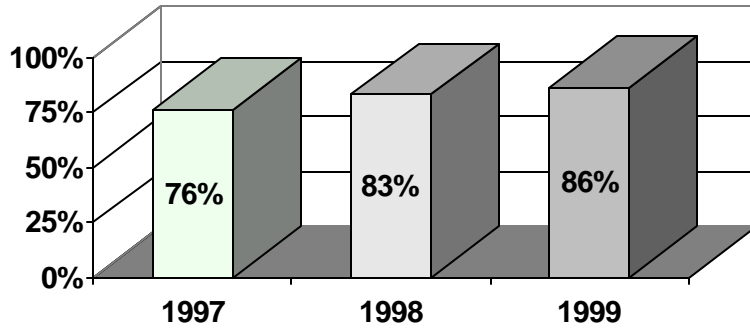
Public Drinking Water

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	1,400
Number of Permits/Licenses in effect at Fiscal Year End	3,672
<u>OTHER REGULATED SITES/FACILITIES</u>	
Number of community and non-transient non-community water systems	1,069
Note: includes 515 community water systems and 554 non-transient non-community water systems. Local health departments regulate over 2699 transient systems	
<u>INSPECTIONS</u>	
Number of Sites inspected	1,069
Number of Inspections, Audits, Spot Checks	20,334
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	123
% of Sites/Facilities in Significant Compliance	86%
% of Sites/Facilities with Significant Violations	14%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	76
Number of Significant Violations based on Technical/Preventative Deficiencies	37
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	41
Total	154
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	122
Ongoing	32
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered *	1118
Number of Show Cause, Remedial, Corrective Actions issued	1
Number of Stop Work Orders	0
Number of Injunctions obtained	N/a
Number of Penalty and Other Enforcement Actions	174
Notices Given to Public by Water Systems under Section 9-410	113
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$5,000

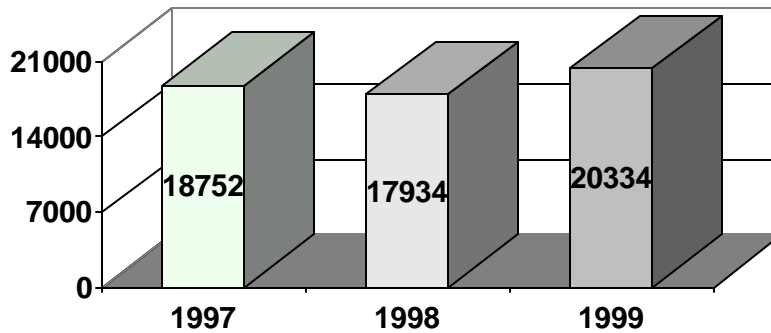
*This number includes actions to prevent public water system contamination or to respond to an emergency. Emergency response provided during 13 incidents in FY 99.

Public Drinking Water

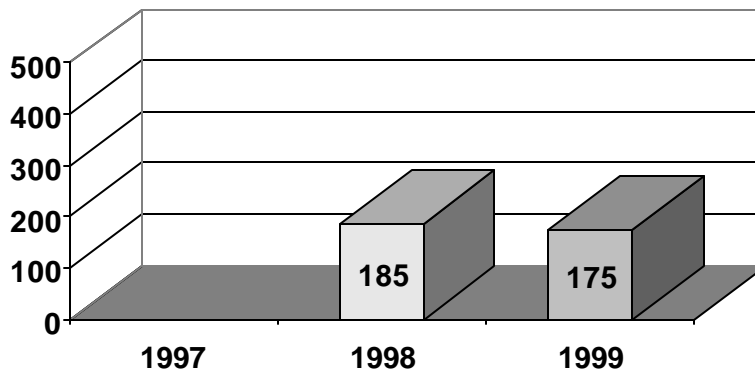
Percent of Inspected Facilities in Significant Compliance



Number of Inspections, Audits and Spot Checks



Number of Enforcement Actions



Water Supply and Sewerage Construction

PURPOSE

The purpose of water and sewerage construction permits is to ensure that infrastructure projects throughout the State are designed on sound engineering principles and comply with State design guidelines to protect water quality and public health. Water and sewerage construction permits are required before installing, extending or modifying community water supply and/or sewerage systems including treatment plants, pumping stations and major water mains and sanitary sewers greater than 15 inches in diameter. These permits ensure conformity with the Governor's Smart Growth Policy, local comprehensive water and sewerage plans and that they provide adequate funding for long-term operation.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 2, COMAR 26.03

PROCESS

Pre-approval: Applicants must show that the proposed water and/or sewerage facilities are included in the current county water and sewerage plans, have a valid NPDES discharge permit (if applicable), and certify that the proposed water and/or sewerage facilities will be operated either publicly or privately under a financial management plan.

