

Maryland's FY 2001 & 2002 Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

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CHAPTER 1: REAFFIRMING THE COMMITMENT TO ENVIRONMENTAL PERFORMANCE PARTNERSHIP

Maryland's Fiscal Years (FYs) 2001 and 2002 Environmental Performance Partnership Agreement is presented in two volumes. Volume one contains chapters one through three and the referenced appendix. Volume two contains the Partners' respective Fiscal Year 2001 workplans. The following chapter outlines the background, unique purpose, and benefits of this Partnership Agreement, lists the parties to it, cites the legal authority for establishing such a partnership, provides a description of the scope of the Agreement, the guiding principles, and priorities of each Agreement Partner.

I. STATEMENT OF PURPOSE

In the last few years, states and the federal government have been entering into agreements that seek to better coordinate efforts to protect human health and the environment. In 1998, Maryland's environmental, public health, and natural resources protection agencies entered into their first agreement with the U.S. Environmental Protection Agency. The purpose of the FY 1998 Agreement between the Maryland Departments of Environment (MDE) and Natural Resources (DNR) (the Departments) and the U.S. Environmental Protection Agency (EPA) Region III, was to provide for the development of a long-term, results-based management plan that will improve the effectiveness of Maryland's environmental programs and strengthen the relationship between the Departments and EPA. That Agreement established a multi-year strategic planning/agreement process that set forth Maryland's environmental goals, identified the programs designed to achieve those goals, established and adopted indicators to measure progress, described existing workload responsibilities, defined the State/EPA relationship, and reflected a comprehensive public participation process that will help guide future program direction.

In developing the first Agreements, the Partners realized that designing meaningful and substantive partnership agreements that will improve both the environmental results and the way in which the Partners interact in performing their respective responsibilities, would take longer than one agreement cycle. Therefore, the Partners agreed that the first two agreements would document what the environmental conditions and protection activities were at that time, and then target the FY 2000 Agreement as the time frame in which significant changes could begin to be implemented.

The FY 2000 Agreement. The FY 2000 Agreement continued the focus on improving the working relationship between the Partners. For example, the Partners implemented the commitments to burden reduction, developed an agreement to use the EPA Fort Meade laboratory facility for training, negotiated federal grant application workplans consistent with the State's strategic planning format, and improved data management coordination. The Partners posted the Agreement and Environmental Indicators on MDE's Homepage www.mde.state.md.us. The FY 2000 Agreement also set the groundwork for exploring fiscal year realignment of federal grants, developing a Performance Partnership Grant (PPG) for MDE's Information Technology (IT) needs, and expanding federal facilities partnership opportunities.

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Goal #9: Preventing Pollution and Assisting the Regulated Community with Compliance

Goal #10: Utilizing Information Technology to Optimize and Enhance

pursuing environmental protection. First, the two-year time frame of this Agreement will afford the Partners the necessary time to focus on achieving improved environmental results. Second, this two-year Agreement will support the Partners' commitment to implementing Smart Growth policies. Growth trends and land use decisions directly affect many of the issues that state and federal environmental and public health protection agencies are facing today. The Partners commit to pro-actively address growth and development trends to minimize the adverse impacts to public health and the environment.

In 1997, the State of Maryland launched its Smart Growth and Neighborhood Conservation Initiative, which encourages the revitalization of older, developed areas throughout the State and addresses issues such as the increased cost of infrastructure associated with sprawl patterns of development and loss of open space. The Federal Government policy recently was articulated when the U.S. EPA Regions II & III, the U.S. Fish and Wildlife Service, the Federal Highway Administration, the U.S. Department of Army, among others, signed a Memorandum of Agreement (MOA) committing to "develop pilot projects with State and local governments to coordinate agency programs in a manner that supports State and local initiatives to manage growth and protect vital resources." This MOA provides for technical assistance to State and local governments, eliminates federal programmatic incentives to inefficient development patterns, encourages revitalization, such as Brownfields redevelopment, and provides positive land preservation incentives.

To explore how the State and federal governments can effectively implement these policies, the Partners will be focusing their efforts on two priority Smart Growth areas: (1) Baltimore Harbor and (2) the Anacostia Watershed, in conjunction with the existing ongoing restoration effort. *By* using targeted, multi-media teams, the Partners envision achieving greater environmental benefits than the traditional, single media approach to implementing Smart Growth policies. (See New Initiatives discussion for more information.) Note that the Partners have been using multi-media team approaches successfully over the past three agreements to address a variety of issues such as identifying burden reduction opportunities, developing environmental indicators, and improving information management approaches.

Benefits. The primary benefits of Partnership Agreements continue to be protecting human health and the environment by improving the mutual effectiveness of Maryland's and EPA's environmental programs and strengthening the relationship between the Departments and EPA. The Partners envision that these Agreements will result in administrative benefits, including, increased flexibility, eliminating administrative burdens, joint goal setting and program evaluation, and reducing federal oversight of programs judged by EPA to be successful. For example, EPA recently assisted MDE in its efforts to relocate its headquarters by providing specifications about designing and building an environmentally friendly facility.

In future years, shared State-EPA activities involving assessment, planning, education, compliance assistance, enforcement, reporting, and/or grant writing all can be developed and evaluated in the context of mutually agreed upon environmental goals.

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II. AGREEMENT PARTNERS

This Environmental Performance Partnership Agreement is entered into between the Regional Administrator of Region III of the US Environmental Protection Agency (EPA) and the Secretaries of the Maryland Departments of Environment (MDE) and Natural Resources (DNR). The Maryland Department of Agriculture (MDA) continues to provide input into the Agreement process, but is not a signatory to this Agreement.

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III. AUTHORITY

II. Maryland DNR and EPA Goals

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

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In 1995, the Joint Committee to Reform Oversight, made up of the Environmental Council of States (ECOS) and EPA, created the National Environmental Performance Partnership System (NEPPS.) The purpose of NEPPS is to develop new approaches that provide improved environmental outcomes, greater coordination and flexibility, strengthened partnerships between the States and EPA, and administrative savings. In 1996, the U.S. Congress authorized EPA to create a Performance Partnership Grants Program, allowing states to combine various environmental grants into one or more multi-program grants. This approach can provide the states more flexibility in targeting their environmental programs. In 2000, ECOS and EPA re-affirmed their mutual commitment to optimizing NEPPS and utilizing Partnership Agreements as the primary tool for enhancing state-federal environmental protection efforts and improving their working relationship.

IV. SCOPE OF THE AGREEMENT

The Partners agree that nothing in this Agreement should be read or construed to abrogate or alter the responsibilities, authorities, and procedures conferred upon each Partner by statute, regulation, grant, delegation, or authorization agreement.

The Departments administer many federally delegated and federally supported programs, including those from EPA, as well as from the Nuclear Regulatory Commission, the National Oceanic and Atmospheric Administration, the Department of Interior, and the Food and Drug Administration, among others. While programs delegated by other federal agencies and programs wholly within the State's authority are described in this Agreement, the statutes and programs covered under this Agreement are all under the EPA's purview and include:

- The Clean Air Act;
- The Clean Water Act;
- The Safe Drinking Water Act;
- The Resource Conservation and Recovery Act;
- The Superfund Amendments and Reauthorization Act;
- The Pollution Prevention Act;
- The Emergency Planning and Community Right to Know Act, and
- The Toxic Substances Control Act.

This Agreement also recognizes that the Partners have certain obligations and opportunities to conserve endangered and threatened species and their critical habitat, as set forth in the Endangered Species Act.

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V. GUIDING PRINCIPLES FOR PROTECTING MARYLAND'S CITIZENS AND NATURAL RESOURCES

Results-based Management Approaches. Both Maryland and the federal government endeavor to link their programs with environmental goals. Maryland, in developing its goals and management objectives, looked first at its environmental and public health conditions. In Maryland, Governor Parris N. Glendening has created a *Managing Maryland for Results* system, a results-based approach to management that includes strategic planning, continuous quality improvement, and performance planning and evaluation, which includes self assessment. Maryland evaluates and reports its environmental program performance through use of performance measures that include environmental indicators, outcomes, outputs, input, quality and efficiency measures. For example, MDE has integrated the Performance Partnership Agreement, including the environmental indicators and workplan commitments, into its Managing for Results strategic plans. The FY 2001 EnPA workplan commitments may be found in Chapter 4.

The federal government performs under the Government Performance and Results Act (GPRA) that is based on the same premise. GPRA requires EPA to develop a five-year

strategic plan. Contained within Chapter 4 of the FYs 2001 & 02 Agreement is EPA's workplan associated with achieving their GPRA measures. The FYs 2001 & 02 Environmental Performance Partnership Agreement has been developed with these management systems and commitments in mind.

Public Participation. Involving the public throughout the Environmental Performance Partnership process has been a guiding principle for the Partners. Over the past 3 years, formal public meetings and stakeholder briefings were held at 30 locations across the state. The Partners re-affirm the importance of the public participation process and will continue to pursue opportunities to engage their stakeholders and the public (see discussion under FY 2000 workgroup commitments and new initiatives.)

Environmental Justice. In 1994, President Clinton issued Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and an accompanying Presidential memorandum, to focus federal attention on the environmental and human health conditions in minority and low-income communities. This Executive Order directed federal agencies to each develop a draft Environmental Justice Strategy. The draft strategy was designed to identify and address disproportionately high exposure and adverse human health effects of their programs, policies, and activities on minority and low-income populations. The Executive Order states, "To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States."

In accordance with the Executive Order, EPA Region III will work cooperatively with the State to implement this Executive Order. The Partners agree on the importance of equitable treatment of all people regardless of race, color, creed, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, policies, and programs. No person or group of people should shoulder a disproportionate share of adverse environmental impacts as a result of the execution of environmental policies, programs, or initiatives. The Partners are committed to working together to develop programs, activities, and initiatives in the state of Maryland that are consistent with the principles of environmental justice, that build capacity within communities, and that enhance the level of cooperation and understanding with regard to environmental justice.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in all federally assisted programs. As recipients of federal grant funding, Maryland recognizes its obligation under Title VI, and is fully committed to complying with its provisions. In this regard, the Partners are committed to working cooperatively in an effort to develop an enhanced working relationship in an effort to provide education and constructive insights in the development of a strategy for addressing Title VI.

Commitment to Effective Enforcement. MDE remains committed to the use of formal enforcement tools. Incorporated by reference into Maryland's Environmental Performance Partnership Agreement is the Annual Enforcement and Compliance Report, which specifically describes the enforcement process and lists the number of enforcement actions taken. (For more information about MDE's Annual Enforcement and Compliance Report, see MDE's Homepage www.mde.state.md.us.)

EPA, too, is committed to effective enforcement. EPA will conduct inspections in Maryland and should violations be discovered, EPA will take timely and appropriate enforcement action in accordance with its timely enforcement policies. EPA enforcement actions in Maryland will be communicated with the appropriate State program managers in accordance with the consultative process (described in Chapter 3 – Dispute Resolution) and during quarterly calls with program managers.

One part of MDE's enforcement process involves an activity that MDE has named "compliance assistance." Because MDE's nomenclature may lead to some confusion, the following explanation is provided to supplement the description of MDE's enforcement statistic known as "compliance assistance."

MDE compliance inspectors do not conduct "compliance assistance visits." They only conduct compliance inspections. When a compliance inspector discovers either a potential violation or a minor violation that can be quickly corrected, the inspector has the option of advising the facility to correct the problem before a formal enforcement action is taken. If the facility corrects the problem, that correction is counted in the Enforcement Report under the heading of "compliance assistance." This activity involves enforcement inspector discretion combined with an attempt to help the facility return to compliance. If the facility fails to correct the problem, then the Department takes an enforcement action and counts the event as a violation resulting in an enforcement action. The minor violation is either voluntarily corrected and counted as "compliance assistance," or it becomes the subject of an enforcement action and is counted as such.

Furthermore, an inspection in which an inspector provides discretionary assistance in helping a facility return to compliance after a violation has been noted is not counted as a "Compliance Assistance Visit." The individuals making traditional Compliance Assistance Visits are not MDE compliance inspectors. Although MDE recognizes that it is always in the business of informing and advising the regulated community on how to comply with the law, the infinite variations of potential factual patterns make distinguishing one form of contact from another almost impossible. Therefore, all contacts with the regulated community by compliance inspectors are counted as enforcement activity. All "non-enforcement" contacts and visits are counted separately.

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VI. STRATEGIC PRIORITIES

As noted below, the Partners' strategic goals and priorities are largely consistent and complementary, thereby enhancing their performance partnership efforts.

Maryland and EPA Strategic Planning and Region III Goals and Priorities

| Maryland Department of Environment 2001 & 2002 Goals and Priorities | Maryland Department of Natural Resources 2001 & 2002 Goals and Priorities | EPA Government Performance and Results Act 2000 Strategic Planning Goals | EPA Region III Regional Action Plans and Sprawl |
|------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------|
| Ensure the air is safe to breathe. | | Clean Air | Ozone |
| Ensure Marylanders are not exposed to unnecessary levels of radiation. | | Better Waste Management, Restoration of Contaminated Waste Sites, and Emergency Response. | |
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|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Ensure safe drinking water. | | Clean and Safe Water. Better Waste Management, Restoration of Contaminated Waste Sites, and Emergency Response. | |
| Reduce the threat to public health from the presence of hazardous materials in the environment. | | Better Waste Management, Restoration of Contaminated Waste Sites, and Emergency Response. | |
| Ensure that water is clean and safe for harvesting fish and shellfish. | Ensure sustainable populations of living resources and aquatic habitat in the main stem of the Chesapeake Bay, tidal tributaries, and Coastal Bays. | Clean and Safe Water | Estuaries |
| Improve and protect Maryland's water quality. | Healthy Maryland watershed lands, streams, and non-tidal river | Clean and Safe Water Clean Air | Estuaries Acidification Ozone |
| Ensure adequate protection and restoration of Maryland's wetland resources. | Healthy Maryland watershed lands, streams, and non-tidal river | Clean and Safe Water | Estuaries |
| Protect and maintain Maryland's natural resource land base and encourage smart growth and community revitalization. | Vibrant local Communities in balance with Natural Systems Establish a protected Statewide network of ecologically valuable private and public lands. | | Sprawl Urban Livability |
| | | | |

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|-----------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Prevent pollution and assisting the regulated community with compliance. | | A Credible Deterrent to Pollution and Greater Compliance With the Law Preventing Pollution and Reducing Risk in Communities, Homes, Workplaces, and Ecosystems | |
| Utilize information technology to optimize and enhance environmental and administrative operations. | | Quality Environmental Information Sound Science, Improved Understanding of Environmental Risk, and Greater Innovation to Address Environmental Problems | |
| Improve regulatory customer services – regulatory reform and permit streamlining. | | | |
| Maximize human resources. | | Effective Management | |
| Assure public participation and stakeholder involvement. | | | |
| Ensure sound fiscal management and accountability. | | Effective Management. | |
| | | Reduction of Global and Cross Border Environmental Risks | Climate Change |
| | | Safe Food | |

Existing Grants and Delegations

Under cover of the Agreement and its annual workplan, the Partners will implement the activities and track progress. For the purposes of this Agreement, the Partners may use the environmental indicators found in the FY 2000 EnPA Agreement and on MDE's Homepage www.mde.state.md.us.

EPA uses GPRA and core performance measures to evaluate its performance. EPA relies on the State to collect and report the data, primarily through existing grant, authorization, and/or delegation agreements. Specific reporting requirements may be found in these grant and delegation agreements. In addition, each categorical grant includes Quality Assurance

Planning requirements, which are referenced in MDE's and DNR's Quality Management Plans.