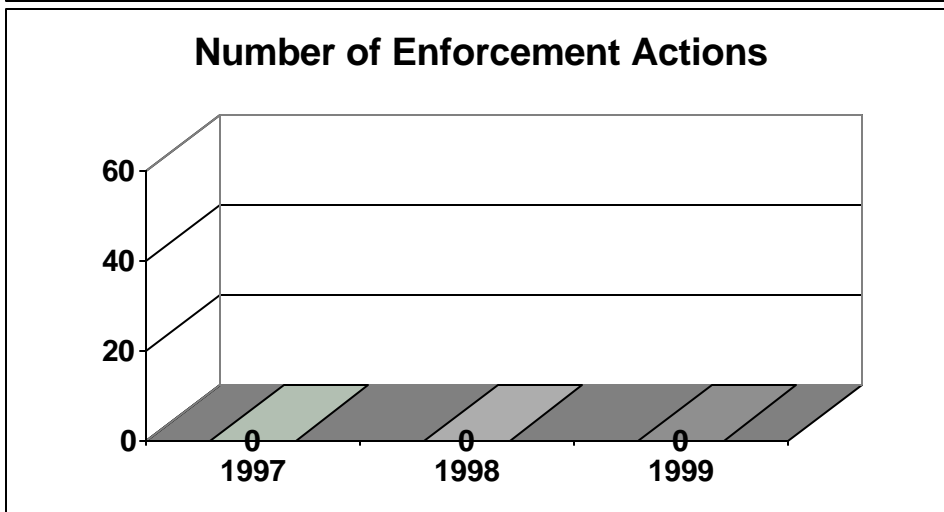
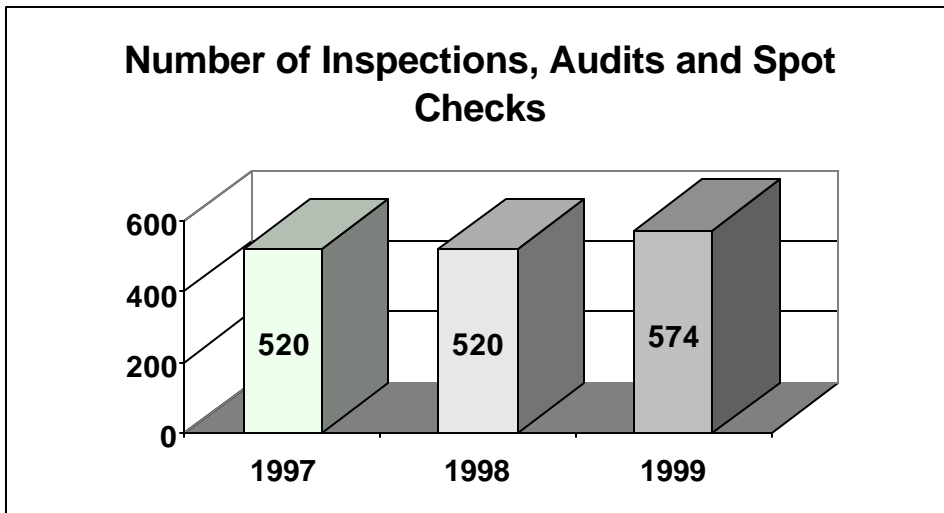
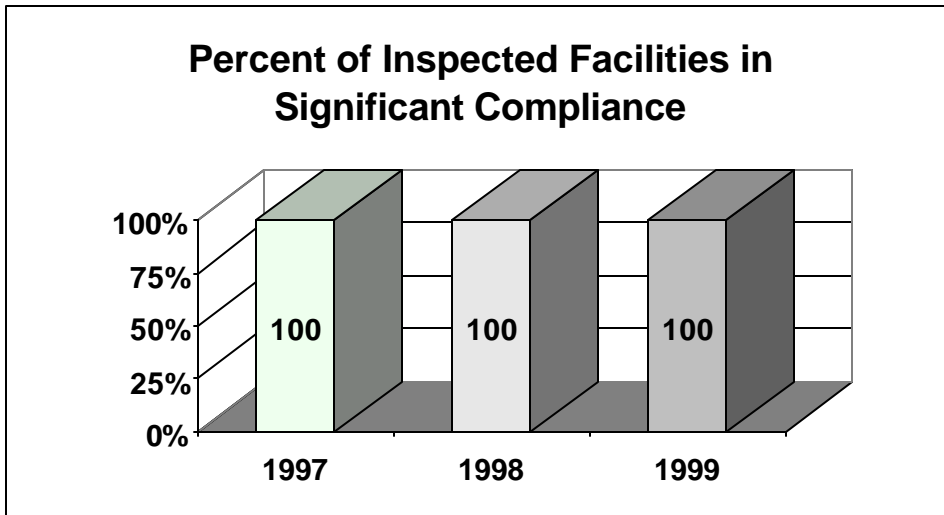
Post-approval: The project must be constructed in accordance with the approved plans and specifications. Staff engineers perform inspections in this media to verify the facility is constructed to the approved design and/or the permittee submits "as built" plans or certification that the project was built in accordance with original plans as approved by the Department. Other approvals associated with the construction (i.e. sediment control, wetlands, etc.) are inspected under those media and by those inspectors. After construction of water and/or sewerage facilities, the facility becomes operational under an approved NPDES permit. This program does not have authority to pursue traditional enforcement actions. Construction violations would necessitate the return of construction grant money by the local jurisdiction. If a construction violation were to go unnoticed, the eventual result would be an inability of the facility to meet its discharge permit requirements. At that time, traditional enforcement tools available under the discharge permit program would be utilized.

Water Supply and Sewerage Construction

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	149
Number of Permits/Licenses in effect at Fiscal Year End	502
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	574
Number of Inspections, Audits, Spot Checks	574
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	0
% of Inspected Sites/Facilities in Significant Compliance	100%
% of Inspected Sites/Facilities with Significant Violations	0
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	0
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	0
Total	0
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	0
Ongoing	0
<u>ENFORCEMENT ACTIONS *</u>	
Number of Compliance Assistance rendered	141
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	0
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0.00

* Program does not have direct legal authority to pursue traditional enforcement actions for violations. It requires the return of grant proceeds. MDE may indirectly use its General water pollution authority if a constructed facility violates the law.

Water Supply and Sewerage Construction



Waterway Construction - Dam Safety

PURPOSE

The Maryland Dam Safety Division issues waterway construction permits for new dams and ponds, and permits for alterations to existing impoundment structures. The major goals of this program are to ensure that dams are built and operated properly and to protect public safety. To achieve those goals, the permit division inspects all high-hazard dams once a year, significant or intermediate hazard dams are inspected once every three years, and low hazard dams are inspected once every 5-7 years. In addition to dam permits, permits are also issued for the new construction of small ponds or the repair of small ponds that are not approved by the local Natural Resources Conservation Service offices.

AUTHORITY

STATE: Environment Article, Title 5, Subtitle 5; COMAR 26.17

PROCESS

Upon issuance of a permit, a copy of the file is transferred to the Compliance Program. The permit division engineers make construction inspections and subsequent safety inspections. Based on those inspections, a dam may be declared unsafe, an Order may be issued to make repairs or take other action, or a letter identifying deficiencies for correction may be sent. The Compliance Program may inspect the site to determine whether construction has commenced, to perform a sediment control inspection, at the request of the permitting division, or in response to a citizen complaint.

The Department does not have the authority to collect administrative penalties for this program.

Waterway Construction - Dam Safety

1999 Totals

PERMITTED SITES/FACILITIES

Number of Permits/Licenses issued	25
Number of Permits/Licenses in effect at Fiscal Year End	407

OTHER REGULATED SITES/FACILITIES

None

INSPECTIONS

Number of Sites inspected	198
Number of Inspections, Audits, Spot Checks *	230

COMPLIANCE PROFILE:

Number of Inspected Sites/Facilities with Significant Violations	6
% of Inspected Sites/Facilities in Significant Compliance	97%
% of Inspected Sites/Facilities with Significant Violations	3%

SIGNIFICANT VIOLATIONS

Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	6
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	2
Total	8

DISPOSITION OF SIGNIFICANT VIOLATIONS

Resolved	0
Ongoing	8

ENFORCEMENT ACTIONS

Number of Compliance Assistance rendered **	88
Number of Show Cause, Remedial, Corrective Actions issued	3
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	0
Number of Referrals to Attorney General for possible Criminal Action	0

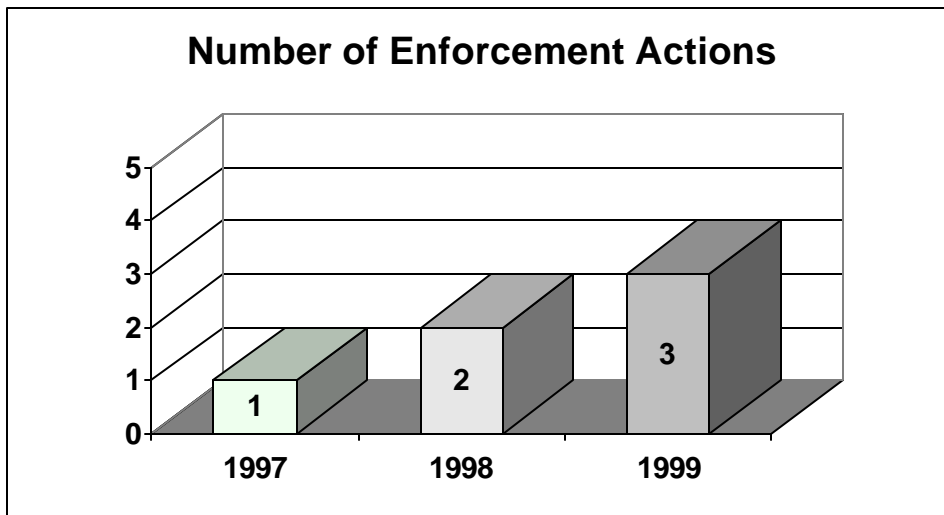
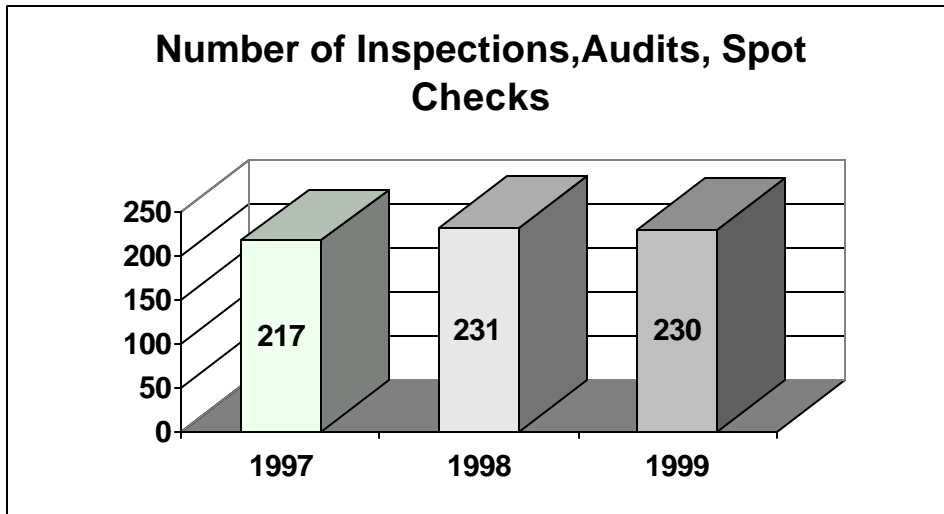
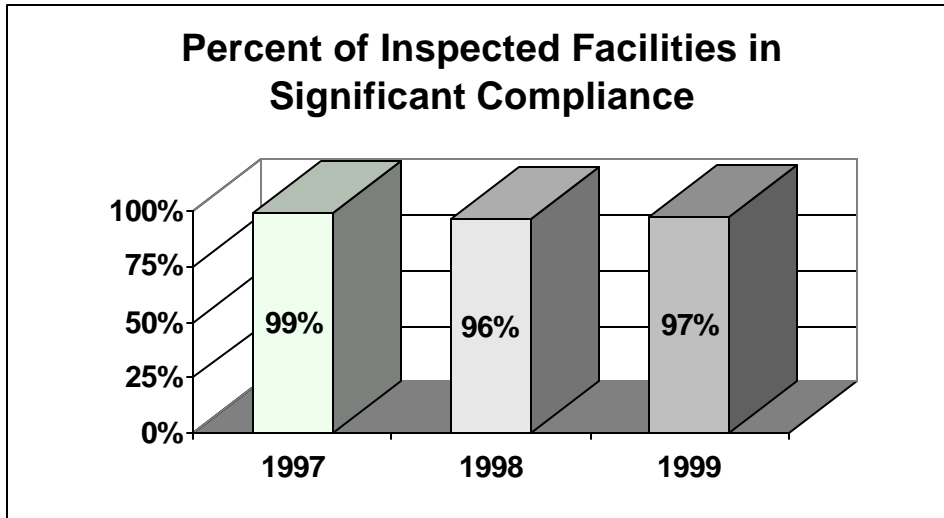
PENALTIES