Incorporation by Reference

MDE and DNR have various documents, including this Agreement, that present their commitments, activities, goals, and objectives. The other documents are incorporated into this Agreement by referencing their existence and by re-affirming their role in setting Maryland's environmental agenda. These documents include:

MDE and DNR's State FY 2001 and FY 2002 Managing Maryland for Results budget submissions,
The 1983 and 1987 Chesapeake Bay Agreements and Restoration Strategies,
Chesapeake 2000: A Watershed Partnership, including its various commitments,
State Revolving Fund (SRF) Intended Use Plans for Wastewater and Drinking Water,
Section 319 Non-Point Source (NPS) Management Plan and Assessment Report,
Comprehensive Conservation and Management Plans (CCMPs) for Maryland's Coastal Bays,
Coastal Zone Management Plan,
Clean Water Action Plan,
Integrated Natural Resources Assessment,
Comprehensive Ground Water Protection Plan,
Administrative Assistance Applications,
Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Cooperative Agreement,
Clean Water Act (CWA) Section 305(b) Water Quality Assessment Report,
Environmental Indicators Report,
MDE's Quality Management Plan,
DNR's Quality Management Plan,
From Mountains to the Sea: The State of Maryland's Freshwater Streams,
MDE 2000 Annual Enforcement and Compliance Report, and
Maryland Environment 2000 (ME 2000) Risk Assessment Report.

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CHAPTER 2: REVIEW OF FY 2000 COMMITMENTS AND FYs 2001 & 2002 NEW INITIATIVES

Chapter 2 summarizes the Partners progress in meeting their various partnership commitments and provides information about FYs 2001 and 2002 new initiatives.

FY 2000 ENFORCEMENT AND COMPLIANCE ACTIVITIES

The Partners (Region III and MDE) have continued to meet on a regular basis (quarterly) using the Consultative Process as their guide (see Chapter 3 for a description of this Process.) During FY 2000 the disagreement elevation procedure was employed on one occasion concerning the Lehigh Portland asphalt facility in Carroll County.

EPA Region III awarded MDE a \$100,000 grant to develop a pilot project for deriving a statistically valid method for determining the "compliance rate" of identified regulated facilities/sectors/ or communities. The grant is to be administered over the next three years by Region III.

MDE and Region III successfully completed a series of chemical process safety inspections

at five industrial facilities on the Fairfield peninsula in southeast Baltimore City. There had been several chemical accidents in close proximity to the residential community known as Wagner's Point. The five targeted facilities were inspected by an EPA multi-media and chemical process safety inspection team. The results of those inspections were shared with MDE as well as the targeted facilities and, where necessary, process changes were suggested and made. Coincidentally, since the inspections began, all of the residents in that small residential enclave have been able to relocate through the collective effort of Baltimore City, the State of Maryland, the federal government, and several of the regulated facilities. Working together, the governmental entities, businesses and the community developed a package which offered a fair price for the houses, covered some relocation costs, and provided low-interest loans to help residents acquire new housing.

MDE and Region III continue to work cooperatively in the area of multi-media inspections at designated federal facilities. Specifically in FY 2000 MDE and Region III inspectors inspected the Baltimore Marine Industries ship scrapping operation being conducted under Navy a contract. MDE inspectors also participated in and reviewed Region III's multi-media inspection at the Veterans Administration Medical Center at Perry Point.

MDE supports Region III's enforcement initiative concerning colleges and universities and will provide Region III with the names of two colleges and/or universities to be the subject of EPA multi-media inspection.

In addition to the above referenced initiatives which will continue into FY 2001, MDE and Region III also plan to begin working cooperatively in the area of using Supplemental Environmental Projects (SEPs) as another available form of enforcement action. The Partners will also develop a set of protocols governing notification and coordination on the use of the State and federal environmental audit policies. In this regard MDE and Region III have begun discussion of using outreach to certain identified urban communities to increase compliance with environmental laws in underprivileged urban areas by effective use of voluntary self-disclosure.

In addition to the activities listed above (i.e. ship scrapping and Veterans Administration Medical Center at Perry Point) MDE and Region III continue to meet on an as needed basis concerning federal facilities issues, as they arise. MDE participates in a monthly conference call between Region III's federal facilities coordinator and various federal agencies. MDE will participate again this year in the EPA/Department of Defense Colloquium.

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REVIEW OF FY 2000 WORKGROUP EFFORTS

The following summarizes the findings and recommendations of the interagency workgroups.

Updating the Environmental Indicators information. The Environmental Indicators are currently available on MDE's Homepage. In addition, there are links on the DNR website to the Indicators. The Partners made a commitment, to the citizens who participated in the public meetings and provided input through electronic and written correspondence, to regularly update the information in the Environmental Indicators Report.

Therefore, in the summer of each year, the Partners will update those Indicators where new data are available. In addition, for each Indicator, under the Indicator development and data responsibility information, the Partners will indicate the frequency with which that Indicator will be updated (many Indicators are updated annually, biennially, triennially, etc., as the data are collected). The Partners also will indicate the date that the Indicator was last updated.

By regularly updating the Indicators, we will be providing the public the most recent information about the environmental conditions in Maryland. In addition, to enable citizens

with questions to go directly to the source, each Indicator includes both the Program name and the phone number where those staff responsible for Indicator development and data responsibility can be contacted.

Public Participation and Outreach. As part of the Partners' commitment to public participation and outreach, six meetings were held across Maryland in January and February 1999. The workgroup posted on MDE's Homepage a "Response to Questions" that reflected responses to comments received from the Winter 1999 meetings. The workgroup members briefed various stakeholder committees throughout 2000. Moreover, MDE has been providing information to its employees about EnPA through on-going Human Resources Training (see New Initiatives for more information.)

Negotiating Grant Agreements Using MDE's Strategic Plan. MDE grant managers for Underground Storage Tank (UST), Clean Water Act Section 604(b), TSCA asbestos abatement, and Public Water System Supervision (PWSS) grants have been working with EPA to revise the federal grant application workplan to be consistent with the format used for MDE's MFR's submittal to Governor Glendening. This work has been part of the Partner's efforts to further reduce burden associated with grant applications. To apply for FY 2001 federal grants, MDE will be using, where feasible, this revised format for the previously mentioned four grants, and tracking the progress of this new approach throughout the next two years.

Managing data systems and identifying data gaps. The purpose of this workgroup was to focus on existing data collection, storage, distribution, and interpretation. Since FY 1999, the workgroup has focused on four areas: (1) adequacy of data, (2) standardized data documentation, (3) data accessibility, and (4) duplication of effort. A status report of their efforts may be found in the Appendix . This workgroup will continue its efforts through FY 2002, providing regular semi-annual reports to Partnership Agreement Coordinating Team (E-PACT) throughout the term of the new Agreement.

Reducing the reporting burden on Maryland where possible. The purpose of this workgroup was to look at the reporting transactions between the state and federal Partners and to identify specific reporting requirements that can be eliminated, streamlined, reduced and/or changed through new or improved reporting processes. The workgroup has been tracking its recommended reporting burden reductions and is continuing its work on identifying other opportunities for reporting burden reductions in the Minority Business Enterprise/Women Business Enterprise Program (MBE/WBE), the drinking water program (PWSS), and other issue areas. These areas will continue to be evaluated, as well as the air program NOV reporting requirements, as part of the FYs 2001 & 02 Agreement.

Training coordination. MDE and EPA have agreed on the use of conference space at EPA's Environmental Science Center in Fort Meade, Maryland, for the purpose of MDE participating in EPA's Air Pollution Training Institute (APTI) satellite classes. This agreement provides MDE convenient access to EPA's teleconferencing facility (see Appendix for more information.)

Better aligning the state and federal fiscal year time frames. The purpose of this workgroup was to develop a process that can achieve re-alignment of federal fiscal year activities with the State's fiscal year time frame. The workgroup was tasked with answering: What has to be done? How long will it take? And when should it begin? The workgroup prepared simulations that included detailed analyses of the steps that are needed to assess whether or not such as transition benefits the Partners and how to make the realignment transition. Since FY 2000, MDE has been conducting a pilot program to include one small grant per media administration that would be tracked in the automated federal grant Financial Management Information System (FMIS) component (see Appendix for more information.) The workgroup recommended the UST, TSCA, and Underground Injection Control (UIC) grants and is adding a lead grant to the pilot as well. The pilot is being implemented in parallel with the existing grant system to provide the opportunity to troubleshoot any problems before it may be expanded to include the remaining EPA grants. This effort will continue

throughout the FYs 2001 and 02 time frame.

Improving interagency coordination on federal facilities. The purpose of this workgroup was to identify state and EPA personnel with federal facilities responsibilities, list their responsibilities, look for overlap, and establish a process for improved communication and coordination. Moreover, the workgroup was tasked with identifying key opportunities at federal facilities in which the State and Region III could work together to resolve challenging compliance issues. (See New Initiatives for more information.)

Multi-year Agreements. As noted above, this Agreement covers the FY 2001 through FY 2002 time frame. The Partners agree to regularly update the environmental indicator data. MDE will be conducting a programmatic self-assessment and DNR will be using an MFR self-assessment process during this time frame. Moreover, to ensure ongoing communication about progress toward meeting the partnership goals, the Partners agree to provide their respective FY 2002 EnPA workplans to each other.

Erosion and Sediment Control Compliance Initiative. MDE has been strengthening its erosion and sediment control program, which is an extremely important element in the State's effort to protect and improve water quality. In FY 2000, EPA has provided MDE with TSCA multi-media grant funding to develop procedures that would enlist the services of both public and private interests to pursue voluntary procedures for achieving compliance, utilizing the efforts of Soil Conservation District personnel, aggregate operators, and possibly DNR's Maryland Forest Service.

Additional Efforts. There has been a variety of other federal – State partnership efforts in addition to the examples reported above. These include Region III, the states in Region III and the Army Corps of Engineers working together to review the Formerly Used Defense Sites (FUDS) program. Topics of discussion include funding status and issues, CERCLIS pre-screening, DSMOA reviews, and project prioritization.

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FYs 2001 AND 2002 NEW INITIATIVES

The Partners agree to pursue several new initiatives under this Agreement:

Public Participation and Outreach. During FYs 2001 and 2002, the workgroup will place the FYs 2001 & 02 EnPA Agreement on MDE's Homepage. The workgroup members will create opportunities for reviewers to ask questions and make comments on-line. Then the Partners will post responses to questions on-line, create a "Frequently Asked Questions/Answers about EnPA" on-line, Notify interested parties by letter who attended meetings that information about EnPA is available on-line and invite them to comment. MDE will advertise in MDEnvironment that the Agreement document is available on-line and provides opportunity for comments. Moreover, the Partners agree to invite interested parties to request a briefing about the current status. Depending on number of requests, the Partners will determine feasibility of holding meetings. Other ideas include:

- Target State Fair/MACO – create palm card or reference sheet that lists information available on Homepage, which includes EnPA, and state that comments can be made on-line.
- Engage Existing Audiences – Have Palm Card or Reference Sheet with information about Homepage, which includes EnPA, stating there is an opportunity to provide comments on-line about environmental priorities.
- Target community associations that hold regular meetings.

Smart Growth Projects. The Partners agree to pursue or undertake pilot projects that demonstrate the benefits of smart growth policies. For example, air quality benefits from state land use strategies in non-attainment areas or maintenance areas can be applied as a credit to State Implementation Plans. Or, these benefits may be part of state conformity determinations, where EPA has assurance that such strategies have produced the air quality benefits through reduced emissions from transportation-related sources. The Partners agree to evaluate land use strategies for potential air quality credits. Moreover, EPA is willing to provide workshops and training sessions for the State and various metropolitan planning organizations on developing air quality credits from various land use scenarios.

Another example may include the Partners' willingness to develop pilot efforts to develop innovative approaches that will tailor the implementation of federal programs to reinforce the State's growth management objectives. Under this effort, EPA is willing to focus available federal resources on reinforcing local and State planning and environmental preservation objectives. This could be accomplished by providing technical assistance and tailoring regulatory approaches that would minimize possible regulatory burdens for development activity in priority funding areas. As noted earlier, the Partners will pursue these approaches in the Baltimore Harbor and Anacostia Watershed regions.

Carroll/Camden Environmental Restoration Project. This project entails a multi-year effort to prepare tracts of land for redevelopment in a heavily industrialized and underutilized section of Baltimore City, the Carroll/Camden Industrial area. This pilot project supports EPA and MDE EnPA redevelopment objectives (i.e., Brownfields) and will result in a measurable environmental benefit in support of the Partners' commitment to implementing Smart Growth policies. For the project to be undertaken, the Partners agree to identify possible project funding sources before the end of December 2000. Over the FYs 2001 & 02 time frame, the Partners will meet to review a variety of possible sources of multi-media funding in support of this proposed multi-year effort. (For more information see the Appendix.)

Performance Partnership Grant for MDE's Information Technology. A key component to the success of MDE's Information Technology (IT) reorganization of systems, personnel, and information infrastructure, is the realignment of MDE's financial resources that support its information management systems. MDE believes this alignment can be accomplished through the establishment of a Performance Partnership Grant for Information Technology (IT PPG).

The benefits associated with this IT PPG include, but are not limited, to: reduced administration paperwork in the Department for tracking and managing information technology related financial assistance; enhanced ability for the Department to leverage its resources by pulling money together that will give the Department more buying power in the information technology market; and provide the ability to better control and direct funding to achieve the partners' goals in a more holistic fashion. This would eliminate the traditional "stove pipe" approach to information technology management. MDE and EPA agree to develop and implement an IT PPG during FY 2001.

Exploring P2 Opportunities with Federal Facilities. In addition to the previously-mentioned cooperative efforts between MDE and federal facilities, the Partners agreed to explore the possibility of developing a formal "Pollution Prevention Agreement" among the State, EPA, and the federal facilities located in Maryland. This Agreement would seek to memorialize the federal facilities' current pollution prevention (P2) efforts and identify opportunities for providing further information transfer and sharing of successes to other Maryland facilities. Specifically, the goals include: identifying P2 opportunities at federal facilities; promoting the use of P2 as the preferred environmental policy at Maryland Department of Defense (DoD) facilities; promoting a P2 information clearinghouse; promoting DoD mentoring with Businesses for the Bay; and promoting the integration of P2 into everyday activities at all Maryland-based DoD installations.

Commitment to Educate and Train Workforce on EnPA and NEPPS. The Partners recognize that the NEPPS system and Partnership Agreements provide a new and different

framework for achieving environmental and public health protection. Currently, many of the individuals who are performing the tasks associated with environmental and public health protection do not have a complete understanding of the opportunities and benefits NEPPS and Partnership Agreements can provide. Therefore, MDE and EPA agree to begin or continue conducting education and training of their respective workforce on NEPPS and Partnership Agreements. The purpose of this effort is to ensure that all individuals involved in Maryland – EPA activities are knowledgeable about NEPPS and have opportunities to contribute ideas and strategies for achieving greater environmental successes by using the new system.

Further Burden Reduction. The Partners agree to continue implementing the recommendations of the FY1999/2000 Reporting Workgroup and to track progress. EPA agrees to pursue the MBE/WBE reporting issues and to seek help in reducing/refining the data collection and reporting burden on states. The Partners agree to inform their respective program staff of the need to identify potential opportunities for reporting burden reduction during grant negotiations and through the annual programmatic review process. Program staff shall be encouraged to look for innovative ways to streamline reporting so long as core regulatory requirements are met.

Moreover, the Partners commit to an analysis of the grant, policy, and regulatory reporting requirements of the Drinking Water Program, including an evaluation of why the information is needed, how it is used, and opportunities to streamline the reporting process. The Workgroup will meet quarterly and report semi-annually to the E-PACT.

Quality Management Plans. Region III approved MDE's Quality Management Plan (QMP) in Fiscal 2000. MDE is working toward writing or revising Quality Assurance Project Plans (QAPPs) for all appropriate programs or projects or business processes where standard operating procedures are necessary to ensure the collection and management of quality environmental data. In FY 2001, MDE will submit to EPA the QAPPs for all federally assisted programs in a format that is agreed to by the Partners. MDE has prepared a generic template that all programs are using to prepare the QAPPs. EPA will assist MDE and DNR with specialized training on developing, writing, and maintaining effective QAPPs.

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CHAPTER 3: ADMINISTERING THE AGREEMENT

The Partners are committed to improving the effectiveness of Maryland's environmental programs and strengthening the relationship between the State and EPA. This chapter outlines how the Partners will communicate and coordinate, resolve any disputes that might arise, and identifies the members of the Partnership Coordinating Team.