Amount of Administrative or Civil Penalties obtained	\$0.00
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* Includes 8 Inspections by the Compliance Program

** Includes 4 Actions by the Compliance Program

Waterway Construction – Dam Safety



Wetlands and Waterways Nontidal and Floodplain

PURPOSE

The goal of the Nontidal Wetlands Protection Act is to attain no net loss in nontidal wetland acreage and to strive for a net resource gain in nontidal wetlands over present conditions. This is to be accomplished by preventing, further degradation and losses of nontidal wetlands due to human activity, and by offsetting unavoidable losses or degradations through the deliberate restoration or creation of nontidal wetlands through the Nontidal Wetlands Compensation Fund. Any individual or entity planning grading or filling, excavating or dredging, changing existing drainage patterns, disturbing the water level or water table, or destroying or removing vegetation in a nontidal wetland must obtain a permit or authorization for the proposed activity.

A person is required to obtain a permit from MDE in order to change the course, current, or cross-section of a nontidal stream or body of water, including the 100-year floodplain. Any individual or entity planning to construct, reconstruct, repair or maintain any development within the stream or its 100-year floodplain is required to get a permit. Proposals are evaluated for impacts to the floodplain, public safety and welfare, and the environmental resources of the State of Maryland.

AUTHORITY

STATE: Environment Article, Title 5, Subtitles 5 and 9; COMAR 26.17 and 26.23

PROCESS

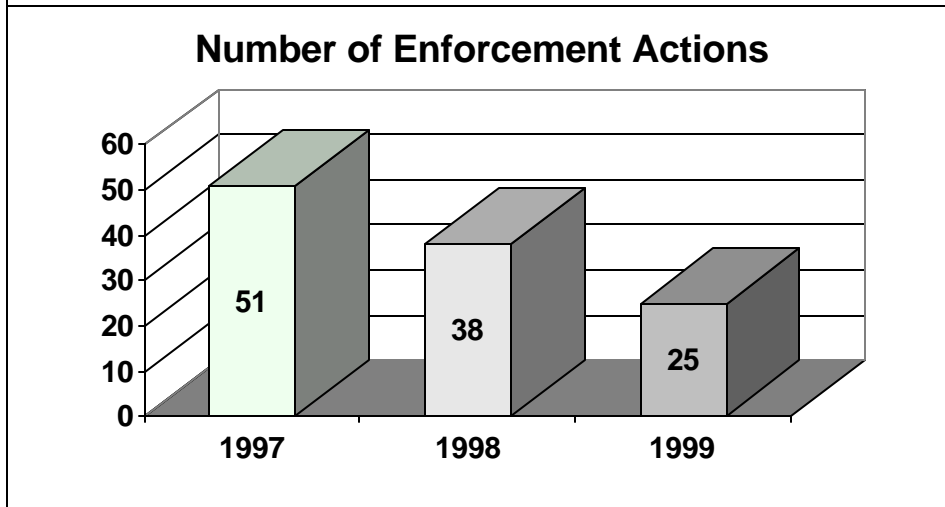
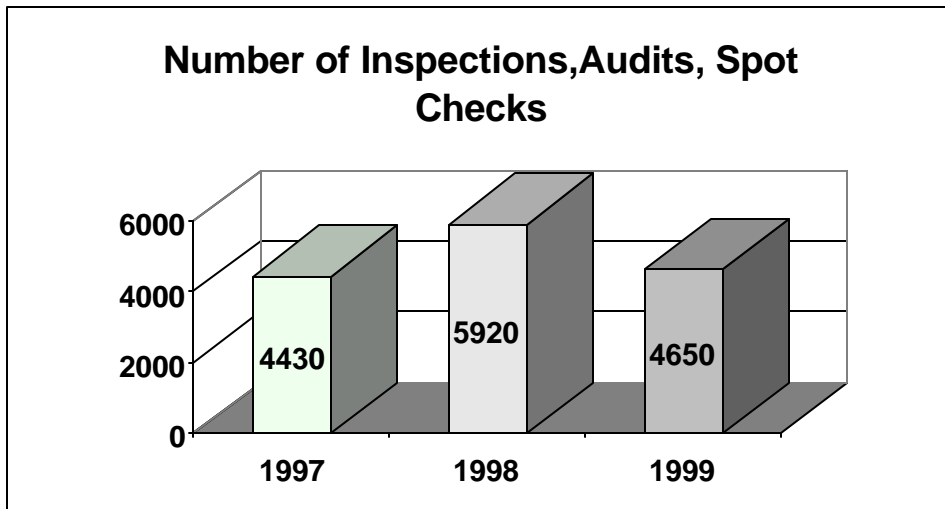
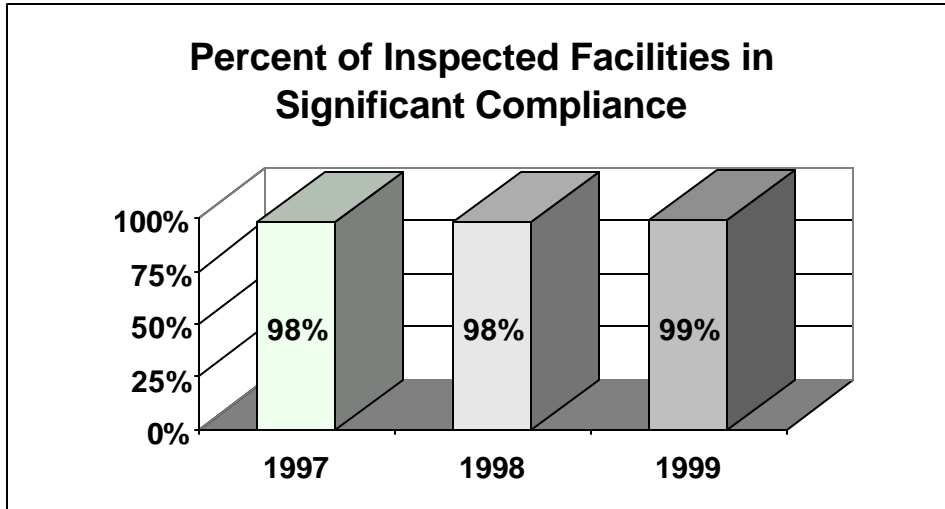
Upon issuance of a permit/license/authorization the file is transferred to the Compliance Program where an inspection priority is assigned. The inspectors then schedule routine inspections of the facilities adhering to the assigned priority as much as workload allows. At any time during the process, the inspection frequency can be adjusted as site conditions or workload demands. Inspections are performed to verify that the projects are in accordance with the authorization. Because a site may involve nontidal wetland and/or 100-year floodplain impacts, inspections evaluate whether all the resultant construction impacts are in accordance with the permits. Case by case, this may involve identifying or verifying a nontidal wetland boundary and documenting findings in the inspection report. At sites where there may be 100-year floodplain impacts, it may be necessary to determine the floodplain boundary before project compliance can be determined.

The Department does not have the authority to collect administrative penalties for this program.

Wetlands and Waterways Nontidal and Floodplain

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	583
Number of Permits/Licenses in effect at Fiscal Year End	3159
<u>OTHER REGULATED SITES/FACILITIES</u>	
none	
<u>INSPECTIONS</u>	
Number of Sites inspected	2452
Number of Inspections, Audits, Spot Checks	4650
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	20
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	8
Number of Significant Violations based on Technical/Preventative Deficiencies	13
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	6
Total	27
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	12
Ongoing	15
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	478
Number of Show Cause, Remedial, Corrective Actions issued	17
Number of Stop Work Orders	5
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	3
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0.00

Wetlands and Waterway – Nontidal and Floodplain



Wetlands - Tidal

PURPOSE

Tidal wetlands are open water and vegetated estuarine systems affected by the rise and fall of tide. The goal of the Wetlands and Riparian Rights Act is to preserve tidal wetlands and prevent their despoliation and destruction. The Program strives for a net resource gain in wetland area over present conditions. This is to be accomplished by preventing further degradation and losses of tidal wetlands due to human activity, and by offsetting unavoidable losses or degradations through the deliberate restoration or creations of tidal wetlands through the Tidal Wetland Compensation Fund. Authorizations, in the forms of licenses and permits, are required to minimize impacts to aquatic resources and tidal wetlands from dredging, filling, the construction of bulkheads and other related activities.

AUTHORITY

STATE: Environmental Article Title 16; Subtitle 2; COMAR 26.24

PROCESS

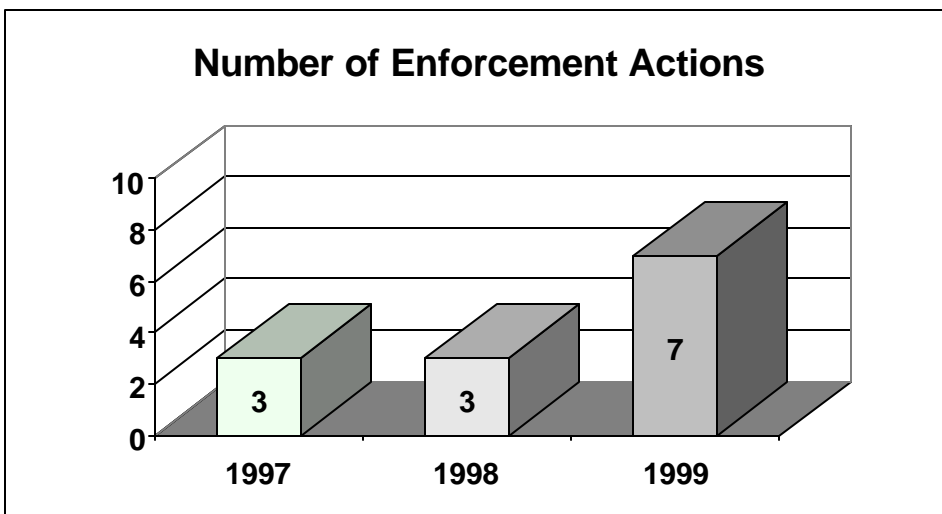
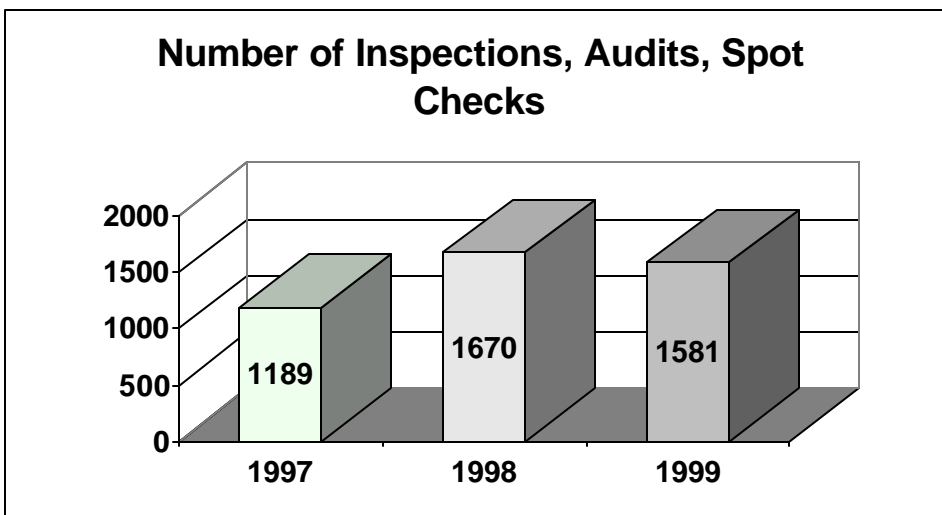
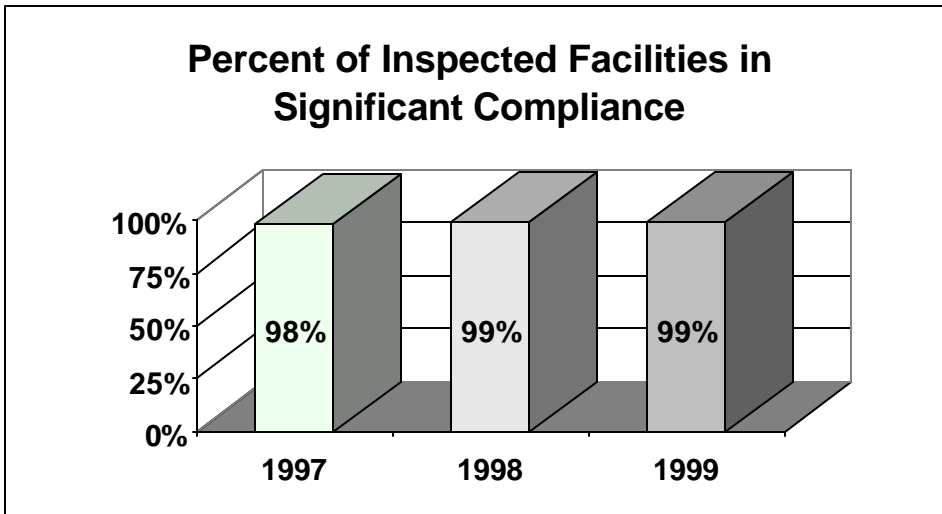
Upon issuance of a license/permit/authorization the file is transferred to the Compliance Program where an inspection priority is assigned. The inspectors then schedule routine inspections of the facilities adhering to the assigned priority as much as workload allows. At any time during the process, the inspection frequency can be adjusted as site conditions or workload demands. Inspections typically verify that the work being performed is in accordance with the work authorized and that all license or permit conditions are in compliance.