I. COMMUNICATION AND COORDINATION

The Partners agree to communicate on a regularly scheduled basis, and to discuss the overall progress of the activities in the Agreement. These activities, to be successful, are dependent upon MDE, DNR, and EPA dedicating personnel to implement, or modify if necessary, the Agreement once all parties adopt it.

To ensure ongoing communication, each party has designated a point of contact. MDE's designated person chairs Maryland's Performance Partnership Coordinating Team (E-PACT), which is made up of key personnel from each participating agency, as well as a representative from MDA, who serves in an advisory capacity. The E-PACT will take part in regularly scheduled conference calls and in-person meetings to foster improvements in the Performance Partnership process and ensure that issues identified in the Agreement are resolved during the course of the year. A key objective of the E-PACT will be to quickly and efficiently resolve these issues by setting and meeting deadlines for resolution.

II. DISPUTE RESOLUTION

The Partners are committed to timely resolution of disputes. The Partners agree to treat the resolution process as an opportunity to improve our joint efforts. With reference to enforcement and compliance issues, the consultative process identified earlier will be used in dispute resolution. On all other issues, the following procedures will be used:

PRINCIPLE - all disputes should be resolved at the front line or staff level.

TIMEFRAME - generally, disputes should be resolved as quickly as possible but within 2 weeks of their arising at the staff level. If unresolved at the end of 2 weeks, the issue should be raised to the next level of each organization.

ELEVATION - when there is no resolution and the 2 weeks have passed, there should be comparable elevation in each organization, accompanied by a statement of the issue and a one-page issue paper. A conference call between the parties should be held as soon as possible. Disputes that need to be raised to a higher level should again be raised in comparable fashion in each organization.

III. THE EnPA COORDINATING TEAM (E-PACT)

The members of E-PACT include:

E-PACT Chairperson: Robert Hoyt, Assistant Secretary, MDE

Principal DNR Contact: David Burke, Director, Coastal Watershed Service, DNR

Principal EPA Contact: Thomas Voltaggio, Chesapeake & Deputy Regional Administrator, U.S. EPA Region III

MDE E-PACT Members:

Dane Bauer, Deputy Director and Pamela Wright, Program Administrator,

Water Management Administration;

Angelo Bianca, Deputy Director and Dorothy Guy, Senior Policy Assistant to the Director, Air and Radiation Management Administration;

Regina Rochez, Program Administrator, Waste Management Administration;

Robin Grove, Deputy Director and Richard Eskin, Ph.D., Program Administrator, Technical and Regulatory Services Administration;

Susan Scotto, Strategic Planning Coordinator, Bernard Penner, Enforcement and Compliance Coordinator, Cathy Wagenfer, Director, MDE Operations, and John Mitchell, Administrator, Office of the Secretary.

DNR E-PACT Members:

Anne Sloan, Natural Resources Planner, Watershed Management and Analysis Division;
Jody Roesler, Natural Resources Planner, Chesapeake and Coastal Watersheds Division.

EPA E-PACT Members:

Mike Burke, Director, Government Affairs;

Barbara D'Angelo, Director, Office of Environmental Innovation;

Samantha Fairchild, Director, Office of Enforcement, Compliance, and Environmental Justice;

Patricia Gleason, Chief, Maryland and Washington, DC Branch, Water Protection Division;

Robert Greaves, Chief, General Operations Branch, Waste, Chemicals Management Division;

Glenn Hanson, NEPPS Program Manager, Office of Environmental Innovation;

Stu Kerzner, Office of Environmental Data;

Nita Sylvester, Chesapeake Bay Program Office;

Elaine Wright, Deputy Director, Air Protection Division;

James Heenehan, Office of Regional Council; and

Alan Hollis, Project Officer, Hazardous Site Cleanup Division.

MDA E-PACT Advisor: Louise Lawrence, Chief, Office of Resource Conservation.

Workgroup Members:

Fiscal Realignment Pilot – Pam Wright, Chairwoman, Mike Kurman, Terri Wilson, Susan Harvey-Eisele, MDE; Elysabeth Bonar-Bouton, Gwynn Schultz, DNR; and Alan Hollis, Mary Zielinski, Jim Heenehan, EPA.

Data Gaps – Tony Dubler, Chairman, Cathy Wagenfer, Ken Pensyl, Alvin Bowles, Bob Summers, MDE; Bill Burgess, Helen Stewart, DNR; and Stu Kerzner, Kristeen Gaffney, Patricia Gleason, Charles Kanetsky, Elaine Harbold, Garth Conner, Nita Sylvester, EPA.

Public Outreach – Regina Rochez, Chairwoman, Fran Stierstorfer, George Keller, John Mitchell, MDE; Anne Sloan, DNR; and Mike Burke, EPA.

Reporting Burden Reduction – Carol Coates, Chairwoman, Laramie Daniel, Andrew Grenzer, Rick Johnson, Jag Kuhman, Susan Scotto, Jack Hughes, Mardel Knight, Mick Butler, Cheryl Reilly, MDE; Cornelia Pasche Wikar, DNR; and Bob Greaves, Jim Heenehan, Carol Johnson, and Mary Zielinski, EPA.

Federal Facilities – George Harman, Chairman, Hilary Miller, Dave Lyons, Pars Ramnarain, John Mitchell, Bernie Penner, MDE; Bill Arguto, EPA; Frank Fritz, Fred Boecher, Ron Joyner, US Air Force; and Steve Olson, Brad Rock, US Navy.

IV. SIGNATURE PAGE

AGREEMENT

This Agreement is hereby entered into this day of November 2000, and remains in effect until

June 30, 2002, unless amended or extended by mutual consent.

Bradley M. Campbell
Regional Administrator
U.S. Environmental
Protection Agency Region
III

Jane T. Nishida
Secretary
Maryland Department of the
Environment

Sarah Taylor-Rogers
Secretary
Maryland Department of Natural
Resources

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Maryland's FY 2001 & 2002 Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

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CHAPTER 2: REVIEW OF FY 2000 COMMITMENTS AND FY 2001 & 2002 NEW INITIATIVES

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CHAPTER 3: ADMINISTERING THE AGREEMENT

CHAPTER 4: MARYLAND-U.S. EPA FY 2001 & 2002 WORKPLAN

I. MDE AND EPA GOALS

MDE GOAL #1: ENSURING THE AIR IS SAFE TO BREATHE

Under both Federal and State law, MDE is charged with ensuring that the air is safe for all Marylanders to breathe. The State and federal governments continuously evaluate the human health effects of airborne pollutants. For example, in response to recent studies regarding the health effects of small particles and aerosols, EPA has added a new fine particulate matter national ambient air quality standard for particles 2.5 microns or smaller. EPA has also revised the national ambient air quality standard for ozone. These standards have been challenged by several parties and will be reviewed by the Supreme Court in its session beginning in October 2000. The challenge does not reduce Maryland's efforts associated with meeting the one-hour ozone standard. Over the next few years, should the Court find in EPA's favor, Maryland will be working with EPA to implement the new health-based standards.

The key areas of emphasis described below relate to: (1) Reducing the amount and frequency of high levels of ground-level ozone; (2) Reducing the amount of toxic pollutants discharged into the environment; (3) Maintaining attainment of National Ambient Air Quality Standards for pollutants other than ozone; (4) Reducing the amount of acid rain; (5) Ensuring that asbestos removal activities do not endanger human health and (6) Reducing the occurrence of air pollution nuisance conditions, such as from natural wood waste facilities.

ACCOMPLISHMENTS, STATUS AND TRENDS

Although exceedences of the one-hour health-based ambient air quality standard continue to be measured throughout much of Maryland, the monitored one-hour ozone levels show a general downward trend. It is difficult to draw conclusions by comparing one year of data to another because of the impact of differing meteorological conditions from year to year. Generally, however, the number of ozone exceedances has decreased as well as the severity of the exceedance, i.e. the concentration measured. The Department has also begun reporting the ozone data on an eight-hour basis for comparison to the eight-hour ozone standard promulgated by the EPA in 1997. The Maryland data indicate that there are numerous exceedances of the eight-hour standard (more than for the one-hour standard) and the presumption is that an eight-hour standard will be more difficult to meet.

That eight-hour standard was the subject of a recent court decision in which the court found EPA's rulemaking to be unconstitutional and the standard was remanded to the agency for further consideration. Significantly, the standard was not vacated and the underlying science was not called into question. EPA is appealing the court decision and the matter has reached the Supreme Court where it will be reviewed during the session that begins in October 2000. The court's decision does not affect Maryland's obligations to continue its work as related to the one-hour ozone standard.

Consistent with a Clean Air Act requirement for nonattainment areas, the Department has

I. Communication and Coordination

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III. EnPA Coordination Team

IV. Signature Page

CHAPTER 4:
MARYLAND-EPA FY
2001 WORKPLAN

I. MDE and EPA
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
Resources

Goal #8: Protecting
and Maintaining

developed a plan to bring the three nonattainment areas of the state into compliance with the federal one-hour ozone standard and is moving forward with its implementation. The plan contains numerous measures to reduce ozone precursor emissions from the three major pollution source sectors in Maryland: mobile, stationary and area. In addition to these measures, pollution reductions are assumed from sources that are located outside of Maryland but which influence our air quality. The plan was submitted to the EPA for their review, and the EPA has concluded that for the Baltimore nonattainment area Maryland needs to do more than is stated in the attainment plan as submitted if Maryland is to demonstrate to EPA's satisfaction that attainment with the ozone standard will be achieved by 2005. Specifically, 13 additional tons per day of VOC emission reductions are needed in the Baltimore area. Maryland is working with the Ozone Transport Region states to develop and implement regional reduction measures, such as cleaner fuels and household products, to address the 13-ton need.

Similarly, Maryland continues to actively participate in the OTC Regional Planning Organization's efforts to address regional haze in the Mid-Atlantic Region.

EPA Region III (Region III) will also provide any technical assistance to MDE in investigating potential VOC reduction strategies to address the 13-ton shortfall in the Baltimore area. EPA Region III is also committed to be an active participant in the OTC Regional Planning Organization's efforts to address regional haze in the Mid-Atlantic Region.

It is important to note that the Washington metropolitan area was to be in compliance with the federal ozone standard in 1999. Monitoring data, however, showed that compliance was not achieved in 1999. The principal reason for this was the overwhelming influence of ozone transported from northern Virginia and Washington D.C. into the neighboring Maryland counties of Prince George's and Montgomery. In recognizing this situation and realizing that there is much that needs to be done to bring to fruition measures to address ozone transport, the EPA has granted Maryland an extension of the 1999 compliance deadline to 2005.

Reductions in the transport of pollutants from upwind areas into Maryland is key to Maryland being able to achieve compliance with the national health-based standard for ground level ozone. Maryland, therefore, has participated in several regional efforts aimed at addressing the transport problem. One group has been the Ozone Transport Commission (OTC), which consists of representatives from the 12 Northeast states from Maine to Virginia and the District of Columbia. As part of the OTC, Maryland signed a resolution calling for reductions in NOx emissions from utilities and other large boilers located in the OTC by May 1, 1999. In 1998, the Department adopted regulations (NOx Budget Rule) to implement these reductions by the agreed deadline. Those regulations were challenged by utilities in Maryland and, as a result, the rules were overturned by the Circuit Court for Baltimore City and remanded to the agency for further rulemaking. The Department has since successfully re-promulgated the rules with a new compliance date of May 1, 2000.

Region III also continues to be an active participant in the OTC efforts in addressing ground level ozone transport throughout the Northeast, including Maryland.

When the rule was re-promulgated, the two major utilities in Maryland, BGE and PEPCO, were not able to have permanent equipment installed at all necessary facilities by the May 2000 deadline, so alternate compliance plans were developed for the 2000 ozone season, which involved, in part, the purchasing of NOx allowances from other sources. Legally binding orders capturing this approach to compliance were entered into in 1999 by both utilities. The Department's focus in FY2001 and beyond will be to track compliance with the orders and the budget rule as reports on electric generation rates, allowance purchases and NO_x emission rates are filed throughout the course of the ozone season.

A second, more stringent phase of NOx regulation has grown out of another regional effort, known as the Ozone Transport Assessment Group (OTAG), in which Maryland was involved. OTAG studied the entire area east of the Mississippi River and the contributions of that area to regional ozone pollution. As a result of those studies, OTAG made recommendations to the EPA for

Maryland's Natural Resource Land Base and Encouraging Smart Growth and Community Revitalization

Goal #9: Preventing Pollution and Assisting the Regulated Community with Compliance

Goal #10: Utilizing Information Technology to Optimize and Enhance Environmental and Administrative Operations

II. Maryland DNR and EPA Goals

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

Goal #2: Healthy Maryland watershed lands, streams, and non-tidal rivers

Goal #3: A natural resources stewardship ethic for Marylanders

Goal #4: Vibrant local communities in balance with natural systems

Goal #5: Establish a protected statewide network of ecologically valuable private and public lands (Green Infrastructure)

addressing the problem of transported pollution. Based on the OTAG recommendations and its own modeling work, the EPA promulgated a rule in 1998 calling for reductions in NOx emissions from a 22-state area, including the Northeast, Southeast, and Midwest. The rule established caps on NOx emissions in each of the affected states and required those states to develop plans to ensure that NOx emissions would stay below the applicable cap. The plans were to be submitted to EPA by September 30, 1999, and emission controls to achieve the necessary reductions were to be in place by May 1, 2003.

The State of Michigan, utilities, manufacturers and others, challenged the rule and, as an interim measure, the Court stayed the portion of the rule requiring states to submit plans by September 1999. The U.S. Court of Appeals for the District of Columbia later upheld the EPA rule for 19 of the 22 states initially affected and lifted the stay that was in effect. As such, pollution reduction plans from the 19 affected states are due to the EPA in the fall of 2000. Maryland's plan has already been submitted to EPA, and calls for a cap on NOx emissions from affected sources to be achieved by May 2003 and maintained thereafter. No decision has been made on whether the ruling will be appealed to the Supreme Court.

Regardless of the fact that there is a chance the challenge to the EPA rule may be pursued further legally, Maryland and other states in the Northeast have agreed to move forward with their planned regulations to achieve the NOx reductions. Maryland's regulations implementing the EPA requirements have been approved and were effective on May 1, 2000. The reductions are important to reduce transported pollution throughout the Northeast and to reduce NOx emissions in Maryland that not only contribute to air pollution in the form of ozone, but also, through atmospheric deposition, result in the increased introduction of nutrients into the Chesapeake Bay. The Department's focus in this arena will be to track the progress of actions needed to be taken by the affected sources to ensure that physical improvements or allowance purchases will be in place to allow Maryland's 2003 ozone season NOx cap to be met.

Region III continues to be an active participant in providing technical and policy support and guidance to the Chesapeake Bay Program's nutrient reduction and restoration efforts, particularly in addressing the impacts of nitrogen atmospheric deposition to the Chesapeake Bay Watershed.

Region III is also in the process of evaluating Maryland's NOx Budget Rule State Implementation Plan revision submission and will initiate appropriate federal rulemaking actions on Maryland's proposal.

A third effort by Maryland to address the need for reductions in NOx emissions from upwind sources is a petition that was filed in April 1999 under §126 of the Clean Air Act. The petition requests EPA to make a finding that emissions from certain upwind sources are contributing to Maryland's failure to attain the national ambient air quality standard for ozone and to impose restrictions on those sources. Maryland's petition is similar to petitions that were filed by 10 other states in the Northeast. These petitions identify sources in the Midwest as well as within the Northeast. EPA has not yet ruled on Maryland's petition.

Another action to address NOx emissions from out-of-state sources has taken the form of a lawsuit involving violations of Major New Source Review (NSR) and Prevention of Significant Deterioration (PSD) requirements associated with a major mid-western utility. Maryland, along with six other states, has joined the EPA and the Department of Justice in a lawsuit against American Electric Power (AEP) which has ten electric power plants overall in Ohio, West Virginia and Indiana. The suit centers on AEP's avoidance of prescriptive NSR and PSD program requirements under the Clean Air Act, with the end result being that the utility failed to install pollution control equipment at the time certain plant improvements were made. The equipment would, among other things, reduce NOx emissions from AEP's plants, which would help clean up the air in the states involved in the lawsuit. The Department intends to remain a part of the suit and will take whatever actions are necessary to see the issue through to the end.