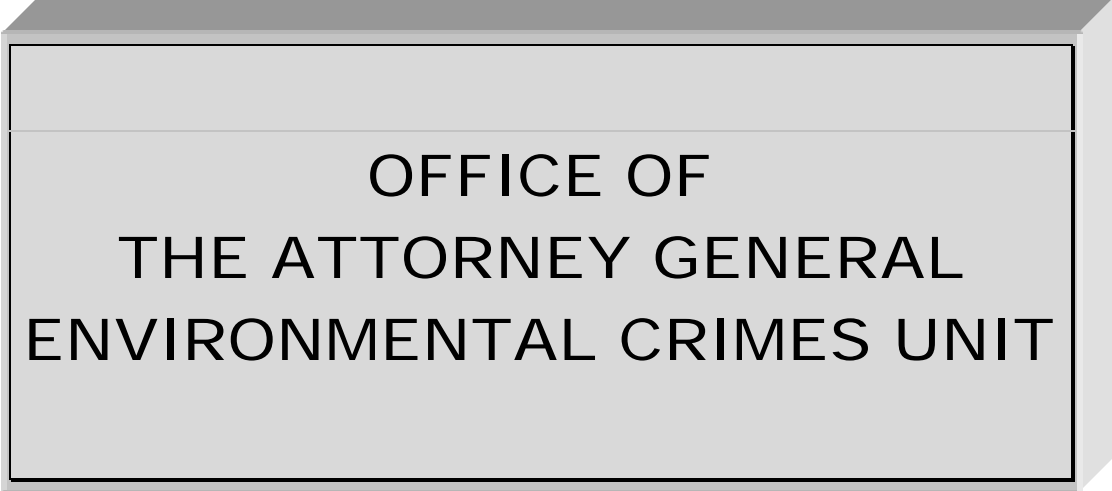
The Department does not have the authority to collect administrative penalties for this program.

Wetlands - Tidal

	1999 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	1768
Number of Permits/Licenses in effect at Fiscal Year End	5317
<u>OTHER REGULATED SITES/FACILITIES</u>	
none	
<u>INSPECTIONS</u>	
Number of Sites inspected	1213
Number of Inspections, Audits, Spot Checks	1581
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	5
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	3
Number of Significant Violations based on Technical/Preventative Deficiencies	2
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	1
Total	6
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	1
Ongoing	5
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	137
Number of Show Cause, Remedial, Corrective Actions issued	4
Number of Stop Work Orders	3
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	0
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0.00

Wetlands - Tidal





OFFICE OF
THE ATTORNEY GENERAL
ENVIRONMENTAL CRIMES UNIT

Environmental Crimes Unit

PURPOSE

The Attorney General's Environmental Crimes Unit (ECU) is a criminal investigation and prosecution unit under the direction of the Criminal Investigations Division of the Attorney General's Office. ECU utilizes the prosecutorial authority of the Attorney General, the investigative and law enforcement authority of Maryland State Troopers assigned to the Unit and the environmental expertise of MDE. ECU investigates environmental violations and, when appropriate, files criminal charges, prosecuting the offender. In the grand scheme of MDE's enforcement efforts, from a merely statistical standpoint, ECU is but a small part. However, in the range of enforcement options, ECU can be a very effective and vital tool.

ECU's mission in protecting the quality of Maryland's air, land and water resources dovetails with the MDE enforcement mission. ECU's mission, like MDE's, covers the entirety of the State. However, ECU's statewide mission is carried out with a staff that amounts to a tiny fraction of the workforce that MDE dedicates to enforcement. With a total staff of eight, six of whom (4 investigators and 2 prosecutors) are directly involved in the criminal enforcement work of the unit, ECU must tailor its mission to get the most out of its limited resources. ECU operates from the perspective that criminal enforcement is the enforcement choice of last resort. It is applied to the worst and most recalcitrant offenders, where the prospect of imprisonment and/or being stigmatized by a criminal conviction must be resorted to in order to protect the quality of Maryland's air, land and water resources.