In addition to these efforts to limit NOx emissions from large stationary sources, such as utilities, the Department is also engaged in activities to lower emissions from other source sectors. The

APPENDIX

State/EPA Information
Management Efforts

Carroll/Camden
Environmental
Restoration Project

EnPA Fiscal Year
Realignment
Workgroup Status
Report - June, 2000

COMMENTS

PREVIOUS
AGREEMENTS

FY1999 EnPA

FY2000 EnPA

chart showing the change in NOx emissions over time demonstrates that emissions from mobile sources are a substantial part of the NOx emission inventory. Recognizing the link between transportation planning and air pollution, Congress established a requirement in the 1990 Clean Air Act Amendments that transportation projects must "conform" to the State Implementation Plan in order to be eligible for federal funding. In order to satisfy these conformity requirements, the Attainment Plans for the Washington Nonattainment Area, the Baltimore Nonattainment Area, and Cecil County contain mobile emissions budgets that limit the amount of pollution that vehicles in the nonattainment areas emit collectively. Limits are set for volatile organic compounds and nitrogen oxides. New projects from transportation plans and improvement programs in the nonattainment area cannot result in emissions increases above the budget or federal transportation funds will not be released to the region. The Department develops the budgets in coordination with the Maryland Department of Transportation and the metropolitan planning organization in the nonattainment area.

The budgets help reduce emissions from mobile sources so that emission reductions, called rate-of-progress requirements, from the Clean Air Act can be met. Compliance with the rate of progress requirements is charted through periodic inventories of emissions every three years. The next step in this arena is to revise the mobile source budget for the Baltimore area and Cecil County to include federal Tier 2 car and light truck emission standards and to process this revision as an amendment to the State Implementation Plan.

Other measures are planned to address the requirement that transportation projects conform to the State Implementation Plan. Effort is underway and will carry forward for several years to increase the use of alternative fueled vehicles (AFVs) and other beneficial technology vehicles in the Baltimore area. Increasing the infrastructure with the necessary fueling equipment and using marketing techniques to encourage the public to use vehicles not dedicated solely to the use of gasoline is the focus of this exercise. The Department will be responsible for overseeing the activities of the various parties responsible for infrastructure development and promoting the use of the alternative technologies.

As time moves forward, the Department's activities will increase with respect to implementing recent legislation aimed at providing tax credits for energy efficient vehicles and at encouraging increased use of rapid transit and decreased levels of vehicle miles traveled.

Because of the contributions that everyday activities such as refueling and mowing the lawn make to the pollution problem in Maryland, the Department has made a substantial effort to educate the public on ground-level ozone and its health effects. The Ozone Pollution Map and Ozone Action Days programs are cornerstones of the Department's efforts to increase pollution prevention activities by ordinary citizens. The Map, which Maryland and the American Lung Association jointly developed, will be used in 32 states this year and has achieved semi-finalist status in a national competition, Innovative Programs in Government. The map and the Ozone Action Days program continue as part of Maryland's effort to address its ozone problem.

Region III will continue to support Maryland's Ozone Action Partnerships, Ozone Mapping program and associated activities.

Other Air Program Activities

The Department's air quality compliance and permit programs are two key mechanisms for implementing the strategies necessary to attain and maintain the health-based national air quality standards. The number of air pollution sites generally increases slightly each year: the current number of sites exceeds 10,000. These are more than the Department has resources to inspect. Therefore, the Department makes a selection of facilities each year for which inspections will be made. The sources are selected for inspection based on size, potential impact on air quality, citizen concerns and importance to the regulatory scheme. The Department also has federal grant commitments to inspect major and other sources that are subject to federal regulatory requirements. As a result, about 300 sources, those that have the greatest potential for adverse impact, are earmarked each year for a detailed air quality inspection. Inspections at other facilities

are also conducted. Which facilities are inspected is a function of several factors, among them are compliance status, potential for harm, potential for creating a nuisance. Special initiatives are undertaken at times to focus on a single category of sources. For instance, the 60+ asphalt plants in Maryland were inspected and stack tested in one year to get a complete compliance picture of the industry. Also, beginning in early 2000, all dry-cleaning establishments across the State are being inspected to determine compliance with federal air toxics requirements (dry cleaners can emit perchloroethylene, a hazardous air pollutant, if the machines are not tested and maintained regularly). This effort will stretch over the next five years (20% per year will be inspected), after which a decision will be made based on the five-year findings to what extent the effort should continue. Beginning State FY01, ARMA will be inspecting Stage II vapor recovery facilities. Previously, these inspections were conducted by the Department's Waste Management Administration (WAS). Due to changing priorities within WAS, it was mutually agreed that ARMA would undertake the inspection task after the close of FY00.

For Region III, please refer to Chapter 2, "Review of FY 2000 Commitments and FY 2001 New Initiatives," which includes the MDE/Region III cooperative agreement with respect to Enforcement and Compliance Activities.

The air quality permitting program issues permits to construct, state operating permits, federal Acid Rain Program permits and federal Title V operating permits. Construction permits ensure that air pollution sources are constructed in accordance with air quality regulatory requirements protective of public health and the environment. These permits also ensure that emissions of toxic air pollutants will not endanger public health. About 800 construction permits are issued each year. Operating permits, through the imposition of monitoring, record keeping, and reporting requirements, ensure that air pollution sources, once constructed and placed in operation, are operated in compliance with air quality requirements. Operating permits are valid for up to five years, after which renewal is required. About 450 sources in Maryland hold state operating permits and 172 of these sources are required to secure a Title V permit. Through the use of an outside contractor, the use of overtime, a temporary shifting of personnel into the Permits Program and the addition of new staff, the Department has issued about one-third of the required Title V permits and is on course to draft the remaining two-thirds in 2000 and to issue them in 2000 and 2001 (FY01 and 02). Acid Rain Program permits are issued to require affected sources to implement the NO_x and SO₂ emission reduction provisions of the Clean Air Act. The EPA issued Acid Rain Program permits to four sources in Maryland as part of Phase I of the Program under the Clean Air Act. The Department has since issued such permits to the remaining affected sources. Acid Rain Permit compliance tracking and audits of emission monitoring equipment installed under the Program will take place in 2000 and beyond.

Maryland operates a program to control the emissions of toxic air pollutants, and has done so since 1988. The program includes a technology and a public health protection element. Similarly, the Clean Air Act requires the EPA to control the emissions of 188 hazardous air pollutants (HAPs). The control is to be done through a two-step process. The first is the setting of technology standards, called Maximum Achievable Control Technology, and the second is examining the residual risk associated with the particular HAP. If, after such examination, an unacceptable level of risk remains, then further reductions of HAP emissions would be sought. The EPA is partway through the standard-setting process: MACT standards for 86 HAPs have been issued, 102 remain to be issued. Maryland has taken delegation from the EPA for inspecting and enforcing against those major MACT sources for which EPA has promulgated standards to date. When the EPA issues additional standards, the Department will seek to include them under its delegation as well. The EPA has also promulgated MACT standards for several minor source categories. The Department is inspecting all minor MACT sources and has issued a proposed regulation to provide enforcement authority in this regard. Once the proposed regulation is final, the EPA will grant Maryland delegation of authority. As in the case for major MACT sources, the Department will seek to add additional MACT standards to its delegation authority for minor sources as additional standards are issued by the EPA.

Region III is committed to reviewing MDE draft new source and Clean Air Act Title V operating permits and provide any appropriate comments and/or issues during the review cycle in a timely

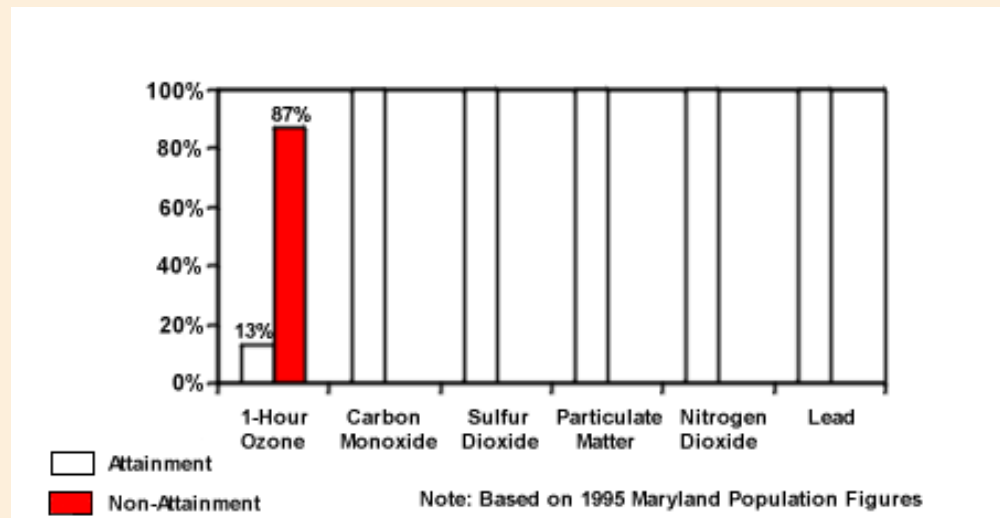
manner. This may include providing assistance to MDE such as defining Best Available Control Technology requirements, conducting air quality impact modeling reviews, and other associated permit matters.

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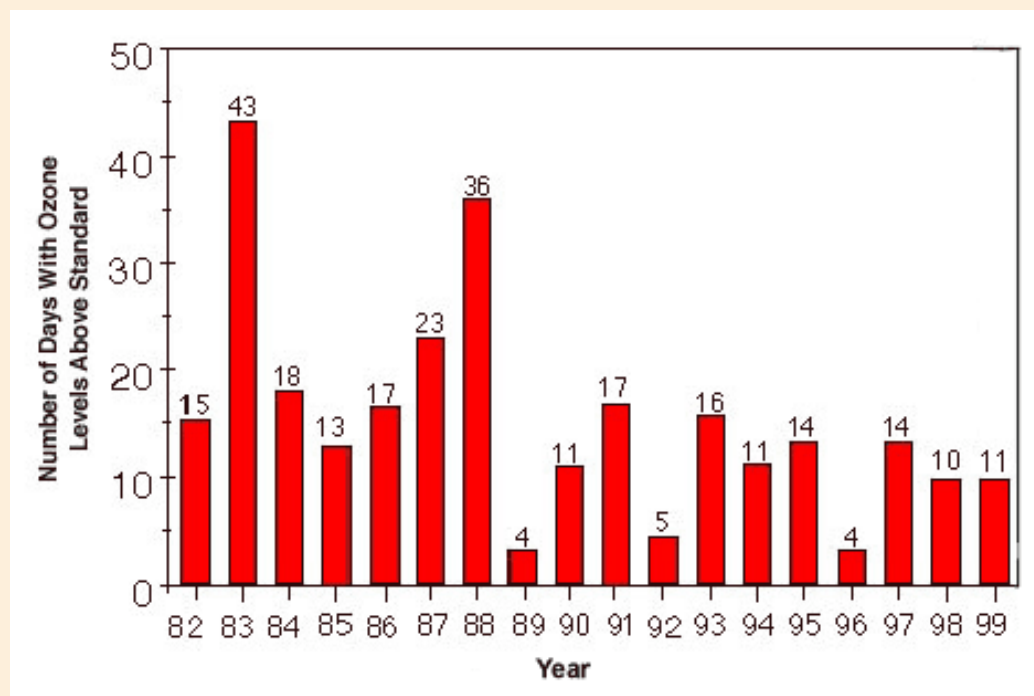
GOAL PERFORMANCE DATA

Environmental Indicators

Percentage Of Maryland Population Living In Areas Meeting Air Quality Standards



Days Ozone Levels Exceeded the One-Hour Ozone Standard in Maryland



MANAGEMENT OBJECTIVES

The key management objectives under this goal are:

Objective #1 – For each three-year period after 1996, reduce VOC and NOx emissions by 9% from 1990 levels until attainment with the federal one-hour ozone standard is achieved.

Objective #2 – Beginning in the 2000 ozone season ensure that NOx Budget Rule sources in Maryland comply with the NOx emission/allowance requirements in the Rule and the consent orders arising from the Rule, as applicable.

Objective #3 – Beginning in the 2003 ozone season ensure that NOx SIP Call sources in Maryland do not emit in excess of 14,600 tons of NOx emissions during the ozone season.

Objective #4 – Achieve attainment with the one-hour ozone standard by 2005 in the Baltimore and Washington metropolitan areas and Cecil County.

Objective #5 – Implement the federal MACT program for those major MACT sources for which standards have been issued by the EPA and beginning no later than January 1, 2001 implement the federal MACT program for those minor sources for which MACT standards have been issued by the EPA.

Objective #6 – Implement existing state programs to measure and control the emissions of toxic air pollutants.

Objective #7 – Implement existing programs to prevent the public from being exposed to asbestos.

MANAGEMENT STRATEGIES AND ACTION PLANS – FY 2001

Ozone

The Federal Clean Air Act Amendments of 1990 (the Act) require Maryland to attain and maintain the National Ambient Air Quality Standards (NAAQS) within the deadlines established in the Act. The only NAAQS for which Maryland still has nonattainment areas is ozone. The Act requires Maryland to demonstrate attainment for ozone by 1999 in the Washington, D.C. region and 2005 in the Baltimore region and Cecil County (part of the Philadelphia nonattainment area). As noted earlier, a compliance-date extension to 2005 has been granted for the Washington metropolitan area. In general in FY01, Maryland will concentrate its efforts on developing the 1999 emissions inventory, implementing existing control strategies to continue to reduce ozone precursor emissions, and developing additional control strategies to eliminate the 13 ton shortfall in Maryland's attainment demonstration.

Air Toxics

State air toxics regulations require new sources of toxic air pollutants to install Best Available

Control Technology for toxics. Both new and existing sources must demonstrate that their air toxic emissions will not or do not unreasonably endanger human health. The Act establishes requirements for sources of hazardous air pollutants, including Maximum Available Control Technology (MACT) standards and National Emission Standards for Hazardous Air Pollutants (NESHAP). Maryland currently has delegation from EPA to implement and enforce the NESHAP standards and the MACT standards as they apply to major sources. Maryland is seeking delegation of authority for the MACT standards as they apply to area sources. Delegation is expected in early FY01. Irrespective of delegation status, inspection of major and minor MACT sources is currently being undertaken and will continue.

Acid Rain

The Act established stringent emission limitations for utilities with reductions to be achieved in two phases. EPA was responsible for issuing Phase I permits and the states were to issue Phase II permits. As of May 1998, MDE has issued all of the required Phase II permits which have an effective date of January 1, 2000. The permits require the affected sources to comply with all the requirements of the federal acid rain regulations and to hold allowances equal to or greater than the allowances allocated by regulation. As an ongoing activity, which will continue unabated, MDE staff has served as field inspectors for EPA's Acid Rain Program to observe quality assurance testing and to audit the required continuous emission monitoring systems at sources in the Program.

Ozone, Air Toxics Control and Acid Rain (The following includes commitments on behalf of both MDE and Region III in addressing major program activities listed below.)

- MDE will participate in 8-hour ozone attainment/nonattainment area boundary discussions with EPA following their review of Maryland's recommendations in this regard. Once agreement is reached between Region III and MDE on the 8-hour ozone area boundary designations, Region III will initiate appropriate federal rulemaking actions on Maryland's submission.
- Implement Maryland's NOx Budget Rule limiting NOx emissions from affected utilities and large industrial boilers. As previously mentioned, Region III is in the process of evaluating MDE's NOx Budget Rule submission and will initiate appropriate federal rulemaking actions.
- MDE will participate in efforts to develop regional control measures to further reduce ozone precursor emissions from sources within the Baltimore metropolitan area. As previously mentioned, Region III will also assist in identifying additional control strategies and measures to further reduce ozone precursor emissions, from stationary, mobile and area sources in the Baltimore metropolitan area.
- MDE will continue to prepare the 1999 VOC and NOx emissions inventory. Region III will provide any necessary support in this effort as well as conduct inventory completeness reviews and provide comments, as warranted.
- MDE will develop and implement a banking and trading program for VOC and NOx emission offset credits. Region III will provide any appropriate comments and assistance on Maryland's banking and trading program.
- MDE will implement the delegated federal air toxics program for major NESHAP MACT sources and accept delegation of EPA's authority upon promulgation of a state regulation providing authority for enforcing the NESHAP MACT requirements at area sources. Region III will assist MDE in its efforts to implement the National Air Toxics Assessment (NATA), including support for developing air toxics inventories.
- MDE will implement outreach efforts for voluntary action to reduce emissions on high ozone days. Region III is committed to promoting voluntary programs to reduce ozone precursor emissions, including such energy efficient programs as Energy Star Buildings and Homes,

etc.

- MDE will revise the mobile source budget for the Baltimore area and Cecil County to include federal Tier 2 car and light truck emission standards and to process this revision as an amendment to the State Implementation Plan. Region III will provide any requested technical assistance to MDE in these efforts and, upon receipt of this proposed revision to the Maryland State Implementation Plan, will initiate appropriate federal rulemaking actions.
- Maryland will continue to implement enhanced Vehicle Emissions Inspection Program requirements and the emission repair technician certification program.
- MDE commits to maintaining a statewide air monitoring network, including monitoring for fine particulate matter and air toxics, and install and operate speciation monitors for fine particulate matter at four sites. Region III will, to the extent possible, provide as much early communication as soon as possible on what monitoring commitments will be proposed each year in the grant narrative and subsequent award(s). This will allow MDE to efficiently and effectively prepare to meet any new grant commitments that may arise. In addition, Region III will provide MDE written confirmation of any statements made or agreements reached that affect the use, management, or availability of grant funds in the area of air quality monitoring.
- MDE will increase the public's understanding and use and benefits of alternative fuel vehicles.
- MDE will issue new source permits for major sources to construct and modify and state Clean Air Act Title V permits to operate containing conditions adequate to ensure compliance with air pollution control requirements, including appropriate toxic air pollution controls. Region III, upon receipt of draft permits from MDE, review and provide appropriate comments in a timely manner. Where major issues arise during the course of permit reviews by Region III, Region III promptly notify MDE of the issue(s) either verbally or in writing, so as to begin a dialog at the earliest possible time to resolve the issue(s).
- MDE will perform routine inspections of regulated facilities in Maryland and respond to citizen complaints about air pollution.
- MDE will conduct inspections of Stage II facilities.
- MDE will take appropriate enforcement actions in cases of non-compliance.
- MDE will continue working with EPA on Acid Rain Program activities. Region III will coordinate with Maryland agencies, other federal agencies and the public-at-large on voluntary programs such as Energy Star Buildings and Homes, Green Lights, etc., and other energy conservation measures to reduce acid rain precursor emissions.
- Maryland will implement its diesel smoke testing/repair program (effective July 2000).
- MDE will finalize Maryland's air toxics inventory, which includes emission estimates for area, mobile and stationary sources. Region III will provide and appropriate technical assistance in this endeavor.
- Region III will also commit to the following to enhance communications and to assure timely responses to MDE's program activities:
 - Communicate with MDE's Planning Program monthly to provide as much forewarning as possible on any new or changes to existing deadlines established by EPA relative to SIP submittals, SIP commitments and other SIP-related matters.

- Evaluate State land use strategies for potential air quality benefits in line with EPA policies and provide guidance as necessary in this regard.

Asbestos

State law establishes licensing requirements for business entities and public units that engage in asbestos removal or encapsulation and accreditation requirements for individuals engaged in certain asbestos occupations involving schools and public buildings. State and federal regulations also establish procedures for the removal and disposal of asbestos materials. A Governor's Executive Order established the Asbestos Oversight Committee (AOC), which addresses imminent health hazards from asbestos in State-owned buildings and ensures proper training for State employees involved in asbestos-related work. The Secretary of MDE serves as the Chairperson of the AOC and ARMA provides staff support.

- Issue asbestos removal licenses and asbestos occupation accreditation to qualified business entities, public units, and individuals.
- Perform inspections of asbestos removal and/or encapsulation projects in Maryland.
- Conduct enforcement actions as appropriate.
- Audit training courses to ensure adequacy of asbestos-related training.
- Provide training to State employees in asbestos-related work.
- Provide technical support and assist the AOC in establishing priorities for asbestos abatement in State-owned buildings.

Natural Wood Waste

Natural wood waste poses the potential for difficult to extinguish fires with resultant adverse and noxious air quality impacts. Fires at natural wood waste facilities can pollute the air and affect the health, comfort, and safety of all Maryland residents. To reduce the occurrence of nuisance conditions, health impacts, and air pollution created by smoke from these fires, MDE implements controls through a permitting and enforcement program. These activities include requirements to prevent and minimize fires through effective planning of fire operations and contingency plans, compliance activities to implement these plans, and enforcement activities to penalize those responsible when poor management practices have allowed a fire to occur or worsen.

Facilities that manage natural wood waste must comply with the State natural wood waste regulations and operators must obtain a natural wood waste recycling facility permit. The regulations and permits prescribe requirements for fire control and other preventive measures.

In FY 2001, MDE is undertaking the following management strategies:

- Continue coordination with the State Fire Marshal's Office to ensure that plans for natural wood waste facilities meet applicable fire prevention standards and have adequate provisions for fighting fires should they occur, and
- Emphasize fire prevention activities in inspections of unpermitted natural wood waste recycling facilities and prioritize enforcement and cleanup activities at facilities that lack fire prevention and controls.

RESOURCE DISCUSSION

Air Programs

In terms of staffing, the single most pressing problem is that of staff turnover. The Planning and Permit programs have suffered the most in this regard. The Planning Program has decreased the number of vacancies it has had over the past twelve months, but a few key vacancies remain, and for the positions that were newly filled it will take some time before performance within those positions match what existed previously. This, coupled with the amount of work needed to be done over the next twelve months in the area of developing regional control measures, preparing the 1999 inventory, updating conformity budgets and developing attainment area boundaries for an eight-hour ozone standard, will present a significant challenge for the Planning Program. Outsourcing of modeling activities to the University of Maryland occurs, and has been occurring for several years. This is expected to continue, as the expertise does not exist in-house. Outsourcing of some inventory work to a contractor has taken place to supplement the efforts of existing staff. More outsourcing may be done in the future. An additional staff position was approved in the FY01 budget for PM-fine activities. As part of its grant commitment with the EPA, the Planning Program performs analyses on ambient air quality data from PAMS monitoring stations in an effort to determine pollutant trends and various data corollaries, such as the relationship between ozone levels and source emissions. Due to data gaps and the short-term nature of some data, these analyses can yield weak conclusions on occasion. Additional, stronger analyses need to be performed at times to provide information that would be more useful in the future in making decisions regarding cost-effective pollution control strategies. Also, there is a need to analyze the data to determine whether any logical reductions in data gathering can occur, such as ceasing to collect ozone data during evening hours when ozone levels are generally non-problematic. These additional analyses require substantial commitment of resources. Regional efforts, where broader and higher volumes of information are available, and the use of outside contractors to examine these data offer the best hope in this regard. Regional bodies, such as NESCAUM and MARAMA, are beginning to examine data on a multi-state scale through the use of outside contractors. More examinations of the data are needed, and the Department encourages the EPA to support such efforts.

The Permit Program has several vacancies and has had difficulty filling them in recent times, which is making it difficult to keep up with the workload or to conduct special initiatives, like additional general permits. A lack of sufficient candidates, possibly owing to state pay rates versus those the private sector can offer, has been an issue. Even when candidates are available and offers of employment are eventually made, the person offered employment often declines due to having received a better offer elsewhere. To improve the chances of attracting good candidates, outreach to colleges has been increased and the method of announcing job openings has been broadened. As a stopgap measure, an employee from the Compliance Program has been assigned to the Permits Program to draft permits until staffing levels improve. Also, the services of an outside contractor has been used since February 2000 to help draft 12 Title V permits. The effort will be extended in FY01. Staff is also devoting overtime hours to the drafting of Title V permits. Despite these efforts, the Permits Program is behind in issuing Title V permits and will not meet EPA's goal of having all Title V permits issued by January 1, 2001. Two additional staff engineering positions were approved into the FY01 budget to assist in the Title V effort. These two positions, when filled and after training takes place, will provide a benefit to the program in the latter part of 2001. A third position, a contractual secretary, is being sought through an amendment to the FY01 budget. This too should help improve matters. The delay in issuing Title V permits can not be totally attributed to staffing issues, as there are other factors at play, such as State Implementation Plan deficiencies and the time-consuming need to provide assistance to permit applicants on several very large projects needing construction permits. Effort is underway to develop a plan and a schedule for addressing State Implementation Plan deficiencies, which will allow those permits that are currently unable to be issued to subsequently be issued. Correcting the Plan deficiencies may not be fully complete until the spring of 2001, which means that the ensuing permit issuances will continue into FY02.

As part of the 105 grant activities, the Department is conducting inspections at area MACT sources. Dry-cleaning establishments represent the largest source category, with over 500 known

individual sources in Maryland. Twenty percent of these sources will be inspected over the next five years (2/00-2/05) and will be done so by staff within the Compliance Program. In order to accomplish the additional task of inspecting dry-cleaning operations, certain facilities inspected by these staff on a yearly basis in the past will now be inspected every other year or every third year depending on the nature of the facility.

A recent change in the area of Stage II inspections will also have an impact on resources. As of July 1, 2000, ARMA is inspecting the 1,500 Stage II facilities in the major metropolitan areas of Maryland. Prior to this, such inspections were conducted by the Department's Waste Management Administration (WAS) in conjunction with their oil operations activities. Due to a change in priorities within WAS, it was mutually agreed that the inspection duties would transfer over to ARMA at the beginning of FY01. One additional staff person has been hired for this effort for a six-month period (which has just expired) and two additional full-time staff positions are being sought (FY01 contractual authorization budget amendment is pending). Until the requested new staff positions are approved and filled, existing Compliance Program staff are performing the inspections. As such, and similar to what is occurring relative to minor MACT sources, further adjustments have been made in the inspection schedules for the universe of non-Stage II facilities normally inspected by the Compliance Program each year.

Maryland is to add four PM-fine speciation samplers to its monitoring network in the latter part of 2000. Based on issues that arose with the installation of the more basic PM-fine monitors, it is estimated that operation will commence in 2001. During the first year of the stations' operation, they will be attended to by the University of Maryland and samples will be analyzed by the EPA at a lab in North Carolina. After the first year, the Department will take over the effort. Consideration will need to be given in the FY03 budget to addressing this need, both in terms of positions and funds. A position was added to the FY01 budget to address insufficient staffing levels in the area of quality assurance/quality control of PM-fine sampling data. An assessment will need to be made in FY01 and FY02 as to whether two (one new, one existing) positions are adequate for all QA/QC activities.

Natural Wood Waste

The natural wood waste recycling program is not specifically funded. Resources from other general-funded programs are necessary to provide needed activities associated with this program. Functions that are not being adequately performed include responding to increasing numbers of complaints involving natural wood waste recycling facilities. Additional inspectors are needed to provide faster response times on complaints and increase the numbers of natural wood waste recycling facility inspectors. Increased compliance rates could be expected as a result.

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DATA DISCUSSION

Air Programs

In terms of meeting the overall goal of providing clean air, much of the data used throughout this document would give the appearance that not much is changing for the better: the number of people living in an ozone nonattainment area has not decreased from year to year, the number of ozone exceedance days is not declining significantly and Maryland's performance compared to other states in the Ozone Transport Region is relatively poor. There is an indication, however, that control programs may be working based on how Maryland is avoiding an ozone exceedance when the air temperature exceeds 90 degrees. Also, the 1990-1996 downward trend for ozone precursor emissions and the major NOx reduction programs and motor vehicle-related improvement measures that have recently been implemented and are on the horizon are further indications that progress is being made.

What is not shown by the current data that has been used to date is the effect ozone transport can have on Maryland's air quality. Currently, one of the principal indicators for whether air quality is improving – that of ozone exceedance days - only shows whether the ozone standard was exceeded. No information is provided to show whether an exceedance may be related to a large degree to ozone being transported into Maryland, which would be helpful to know for long-term planning purposes. To attempt to rectify this deficiency, the Department will begin to evaluate practical approaches to measuring and displaying levels of transported ozone from areas west and southwest of Maryland. Reviewing data from the Shenandoah Park monitoring station, from other monitors not influenced by ozone generated in the Baltimore area and the Washington suburbs and from available upper atmosphere measurements and drawing some correlations between these data and the daily ground-level ozone concentrations is a possible option in this regard.

A second deficiency relative to the current data used is that the degree and the pervasiveness of an ozone exceedance are not made evident. Information exists to show whether an ozone exceedance is limited to a single area of the State or whether an exceedance blanketed the entire metropolitan region. Information also exists to show the degree to which the standard was exceeded (maximum value above the standard). Knowing the amount by which an exceedance is above the standard would be useful to know for health concerns purposes, especially if any long-term trend towards very high levels starts to develop. A review of the past data will be undertaken in 2000 to see if it is possible to chart the information mentioned above in a manner that is easily presented and useful to concerned parties.

In FY00, the Department began posting on its web site the annual air monitoring report. This report is a summary of air monitoring data, including that for air toxics, collected over the course of the previous calendar year. This effort will continue in the future.

The air programs collect emissions data from stationary sources within the State. These data are compiled into an emissions inventory, which serves as the basis for all planning and modeling efforts, as well as a resource for the permit and compliance staffs. The emissions data currently reside in flat file format on an IBM mainframe computer at the Annapolis Data Center. The Department intends to move these data to a PC server in database format, as funds are available. A PC-based system would make correlation between the permit system and the registration database much easier than the current hard copy approach. The initial step to evaluate the tasks and the difficulty level of those tasks to make the conversion is scheduled to occur in FY01 using \$100,000 in budgeted funds.

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MDE GOAL #2: ENSURING THAT MARYLANDERS ARE NOT EXPOSED TO UNNECESSARY LEVELS OF RADIATION

Under both federal and state law, MDE is charged with ensuring that the public is protected from unnecessary levels of radiation. As such, MDE's major focus is on preventing exposures to radiation.

The key areas of emphasis described below relate to (1) licensing and inspecting users of radioactive materials; (2) registering, certifying and inspecting radiation machines, and (3) responses to emergencies involving radioactive materials and transportation activities or nuclear power plant operations.

ACCOMPLISHMENTS, STATUS AND TRENDS

X-Ray

The number of x-ray machines has been increasing in Maryland at a state of 9-10% per year, creating a corresponding need to increase the number of inspections. Through the end of the second quarter of FY 1999, the X-Ray Division inspection staff did not keep pace with the growth in facility registrations. This resulted in a steadily increasing backlog and a relatively low rate for enforcement actions resolved, particularly for dental and veterinary facilities, which are inspected every 3 years. A major reason for the low rate of resolution of enforcement actions has been the lack of follow-up by inspectors. This has been due in part because of the focus on completing a certain number of inspections and in part because of the high vacancy rate for much of the fiscal year in the X-Ray Division. Those vacancies were filled halfway through the fiscal year, but several months were then necessary for formal and in-house training of the new inspectors. The X-Ray Division's productivity has improved substantially. The Department anticipates that, with a full complement of trained inspectors, the x-ray unit's ability to follow-up and resolve violations will be enhanced in FY 2000. In addition, continued vigilance in acquiring experienced health physicists to fill vacancies and implementing efficient and effective management procedures under the direction of a newly hired division chief, are expected to result in significant improvements in all x-ray performance categories in FY 2000.

Another performance measure on which the Department intends to focus more attention is the very poor rate of compliance that has been found among dental x-ray machines. This measure reflects the fact that Department inspectors find significant violations of regulations in the majority of dental facilities that they inspect. These violations include excessive accuracy errors in the equipment, failure to change developing solutions at the proper frequency, and underdeveloped film. Violations of this type normally result in increased patient exposure and represent serious lapses in radiation safety practiced by the violating facility. The poor compliance rate is especially troubling because the facilities are always given notice of the inspection in order to avoid disruption of patient services. The Department will address the compliance rate issue through enhanced enforcement of these types of violations.