AUTHORITY

STATE: The Attorney General has the general authority under Article V, Section 3 of the Constitution of Maryland to investigate and prosecute crimes as directed by the Governor or a law of the General Assembly. The General Assembly, through several provisions in the Environment Article, authorizes the Attorney General to criminally prosecute violations of specific statutes in the Article.

PROCESS

The ECU receives complaints calling for possible investigation from three basic sources: the MDE Administrations, other governmental agencies and the general public. Complaints are initially reviewed by ECU prosecutors to assess the presence of factors indicating possible criminal intent. Complaints where such factors are found are then passed on to ECU investigators to conduct full investigations for the purpose of gathering sufficient evidence to support the filing of criminal charges.

CHART 1 shows the number of investigations conducted by ECU during FY 99, as well as the source of the complaints leading to the investigations.

INVESTIGATIONS OPENED - FY '99		
SOURCE OF COMPLAINTS		INVESTIGATIONS OPENED
M D E	Air & Radiation Management	2
	Technical & Regulatory Support	14
	Waste Management	14
	Water Management	13
	Office of Secretary	2
TOTAL FROM MDE		45
OTHER SOURCES		29
TOTAL		74

The MDE administrations Air and Radiation Management Administration (ARMA), Waste Management Administration (WAS), Water Management Administration (WMA) have traditional enforcement components within their respective programs. The Technical and Regulatory Support Administration (TARSA) and the Office of the Secretary/Coordinating Offices (OS/CO) do not. TARSA's Emergency Response Program, however, often responds to situations that Emergency Response personnel assess and determine require possible enforcement action. Those situations are referred by TARSA to the appropriate administration enforcement program or to ECU.

CHART 2 shows the number of cases prosecuted by ECU during FY 99. The chart distinguishes between the number of cases whose prosecution was commenced during FY 99 by the filing of criminal charges and the number of cases reaching courtroom conclusion during FY 99. In prosecuting cases, it is not uncommon for charges in a case to be filed during one fiscal year and for the case to be concluded in a courtroom case during the subsequent fiscal year.

PROSECUTIONS - FY '99			
SOURCE OF COMPLAINT		NO. OF CASES FILED	NO. OF CASES CONCLUDED*
M D E	ARMA	0	0
	TARSA	13	7
	WAS	8	5
	WMA	5	6
	OS/CO	0	0
TOTAL FROM MDE		26	18
OTHER SOURCES		16	13
TOTAL		42	31

*Cases concluded in one FY may have been filed in a previous FY.

CHART 3 shows the penalties handed out by the courts as the result of those cases concluded in a courtroom during FY '99.

FY '99 PROSECUTIONS CASE DISPOSITION STATISTICS							
CASE TYPE	NO. OF CASES CONCLUDED IN COURT	FINES, RESTITUTION, ENVIRONMENTAL PROJECT COSTS		JAIL TIME		PROBATION (YEARS)	COMMUNITY SERVICE (HOURS)
		Imposed	To Be Paid	Imposed	To Be Served		
AIR	1	2,000.00	1,000.00	0	0	1	20
WASTE	17	213,500.00	184,000.00	14 mos.	0	11.5	115
WATER	13	30,930.00	12,175.00	0	0	7.5	112
TOTAL	31*	\$246,430.00	\$197,175.00	14 mos.	0	20	247

**Includes: 1 Nolle Prosequi; 4 Stets; and 1 Acquittal*

Air: Title 2; 6 || **Waste:** Title 4; 7; Art. 27, Sect. 468 || **Water:** Title 4; 5; 9; 13; 16

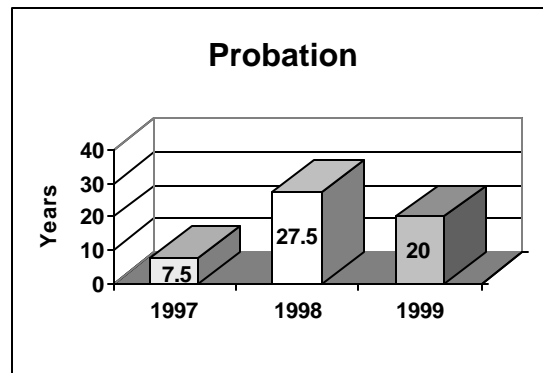
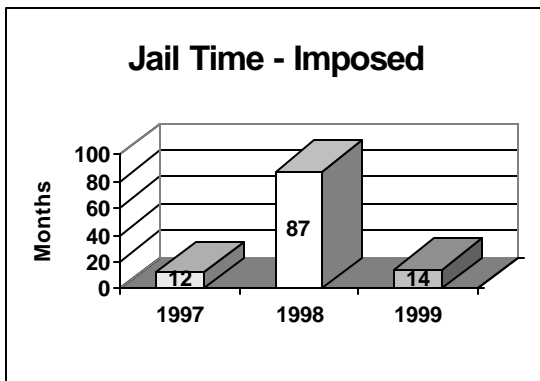
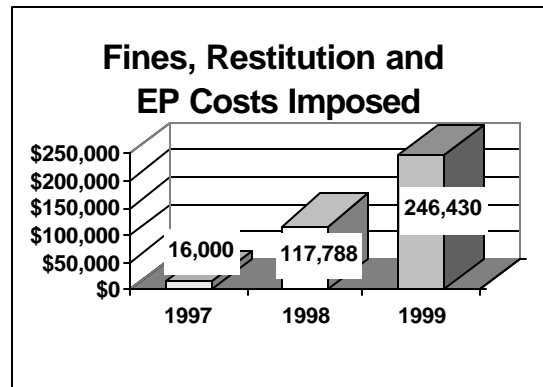
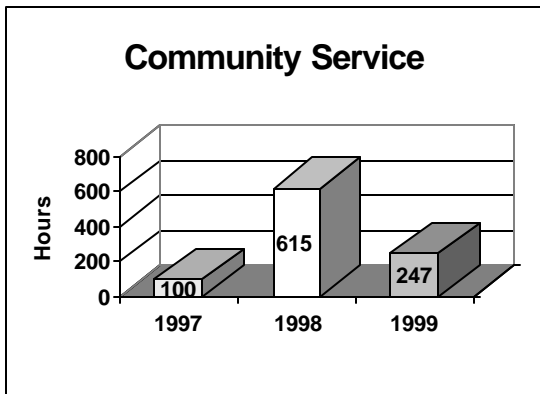
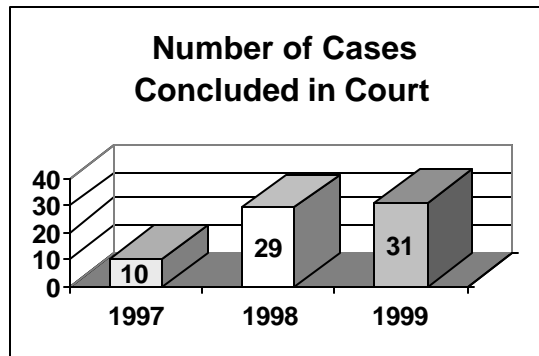
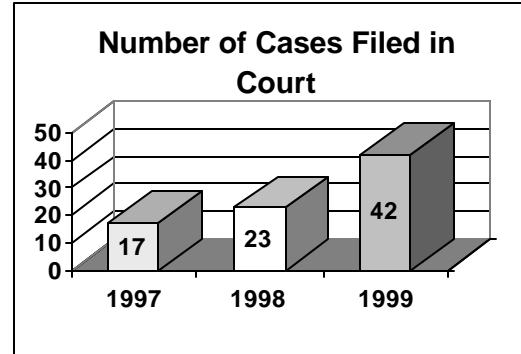
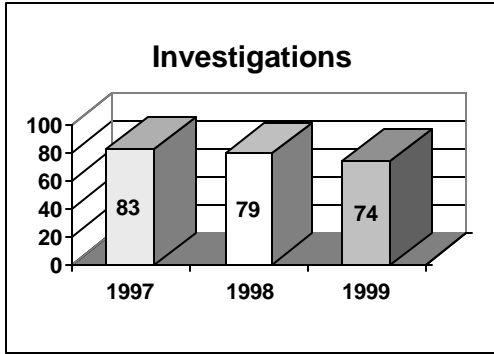
CHART 4. The Report of Enforcement Activities required by Section 1-301(d) of the Environment Article requires the reporting of information regarding criminal cases prosecuted under specified provision of the Environment Article. While reflecting all ECU activity for the fiscal year, the shaded areas of this chart reflect the required specified information.