CHAPTER 4:
MARYLAND-EPA FY 2001
WORKPLAN

I. MDE and EPA 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 Resources

Goal #8: Protecting and Maintaining Maryland's Natural Resource Land Base and Encouraging Smart Growth and Community Revitalization

Goal #9: Preventing Pollution and Assisting the Regulated Community with Compliance

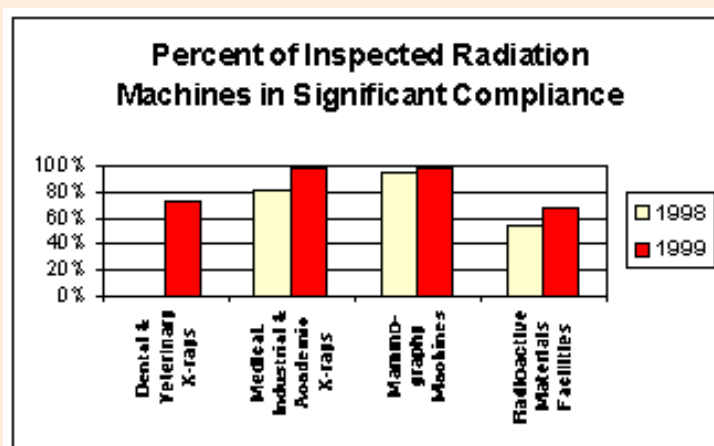
Goal #10: Utilizing Information Technology to Optimize and Enhance

Radioactive Materials

The Department's radioactive materials licensing and inspection activities are carried out under an agreement with the U.S. Nuclear Regulatory Commission (NRC), whereby the NRC's authority with respect to certain types of radioactive materials is transferred to the State and the State program operates in lieu of the federal. The State currently licenses approximately 1000 radioactive materials facilities under this authority. This number has been increasing slightly each year. Inspections of these facilities range from once per year to once every five years, depending on the potential hazard of the radioactive materials activities and the enforcement history of the facility.

Maryland's radioactive materials licensing and inspection program is subject to review by the NRC. In order to maintain its Agreement status with the NRC, Maryland's program must be found to be adequate to protect the state health and safety and compatible with the NRC's regulatory program. The determinations of adequacy and compatibility are made following periodic reviews of the State's program by the NRC. These evaluations are called "Integrated Materials Performance Evaluation Program" (IMPEP) reviews and are conducted by a team consisting of NRC staff and at least one agreement state member. An IMPEP review of Maryland's program was conducted during March 1999 and concluded that Maryland's program is both adequate and compatible. This review is the first one in more than 20 years in which Maryland's program has been found to be both adequate and compatible. In order to be determined to be compatible, a state must adopt federal requirements within 3 years from promulgation by the NRC. During the past review period, the Department has made a concerted effort to be more timely in its adoption of the federal requirements and has succeeded in eliminating the backlog and in finally achieving compatibility with the NRC program.

Although the IMPEP review found the Maryland program overall to be adequate to protect public health and safety, there were two specific areas in which the review team found the program to be satisfactory, but with need for improvement. Those two areas were the technical quality of licensing and the sealed source and device evaluation program. The IMPEP team comments are being addressed by the Department through internal reorganization to establish a radioactive materials licensing section head to provide closer supervision of licensing actions and reassignment of another position to the licensing section. The Department is also considering using a consulting service contract to assist in the mechanical analysis of sealed source and device applications.



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MANAGEMENT OBJECTIVES – FY 2001

There are two key management objectives under this goal. They are:

II. Maryland DNR and EPA
Goals

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

Goal #2: Healthy Maryland watershed lands, streams, and non-tidal rivers

Goal #3: A natural resources stewardship ethic for Marylanders

Goal #4: Vibrant local communities in balance with natural systems

Goal #5: Establish a protected statewide network of ecologically valuable private and public lands (Green Infrastructure)

APPENDIX

State/EPA Information
Management Efforts

Carroll/Camden
Environmental Restoration
Project

EnPA Fiscal Year
Realignment Workgroup
Status Report - June, 2000

COMMENTS

PREVIOUS AGREEMENTS

FY1999 EnPA

FY2000 EnPA

Objective 2.1 To implement the radioactive materials licensing and inspection, and radiation machines registration, certification and inspection programs so as to ensure that the public is protected from unnecessary radiation; and,

Objective 2.2 To respond rapidly and effectively to accidents/incidents involving nuclear material including nuclear power plant events.

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MANAGEMENT STRATEGIES AND ACTION PLANS – FY 2001

The Atomic Energy Act of 1954 provides for the licensing and control of the use, storage and disposal of radioactive materials by the Nuclear Regulatory Commission (NRC) and authorizes the NRC to enter into agreements with the states to transfer part of this authority to states so that the state has complete regulatory control over licensees. Maryland is one of 31 Agreement States that have entered into such an agreement as provided in Section 274 of the Act. Maryland became an Agreement State in 1971.

Regulations adopted under Title 8 of the Environment Article, Annotated Code of Maryland, are found in COMAR 26.12, Radiation Management. These regulations contain requirements and procedures for the licensing, use, storage and disposal of radioactive materials and the registration and operation of electronic devices that produce radiation. These regulations also specify the qualifications and procedures for the licensing of qualified health physicists to inspect certain radiation machines as part of Maryland's certification program. To implement these laws, MDE is undertaking the following activities.

- License and inspect users of radioactive materials to ensure compliance with license conditions imposed by the State and State regulations that are consistent with the Agreement State compatibility requirement with the NRC.
- Register all electronic radiation machines operating in Maryland jurisdictions;
- Take appropriate enforcement action in cases of non-compliance with the State's radiation laws and regulations.
- Inspect dental and veterinary x-ray machines.
- Certify medical, industrial and academic x-ray machines following inspection by State-licensed inspectors.
- License health physicists to perform inspections of certain radiation machines;
- Perform inspections of State mammography facilities under contract with the Department of Health and Human Services (DHHS) Food and Drug Administration and refer violations of MQSA regulations to them for enforcement;
- Respond to emergency calls involving the actual or potential release of Radiation.
- Review and approve sealed source and device registration sheets for devices manufactured in Maryland.
- Participate in emergency radiation response exercises with a variety of federal agencies such as the Nuclear Regulatory Commission (NRC), Federal Emergency Management Agency (FEMA), Department of Energy (DOE), etc., state agencies such as Department of Natural Resources (DNR), Department of Health and Mental Hygiene (DHMH), Maryland Emergency Management Administration (MEMA), etc., and the nuclear power utilities so as to maintain preparedness to handle nuclear accidents or incidents in and around Maryland. If requested, EPA Region III will participate in Maryland Emergency radiation response exercises, as well as respond to any calls or requests involving actual or potential releases of radiation; and
- Require municipal and commercial medical waste incinerators to monitor for radioactive materials in incoming waste streams, and to manage regulated radioactive materials appropriately.

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RESOURCE DISCUSSION

Increasing workload brought on by increases in the number of regulated facilities and enforcement pressures have stressed the staff resources in the Radiological Health Program in both the x-ray and radioactive materials areas. In radioactive materials, in particular, one facility with substantial compliance problems has required numerous hours of staff time to prepare for and participate in several simultaneous enforcement actions, including a major court case. Personnel within the program have multiple responsibilities and the need to devote significant amounts of time to one facility necessarily detracts from other duties. The same is true in the x-ray program where an increased emphasis on compliance could affect the number of inspections that can be completed. An additional factor that contributes to the Department's being able to achieve its goals is the recruitment and retention of qualified staff. Technological advances in the fields of radiography, teletherapy, mammography, dentistry, etc. dictate the need for high level and continuous training of the licensing and inspection staff. The Department has found it increasingly difficult to fill positions with qualified people when vacancies occur and the learning curve before those newly hired individuals are productive is becoming increasingly long. The x-ray program, in particular, has suffered from chronic vacancies in inspector positions. That program now has a full complement of inspectors. The Department will continue its evaluation of this program throughout FY 2000 to determine the adequacy of the staffing level.

Funding for the Radiological Health Program comes from a combination of general funds and special funds. Special funds come from the Radiation Control Fund, which consists of license, certification, and registration fees and penalties. A small amount of support is provided for inspection of mammography machines under a contract with the Food and Drug Administration. With the exception of dental facilities, fees were recently raised to more closely reflect the costs associated with administering the license programs. Fees for dental facilities are capped by statute and may not be raised without a statutory change. Current funding should support the existing level of effort for the programs.

DATA DISCUSSION

The Radiological Health Program currently maintains its licensing and compliance databases using Paradox software. The Department intends to convert these databases into the Department's planned enterprise system. Initial steps for this conversion were scheduled to begin in FY 2000.

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FY 2001 & 2002

MDE GOAL #3: ENSURING SAFE DRINKING WATER

Under federal and state laws and regulations, MDE is responsible for ensuring that all public drinking water systems throughout Maryland meet strict drinking water quality standards. Public drinking water system serves at least fifteen service connections or regularly serves at least twenty-five individuals. Public drinking water system serve approximately 4.3 million Marylanders, or about 84% of the total population of the State, (based on 5.1 million) so it essential that our groundwater and surface water resources are protected. Private wells serve fewer than twenty-five individuals on a regular basis. The wells may serve one home, or be shared by a few homes or businesses. Individual wells, which serve one lot or home, are regulated by local governments through delegation from MDE.

Key areas of emphasis for ensuring safe drinking water include implementing various programs to protect: 1) public drinking water supplies, (1A) source water protection and (1B) groundwater, and other programs such as 2) oil pollution prevention, and 3) solid waste management. Also, in its FY2001 management strategies and actions plans, MDE is addressing the emerging issue of contamination from Methyl tertiary butyl ether (MTBE) in public drinking water supplies and private wells.

ACCOMPLISHMENTS, STATUS AND TRENDS

Source Water Protection

Unsafe drinking water can have immediate consequences of widespread diseases, sickness, and even death to vulnerable members of our communities. Long term exposure to other contaminants at unsafe levels may increase the occurrence of cancer. High levels of lead in water can increase blood lead levels. Maryland has experienced no waterborne disease outbreaks attributable to unsafe water in recent years. However, more stringent federal standards have created the current situation in which many individual public systems must upgrade their treatment process and operations in order to be in full compliance with all applicable requirements.

The number of new systems that are regulated has grown by over 200 water systems in FY 1999 versus a normal annual increase of approximately 50 systems. The increase in regulated systems results in a comparable increase in violations and enforcement actions. The compliance rate for public water systems in significant compliance has gradually increased over the past few years.

A large percentage of Maryland's smaller public water systems (e.g., restaurants and campgrounds) are regulated by county environmental health departments. In FY 1999 Maryland made significant progress in achieving more uniform oversight of these systems by initiating new delegation agreements with standard operating procedures with corresponding funding to county health departments.

Groundwater

The groundwater discharge permits (industrial and municipal) portion of this goal reflects an increase in the number of inspections conducted during FY 1999 and the associated enforcement actions also indicate a slight increase. The compliance rate for groundwater discharge permits remains at 97%.

CHAPTER 3:
ADMINISTERING
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I. Communication
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II. Dispute
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III. EnPA
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IV. Signature Page

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MARYLAND-EPA
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Goal #1: Ensuring
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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

Private Drinking Water Supplies

While the number of individual wells drilled during FY 1999 remained relatively constant compared to prior years, it is possible that the projected drought conditions during summer of 1999 (FY 2000) may result in a significant increase in the need for new wells to be drilled.

Oil Pollution Prevention

Oil pollution resulting from unlawful spills, discharges or leaking storage tanks can cause groundwater and surface water contamination, which, in turn, could impact public health through drinking water supplies. Housing and economic development can decline in areas that become contaminated from oil due to the reduced value of real estate and perceived or real contamination.

Under Maryland Law and regulation (and as provided by Subtitle I of RCRA for Underground Storage Tanks), MDE is responsible for regulating all oil-related activities, including aboveground and underground oil storage facilities, oil-contaminated soil treatment facilities, and oil transportation and for overseeing remediation activities at sites where petroleum products have been discharged. In addition, MDE oversees the installation, maintenance, operation and removal of underground storage tanks (UST's) and investigates complaints of illegal dumping and improper handling of oil.

Through MDE's compliance and remediation activities, the use of substandard oil storage systems is reduced, oil storage systems are upgraded with pollution prevention devices, and cleanups of sites impacted by oil are expedited. The prevention of oil releases reduces the public's exposure to contaminated drinking water supplies and reduces the need for costly site cleanups.

MDE's strengths include our ability to work with site-specific conditions and to provide direct oversight to responsible parties. Our cooperative working relationship with industry, tank owners, and the public enhances our ability to accomplish this goal. A potential weakness in accomplishing our goal is the availability of public and private funding. The

ability of responsible parties to fund cleanups and availability of State budget resources to fund MDE oversight, inspections, and state lead activities directly impact the activities needed to accomplish this goal.

In FY2000, the Oil Control program continued to direct resources to respond to the impact of the 1998 UST upgrade deadline. These efforts focused on ensuring that tanks taken out of service rather than upgraded where property taken out of service and subsequently removed from the ground or abandoned in place. In addition, the removal activity generated additional confirmed releases into the environment, which increased the total active leaking underground storage tank sites requiring direct oversight.

The Oil Control Program has several new challenges, which may delay continued progress toward reaching prescribed targets. The expected drop off in new releases anticipated following the 1998 deadline has yet to occur. The number of releases from existing heating fuel storage tanks which are not subject to the 1998 deadline have averaged over 400 new releases over the last three years. The number of domestic wells impacted by MTBE stands at 228 as of April 2000, and continues to rise. Defining the extent of the MTBE problem is a major priority and is further discussed in the Management Strategies and Action Plans section. New legislation also expanded the eligibility criteria for cleanup reimbursement funds to cover releases of heating fuel from both commercial and residential heating fuel tanks, both above and underground. Even with these new challenges, there has been progress in several areas as described below:

- As of May 2000, Maryland's compliance with the 1998 upgrade requirements reached 89.3%, and through a compliance assistance review project it has been determined that the remaining systems not declared compliant are either scheduled for proper closure or the

database record has the system incorrectly listed as out of compliance.

- The Oil Contaminated Site Environmental Cleanup Fund has assisted responsible parties in accomplishing clean-ups of old, leaking UST's. Over 121 applications were approved with UST owners having been reimbursed a total of \$6,958,513.
- Until loan closure deadline of December 31, 1998, 97 low-interest loans from the UST Upgrade and Replacement Fund provided approximately \$5 million to tank owners to assist them in meeting the 1998 EPA requirements requiring UST's to be protected from corrosion and have overflow/spill prevention installed.

Solid Waste Management

Under State law and in accordance with Subtitle D of the federal Resource Conservation and Recovery Act (RCRA), MDE regulates the design, construction, operation, and maintenance of municipal solid waste facilities in the State. The Solid Waste Program strives to protect public health and the environment from the adverse impacts that solid waste can have on drinking water supplies by ensuring that permitted solid waste facilities are designed and operated in compliance with all applicable water pollution control requirements. The impacts caused by poor waste disposal practices include:

- pollution of groundwater which many Marylanders rely on for drinking water supplies; and
- pollution of surface water, with the potential for impacting drinking supplies including many of the larger municipalities in Maryland (e.g., Baltimore City).

Polluted water resources affect public health and safety; restrict development and growth, and have adverse economic impacts on Maryland. To reduce the risk of health impacts, water pollution, and nuisance conditions that can be created by solid waste facilities, MDE implements controls to minimize the release of pollutants from these facilities through a permitting and enforcement program. MDE's solid waste management activities include issuing permits for the State's 21 municipal landfills, performing over 600 inspections annually to ensure that solid wastes are managed properly, and ensuring that closed landfills are properly capped and monitored for a 30-year post closure period.

Before a landfill permit is issued, the proposed site of the landfill is subject to a comprehensive assessment that encompasses a wide variety of scientific and technical disciplines. The program requires the incorporation of effective pollution prevention and control systems into site designs, planning for site operations, contingency plans, and monitoring systems and conducts inspections to ensure these systems are in place and functioning properly. Other State and local agencies are involved early in the permit review process to ensure that all environmental and regulatory requirements are met. The environmental performance of landfills is assessed through MDE's review of groundwater monitoring data, soil gas monitoring data, and surface water monitoring data.