Yearly Totals - FY99	Title 2		Title 4		Title 5		Title 6			Title 7	
	Subtitle 4	Other	Subtitle 4	Other	Subtitle 9	Other	Subtitle 4	Subtitle 8	Other	Subtitle 2	Other
Number of Criminal Cases Filed (*See Note)		1	1							7	
Number of Criminal Cases Concluded in Court (*See Note)		1	1							4	
Number of Convictions Obtained (*See Note)		1								4	
Amount of Imprisonment Time Ordered (Months)											
Amount of Imprisonment Time To Be Served (Days)											
Amount of Probation (Years)		1								6	
Amount of Community Service (Hours)		20									
Amount of Criminal Fines, Restitution & Clean-Up Costs Imposed		2,000.00	4,500.00							40,000.00	
Amount of Criminal Fines, Restitution & Clean-Up Costs To Be Paid		1,000.00	4,500.00							17,000.00	
*Note - A single case may involve charges from any number of the various titles (The next three rows show the number of charge counts filed, concluded & convicted.)											
Number of <i>Criminal Charges (Counts) Filed</i>		2	5							14	
Number of <i>Criminal Charges (Counts) Concluded in Court</i>		2	1							8	
Number of <i>Criminal Charges (Counts) Convicted</i>		1								4	
Shaded Areas--Requested Under Section 1-301(d)											
Title 2 - Ambient Air Quality Control											
Title 4 - Water Management/Waste Management											
Title 5 - Water Resources											
Title 6 - Toxic, Carcinogenic & Flammable Substances											
Title 7 - Hazardous Materials and Hazardous Substances											

CHART 4. Continued

Yearly Total - FY '99	Title 9				Title 13	Title 16	Art. 27	Other	Totals
	Subtitle 2	Subtitle 3	Subtitle 4	Other		Subtitle 2	Sect. 468		
Number of Criminal Cases Filed (*See Note)		20					13		42
Number of Criminal Cases Concluded in Court (*See Note)		12		1			12		31
Number of Convictions Obtained (*See Note)		9					11		25
Amount of Imprisonment Time Ordered (Months)							14		14 Mos.
Amount of Imprisonment Time To Be Served (Days)									
Amount of Probation (Years)		7.5					5.5		20 Yrs.
Amount of Community Service (Hours)		112					115		247 Hrs.
Amount of Criminal Fines, Restitution & Clean-Up Costs Imposed		30,480.00		450.00			169,000.00		\$246,430.00
Amount of Criminal Fines, Restitution & Clean-Up Costs To Be Paid		11,725.00		450.00			162,500.00		\$197,175.00
*Note - A single case may involve charges from any number of the various titles (The next three rows show the number of charge counts filed, concluded & convicted.)									
<i>Number of Criminal Charges (Counts) Filed</i>		24					22	5	72
<i>Number of Criminal Charges (Counts) Concluded in Court</i>		16			2		18	5	52
<i>Number of Criminal Charges (Counts) Convicted</i>		9					11		25
Shaded Areas--Requested Under Section 1-301(d)									
Title 9 - Water, Ice, and Sanitary Facilities									
Title 13 - Well Drillers									
Title 16 - State Wetlands									
Art. 27, Sect. 468 - Litter Control Law									

Environmental Crimes Unit



APPENDIX

**ENVIRONMENTAL RESTORATION AND
REDEVELOPMENT PROGRAM**

STATE MASTER LIST

(This List Provides Notice of Potential Hazardous Waste Sites)

WILL BE AVAILABLE SOON!