The Solid Waste Program is in the process of redrafting solid waste regulations to accommodate federal requirements. As the federal regulations governing municipal landfills came into being after the current state regulations were developed, some of our requirements are out-of-date. Changing our regulations will give us the opportunity to streamline and update our requirements to include recent changes in State law.

MDE's solid waste management strategies have been consistently applied over many years, and have demonstrated major improvements which are obvious when contrasting the waste disposal in Maryland in 1980, and even 1990, with the situation today. For example, there are fewer active municipal landfills, but more active rubble landfills and other types of facilities, than there were 10 or 20 years ago. However, the older, inactive facilities still exist, and require monitoring and inspection. As communities expand to include areas that were previously largely undeveloped, homes and businesses are being sited much nearer to these older landfills. Program responsibility for monitoring and ensuring proper groundwater remediation at these facilities will continue for many years.

The use of technology, particularly the use of computers and advanced software to assist in tracking

Goal #3: A natural resources stewardship ethic for Marylanders

Goal #4: Vibrant local communities in balance with natural systems

Goal #5: Establish a protected statewide network of ecologically valuable private and public lands (Green Infrastructure)

the Program's workload, including case tracking, has improved our performance by identifying areas in which we are being successful, the areas where we have weaknesses, and the causes of those weaknesses. Additional staffing is needed for the review of landfill groundwater monitoring data and for gathering technical information concerning old landfill sites to answer many inquiries received. Staff turnover has also reduced performance in this area.

In FY 2000, all but one of the operating municipal waste landfills in the State were in compliance with groundwater standards (e.g., have no significant release, or if a release has been identified, a remedial plan has been approved by MDE). All operating municipal solid waste landfills are now equipped with liners and leachate collection systems to prevent the migration of landfill contaminants from entering surface and groundwaters.

MDE implemented regulations that require liners and leachate collection systems in all operating rubble landfills by July 2001, or they must close. The regulated community is midway to the goal of shifting to the use of lined rubble landfills and it is anticipated that this deadline will be met. Several currently operating rubble landfills have decided to close rather than comply with the liner and leachate collection system requirements.

Other trends included the following:

- Over 100 investigations of solid waste complaints from citizens and other stakeholders were conducted.
- The number and percentage of groundwater monitoring reports for landfills reviewed decreased due to staff shortages and turnover. This is an area of strategic weakness, which needs to be addressed.
- The number of compliance assistance events for solid waste activities increased due to greater staff familiarity with the need and methods for collection of compliance assistance data and improved information capture techniques.

APPENDIX

State/EPA Information Management Efforts

Carroll/Camden Environmental Restoration Project

EnPA Fiscal Year Realignment Workgroup Status Report - June, 2000

COMMENTS

PREVIOUS AGREEMENTS

FY1999 EnPA

FY2000 EnPA

GOAL PERFORMANCE DATA

Unsafe drinking water can have immediate consequences of widespread diseases, sickness, and even death to vulnerable members of our communities. Long term exposure to other contaminants at unsafe levels may increase the occurrence of cancer. High levels of lead in water can increase blood lead levels. Maryland has experienced no waterborne disease outbreaks attributable to unsafe water in recent years. However, more stringent federal standards have created the current situation in which many individual public systems must upgrade their treatment process and operations in order to be in full compliance with all applicable requirements.

The number of new systems that are regulated has grown by over 200 water systems in FY 1999 versus a normal annual increase of approximately 50 systems. The increase in regulated systems results in a comparable increase in violations and enforcement actions. The compliance rate for public water systems in significant compliance has gradually increased over the past few years.

A large percentage of Maryland's smaller public water systems (e.g., restaurants and campgrounds) are regulated by county environmental health departments. In FY 1999 Maryland made significant progress in achieving more uniform oversight of these systems by initiating new delegation agreements with standard operating procedures with corresponding funding to county health departments.

Groundwater

The groundwater discharge permits (industrial and municipal) portion of this goal reflects an increase in the number of inspections conducted during FY 1999 and the associated enforcement actions also indicate a slight increase. The compliance rate for groundwater discharge permits remains at 97%.

Private Drinking Water Supplies

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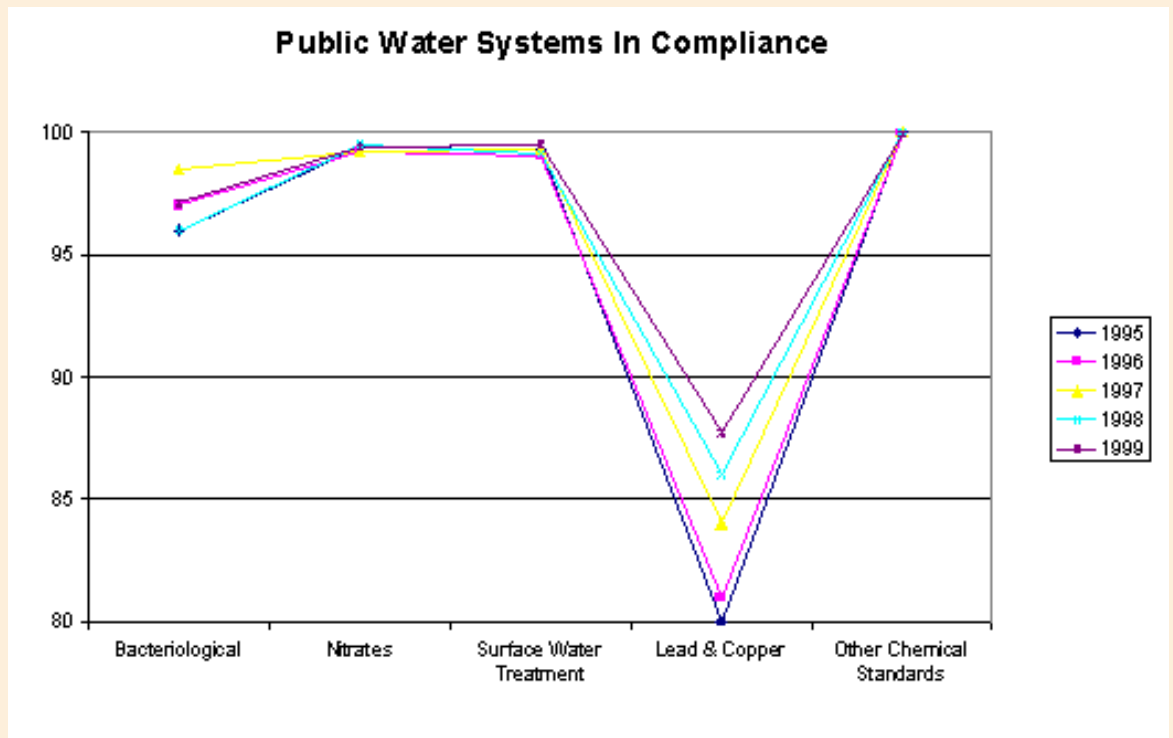
for gathering technical information concerning old landfill sites to answer many inquiries received. Staff turnover has also reduced performance in this area.

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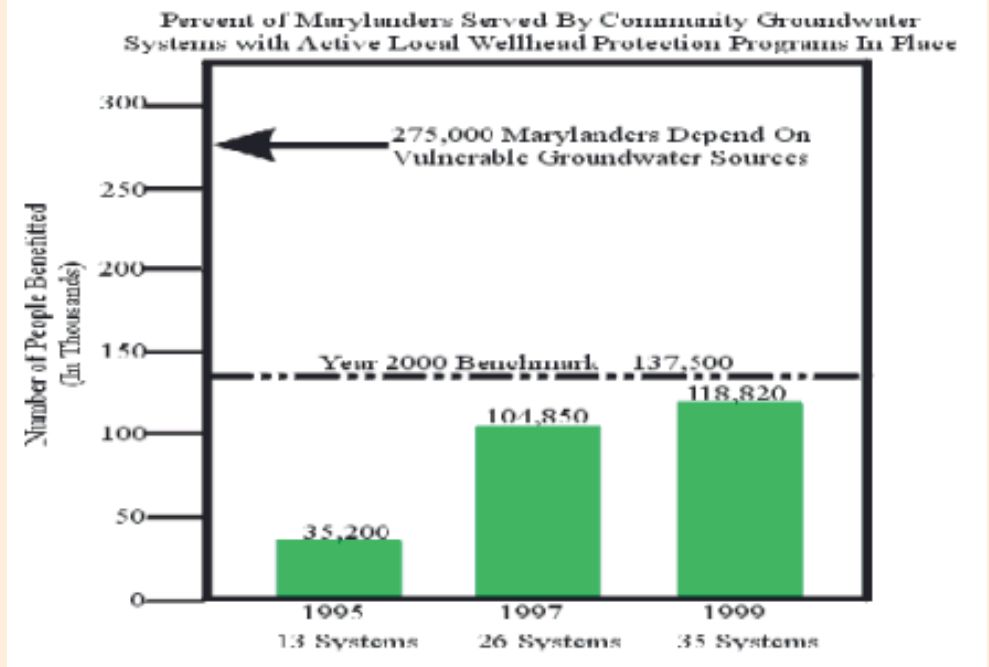
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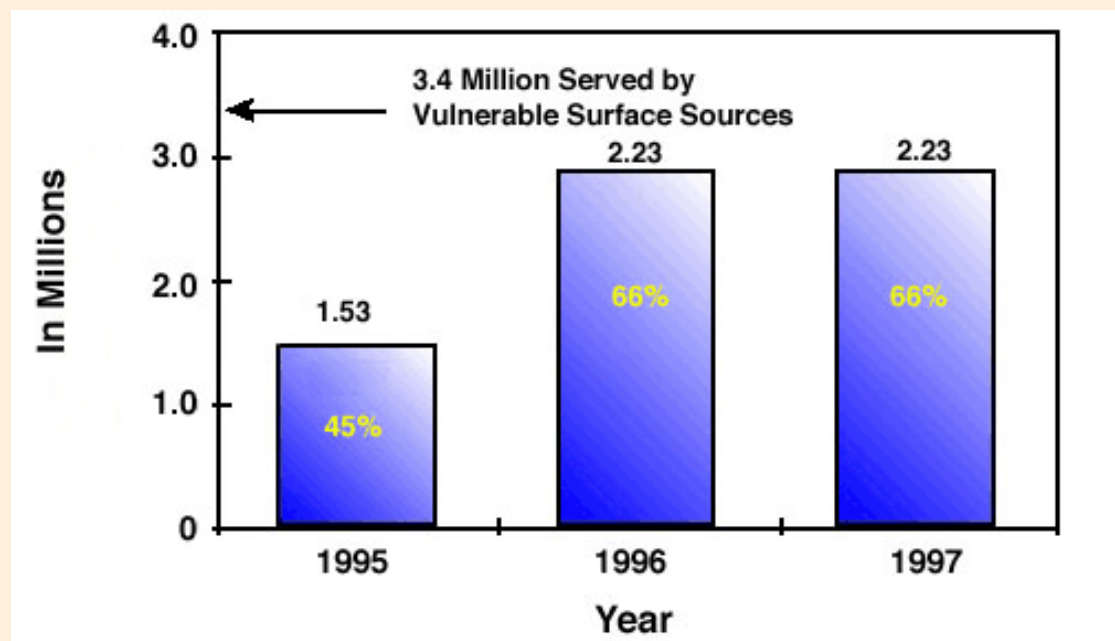
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- The number of compliance assistance events for solid waste activities increased due to greater staff familiarity with the need and methods for collection of compliance assistance data and improved information capture techniques.



***Percent of Marylanders Served
by Community Groundwater Systems with
Active Wellhead Protection Programs In Place***



Marylanders Served by Surface Systems with Source Protection Programs in Place



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MANAGEMENT OBJECTIVES – FY 2001

The key management objectives under this goal are:

Objective 3.1 To ensure compliance of public water systems with all federal and State requirements;

Objective 3.2 To ensure that private wells used by Marylanders comply with state regulations;

Objective 3.3 To prevent pollutant contamination of potable surface waters;

Objective 3.4 To fully develop and implement source protection programs for all public drinking water systems that receive water from surface sources;

Objective 3.5 To prevent contamination of potable groundwater aquifers that are vulnerable to underground hydrological transport mechanisms;

Objective 3.6 To develop locally based wellhead protection programs to ensure long-term viability of supply sources;

Objective 3.7 To ensure that municipal landfills operate in significant compliance with all State and federal laws and standards;

Objective 3.8 To ensure that permitted solid waste facilities are designed and operated in significant compliance with all applicable water pollution control requirements;

Objective 3.9 To initiate and complete cleanups of sites impacted by discharge of oil or other hazardous substances; and,

Objective 3.10 To manage the State's water resources to ensure adequate quantity for the future.

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MANAGEMENT STRATEGIES AND ACTION PLANS – FY 2001

Source Water Protection

Key activities related to source water protection include developing a source to water protection include developing a source water assessment program that is consistent with the 1996 Amendments to the Safe Drinking Water Act and managing withdrawal of water resources. This requires the delineation of source water assessment areas, identifying potential sources of contaminants, conducting a susceptibility analysis of the source to those contaminants and allocating water usage in Maryland. EPA approved Maryland's Source Water Assessment Program in November 1999.

Other strategies include building partnerships with local governments, federal government, agricultural interests, river basin commissions, and neighboring states to implement source water assessment and protection programs, and to conserve water resources in Maryland. Also, enhancing Geographic Information Systems (GIS) data to allow for comprehensive review of potential contaminant sources with on source water assessment areas. Finally, MDE will administer the State Revolving Fund (SRF) set-aside dollars to fund source water assessment projects, acquisition to sensitive lands and wellhead protection projects.

Pollution prevention is a part of the strategy to protect source water. Efforts include land or easement purchases through a loan program, a pilot conservation plan with an education component, and utilization of land use planning tolls like wellhead protection ordinances.

EPA will continue to provide support to the SRF financing of non-traditional water quality activities and coordinate SRF programs with Maryland's comprehensive watershed management program and place-based initiatives.

Drought

The first meetings of the Advisory Committee on Water Conservation and the technical Committee on Water Supply Infrastructure were held on April 26, 2000 at MDE. The two advisory committees were established by gubernatorial executive order, following last year's drought emergency. They will assist the state in developing and implementing long-term water conservation policies and programs.

The Water Conservation Advisory Committee is comprised of members appointed by the Governor to represent state and local government, major water suppliers, environmental interest organizations, business, farming, public education, and the general public. This committee will examine current practices, procedures and policies across Maryland for conserving water supplies, and recommend short and long-term planning which will enhance the state's preparedness and ability to respond to future drought emergencies. Some suggested outcomes include:

- Recommend a statewide Drought Response Action Plan for future droughts.
- Recommend a new statewide barometer for measuring drought conditions/severity that includes triggers for drought response.
- Differing drought conditions in geographic regions of the state may necessitate geographic differences in drought responses.
- Develop a process for granting variances/exceptions.
- Determine how Maryland's response plan should be coordinate with local drought/emergency response plans, regional agencies (i.e., SRBC, ICPRC, etc.) And neighboring states.
- The Technical Advisory Committee on Water Supply Infrastructure is comprised of members appointed by the Governor to represent state and local government agencies involved in water supply and resources management, technical experts with planning design and engineering expertise and others with relevant interest and expertise. This committee will study the impact of infrastructure deficiencies on water conservation and recommend and prioritize infrastructure improvements to minimize water loss. Some suggested outcomes include:
 - Recommend criteria for requiring water utilities to address failing infrastructure (i.e., assessments and improvements to leaking distribution systems within cost-effective guidelines).
 - Recommend policy for interconnection of adjacent water supply systems.
 - Recommend guidance for local utility self-assessments on adequacy of water supply systems to sustain service during periods of drought (i.e., are alternate supplies available, what is the condition and extent of storage, how are supply storage capacities managed to meet average/peak demands and to respond to drought emergencies).
 - Recommend policy for interconnection of adjacent water supply systems.
 - Determine if funding mechanisms are needed.

Treatment System Compliance

Treatment system compliance is assured through a variety of activities, including:

- On-site technical assistance (e.g., Comprehensive performance Evaluations (CPE's)
- Sanitary surveys program;
- Annual solicitation, rating, and ranking of Drinking Water Projects to be considered for funding under the Drinking Water SRF Program./
- Provision of financial assistance (e.g., grants and drinking water SRF loans);
- Capacity Development Assessments to ensure projects targeted for financial assistance have the technical, managerial, and institutional resources for effective operations.
- Support of operator training; and.
- Enforcement against water systems that are not insignificant compliance with state and federal standards.

Private Drinking Water Supplies

Work with local county health departments to educate the public to identify risks to individual wells

and private well systems from natural or man-made contaminants. Establish criteria for well construction.

Oil Control Program

In FY 2001, the Oil Control Program will strive to ensure proper data collection and management and target inspections on non-compliant storage systems. In addition, the Program will strive to achieve all Government Performance Review Act (GPRA) goals set EPA grant work-plans including:

- Increase the number of clean-ups completed;
- Achieve 93% of active UST's meeting upgrade goals; and
- Increase UST's in-compliance with release detection regulations.

In FY 2001, the fee that supports oil related activities in the State was scheduled to be reduced by 33 1/3 percent. However, on May 18, 2000, Governor Glendening signed legislation that eliminated the reduction and raised the current fee from 1.5 cents per barrel to 2 cents per barrel. The bill also added an additional 1 cent per barrel fee to be directed for the next five years to the Oil Contaminated Site Environmental Cleanup and Reimbursement Program, the scope of which was expanded to include reimbursements for costs associated with releases from commercial and residential heating fuel tanks.

Solid Waste Program

In FY2001, the Solid Waste Program will:

- Attempt to ensure that permitted solid waste facilities are designed and operated in compliance with all applicable water pollution control requirements.
- Act to prevent and control the release of pollutants through the review of proposed disposal site locations, preventive engineering, pollution control technologies, review of construction, illegal site interdiction, and remedial activities.

To implement these strategies, MDE will continue the following:

- Notify and seek input from County Health Departments, Natural Resources Conservation Districts, appropriate federal agencies, and other interested programs within MDE on applications for solid waste facilities;
- Require that regulated facilities be designed and operated with at least the minimum requirements established in regulation for pollution prevention and control;
- Routinely perform unannounced inspections of refuse disposal and other solid waste facilities.
- Oversight of operating permits for the State's 25 active municipal landfills and other solid waste facilities;
- Perform inspections annually to ensure landfills and other solid waste facilities are managed properly;
- Ensure that closed municipal landfills are properly capped and monitored for a 30 year post closure period; and
- Request funding through a budget initiative for staff for FY 2002 to review landfill groundwater monitoring data, to provide technical customer assistance concerning groundwater and water quality conditions at landfill sites, and to conduct inspections of solid waste facilities.

Emergency Response

MDE maintains an Emergency Response Division whose responsibility is to work with local jurisdictions and industries to respond to emergency spills of oil and hazardous substances that endanger drinking water supplies. Details for this program can be found in Goal #4.

Methyl tertiary butyl ether (MTBE)

Methyl tertiary butyl ether (MTBE) is a fuel additive used as an octane enhancer since the early 1970's when lead was being phased out of gasoline. MTBE is used in oxygenated and reformulated gasolines as an air quality control measure. In recent years, MTBE has been found in 5 to 10 percent of public drinking water supplies in the United States. Private wells is also of concern regarding MTBE, although data is lacking.

An EPA Blue Ribbon Panel has recommended that the use of MTBE should be substantially reduced because it can contaminate drinking water. EPA has endorsed the Panel's findings adding that significant cuts in MTBE use should be achieved as quickly as possible.

MDE has developed both a short-term and long-term strategy to evaluate the extent of MTBE contamination in Maryland. The plan includes:

- compiling existing data on MTBE and identifying gaps within MDE programs to further define the extent of contamination;
- collecting data on MTBE contamination and identifying probable sources of known MTBE contamination;
- developing recommendations for other State and local agencies to include testing for MTBE in conjunction with other mandated testing; targeting environmentally sensitive areas for more frequent sampling; and
- providing information to further educate the general public.

MDE will work with EPA, other States, and fuel suppliers as EPA addresses its Blue Ribbon Panel's recommendations to phase-out MTBE in gasoline. Additional funding and staff resources have been obtained via the signing of legislation to begin a more complete evaluation of the water quality concerns associated with MTBE.

Emergency legislation signed during the 2000 legislative session created a MTBE Task Force consisting of 16 members from various governments, petroleum industry, health-related professionals, and the ethanol industry. The Task Force's preliminary report is due 12/01/2000, with a final report due before 12/01/01. The Task force will assess environmental and health risks associated with ground and surface water contamination by MTBE, examine efforts concerning MTBE contamination, make recommendations regarding risks associated with MTBE contamination, and explore other alternatives to MTBE.

In support of Maryland's efforts to: (1) protect ground and surface water used to supply public water systems (source water protection) from contamination, and (2) ensure compliance of public water systems (PWS) with all federal and State requirements, EPA Region III will do the following:

1. Provide MDE with timely electronic and paper copies of proposed and final drinking water rules and guidance for use in commenting and implementation.
2. Provide MDE with timely comments on draft and proposed MDE drinking water rules, regulations and primacy packages submitted to EPA for comment and approval.
3. Consult with MDE regarding primacy extension agreements and provide documents and comments in a timely manner.
4. Provide timely and relevant comments on drinking water and drinking water state revolving fund work plans associated with federal grants.
5. Continue to provide federal funding to support MDE's Safe Drinking Water Act activities, which includes source water protection and compliance assistance.
6. Consult with MDE and take appropriate and timely enforcement actions on PWS's from the Exceptions list.
7. Continue to assist and refer citizen inquires regarding private wells to MDE.
8. Continue to work collaboratively with MDE on burden reduction proposals and allow MDE to utilize the pertinent programmatic portion of the MFR Workplan as the basis for its annual federal grant application.
9. Participate in the upcoming Fall, 2000 meeting with MDE to review the federal grant guidance (Public Water System Supervision Program, Maryland Grant Workplan Guidance, June, 2000

Final) to determine the activities and requirements that are set by regulation and statute for integration into the MFR Workplan and compliance in FFY2001 by MDE's Water Supply Program.

10. Continue to work with Maryland using the SNC process to address both exceptions and new SNCs. High priority areas include: compliance with microbial rules (such as total coliform), compliance with surface water treatment rules, and compliance with lead and copper rules in schools that exceeded the action levels initially.
11. Provide support to Maryland in seeking primacy for the Consumer Confidence Report Program, among other primacy requirements.

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RESOURCE DISCUSSION

Within the Water Management Administration, the federal Public Water System Supervision Grant and the Drinking Water State Revolving Fund support a large portion of the staffing costs under this goal. General funds provide the required match.

The Solid Waste Program's principal weaknesses include a lack of resources due to statutory reliance on general funds, inability to obtain legislative approval to impose permit fees for solid waste facilities, and a large and complex workload. In addition, the Program lacks staff to maintain landfill files.

The Oil Control Program will seek additional EPA support for assistance in resolving the data entry backlog associated with UST Access (described below.)

DATA DISCUSSION

MDE's drinking water data is maintained in an Oracle 7 database. The database accommodates data pertaining to water system characteristics, ownership, permits, operations, water treatment plants, treatment methods, and geo-referenced well data. The database also contains bacteriologic, chemical, and radiological sampling results for all public water supplies as well as lists of certified operators, samplers, and laboratories.

The database applications allow for: 1) tracking of all required chemical, radiological, and bacteriological monitoring, 2) tracking of all inspection, violation, and enforcement actions, 3) tracking system compliance with EPA Total Coliform Rule, Lead and Copper Rule, and Surface Water Treatment Rule, 4) electronic reporting of water system inventory, violation/enforcement actions and other data required by the federal Environmental Protection Agency's State Drinking Water Information System (SDWIS) data system.

In 1999, the drinking water data was directly linked with a Geographic Information System (GIS). A networked GIS server was created which holds all available and relevant geographic information for source water assessment and protection efforts including contaminant sources, digital topographic and image base maps, watershed boundaries and wellhead protection area boundaries. The information will be shared with local communities, other State programs and agencies to help develop effective source water protection programs. The Solid Waste Program has existed as a regulatory entity for over 85 years and regulates facilities that can have active lives of many decades in length and MDE maintains a tremendous amount of this historical data by hard copy. In FY 2001, MDE intends to integrate data from the drinking water program, the oil program and the solid waste management program into the Department's Enterprise Data System (See Goal #10), and allow greater public access to this information.

The Oil Control Program is utilizing the EPA developed program UST Access to track registration information and is still in the process of manually transferring files from the previous database to UST Access. In planning for the transition, the UST data to be entered into the system was to come from

newly submitted registration data from UST owners. The registration data on active systems worked well, however, a large number of UST owners did not resubmit registration information for closed UST systems and a smaller number failed to re-register active systems. This has created a backlog of data needing entry into the system. Therefore, the Program intends to request additional EPA support for either additional data entry or computer technical support to transfer the data from the old system into the new.

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Maryland's FY 2001 & 2002 Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

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MDE GOAL #4: REDUCING THE THREAT TO PUBLIC HEALTH FROM THE PRESENCE OF HAZARDOUS WASTE AND HAZARDOUS MATERIALS IN THE ENVIRONMENT

Under federal and State laws and regulations, MDE is charged with protecting public health from the adverse effects of exposure to hazardous substances in the environment.

Key areas of emphasis to meet this goal include: (1) lead poisoning prevention; (2) environmental restoration (superfund); (3) hazardous waste permitting and enforcement, and hazardous waste minimization; (4) emergency response to hazardous materials spills and accidents; (5) Emergency Planning and Community Right to Know; (6) health and ecological risk assessment; (7) noise control; and (8) air pollution control.

ACCOMPLISHMENTS, STATUS AND TRENDS

Lead Poisoning Prevention

Childhood lead poisoning is a critical environmental health issue and is generally preventable. There are major initiatives at both the State and federal levels to effect lead risk reduction and to ultimately eliminate lead poisoning in children. MDE investigates cases of childhood lead poisoning referred through the MDE Childhood Lead Registry and has been regulating lead abatement activities since 1988. Under the Maryland Lead Poisoning Prevention Act of 1994, MDE tracks and reports the number of lead paint hazard treatments undertaken each year. The Program administers lead poisoning prevention and lead paint abatement services accreditation, maintains a residential rental property registry, conducts paint surveys of residential buildings as part of investigations of lead poisoned children, and educates health care providers and the general public on lead poisoning prevention.

Note: Data concerning blood lead screening and lead poisoning is collected by calendar year, is reported to MDE over the first few months of the following year, is evaluated and analyzed over the following several months, and is available in late summer or early fall. Therefore, the calendar year 1998 data will not be available until after submittal of the MFR FY 2001 Workplan.

The percentage of children at risk who are screened is an important indicator of Maryland's surveillance system. The incidence of childhood lead poisoning throughout the State indicates the effectiveness of the efforts, including rental property registration, risk reduction, lead paint accreditation, education/outreach, and enforcement activities to reduce lead paint hazards and childhood lead poisoning.

Since implementation of the regulations in 1996, over 40,000 lead paint hazard treatments have been completed. In 1997, there were 67,118 children 0-6 years of age screened for lead poisoning (15.3% of all children aged 0-6 years in Maryland). There were 1,233 reported incidences of elevated blood-lead levels statewide (1.8% of children screened exceeded the lead poisoning standard), indicating a decrease in reported occurrences of lead poisoning in children ≤ 6 years of age statewide from 1996 to 1997. (See Environmental Indicator chart for 1996 data.)

II. Dispute Resolution

III. EnPA Coordination Team

IV. Signature Page

CHAPTER 4: MARYLAND-EPA FY 2001 WORKPLAN

I. MDE and EPA 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 Resources

Goal #8: Protecting and Maintaining Maryland's Natural Resource Land Base and Encouraging Smart Growth and Community Revitalization

Goal #9: Preventing

More time is needed to adequately assess the Program's performance. It is known that there are regional differences in the frequency of blood lead screenings and the Program is evaluating the significance of the reduction in the reported lead poisoning cases. Early indications are that there has been a reduction in screening in high risk areas and an increase in screening in lower risk areas, however, more years of data collection and analyses are needed to determine the reason for this finding. In addition, there is an increasing public awareness of the lead poisoning risk and more property owners are complying with the lead risk reduction standards. As compliance in all aspects of the lead law increases, it is expected there will be a concomitant decrease in lead poisoning. No changes to the management strategies should be made until there has been an adequate time period (3+ years) to review performance and analyze trends.

Some significant accomplishments of the Program in FY99 include:

- negotiated MOU's with 15 Counties and the City of Baltimore to enhance lead education/outreach activities, including integrating efforts with immunization of Women, Infants, and Children programs, outreach to local property owners, and office visits to local health care providers to encourage an increase in blood lead testing;
- conducted annual Lead Update Meetings in Hagerstown, Baltimore, and Denton for Health Officers, Environmental Health Directors, and local health department sanitarians and nurses regarding national and State legislation, planning local lead outreach programs, case management protocols, medical updates, coordination of environmental investigations and enforcement activities;
- conducted meetings with lead paint abatement contractors and training providers regarding updates on legislation, new technology development, new federal requirements, policies and reporting procedures, and data management; and
- coordinated the annual Lead Poisoning Prevention Week activities throughout the State, including placing advertisements in major and local newspapers reminding rental property owners of the need to comply with the "Reduction in Lead Risk in Housing" requirements, placing posters in 400 post offices statewide, providing information to local television stations, and making presentations on lead hazards and lead poisoning prevention at numerous events across the State.

The Lead Poisoning Prevention Program experiences frequent turnovers in enforcement staff. As a result, there is some backlog of enforcement activities. A major strength of the Program, however, is the information it shares with the public and the regulated community regarding lead hazards and lead poisoning prevention. The continued availability of federal funding to support program functions is of concern. For example, the Centers for Disease Control recently significantly cut the Program's grant for data collection and evaluation related to childhood lead poisoning.

Environmental Restoration (Superfund)

(This applies to NPL, State Superfund and federal facility sites that are not subject to the Base Realignment and Closure Act (BRAC). BRAC and Voluntary Cleanup Program sites are covered under goal # 8.)

The Program seeks to eliminate threats to public health from exposure to soils, groundwater, and surface waters contaminated by hazardous waste and other substances. Maryland's rich industrial history has resulted in a significant number of properties where investigation and/or cleanup of contamination are necessary to ensure public health is protected. Cleanup of these properties also has secondary positive impacts, including supporting smart growth by revitalizing formerly used properties, removing blighted properties from community landscapes, increasing the tax base, and, in some cases, supporting economic development efforts.

Consistent with federal guidelines under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and State Superfund Law, MDE initiates and oversees the assessment and cleanup of hazardous waste sites where releases have occurred.

Pollution and Assisting the Regulated Community with Compliance

Goal #10: Utilizing Information Technology to Optimize and Enhance Environmental and Administrative Operations

II. Maryland DNR and EPA Goals

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

Goal #2: Healthy Maryland watershed lands, streams, and non-tidal rivers

Goal #3: A natural resources stewardship ethic for Marylanders

Goal #4: Vibrant local communities in balance with natural systems

Goal #5: Establish a protected statewide network of ecologically valuable private and public lands (Green Infrastructure)

APPENDIX

State/EPA Information Management Efforts

Carroll/Camden Environmental Restoration Project

MDE participates as a partner with EPA in decision-making at all phases of environmental investigations and in overseeing hazardous waste cleanups at National Priority List (NPL) sites and federal facilities. MDE also oversees cleanups at State Superfund sites.

The success of the Program's activities is directly related to its ability to communicate with its stakeholders. For example, at ten federal facilities, restoration advisory boards, (which include members of the community, military base, and local, state and federal regulatory agencies) have been formed to monitor, review, and evaluate federal facilities undergoing environmental restoration activities. At other federal facilities, MDE has entered formal partnering agreements with EPA and the facilities. In addition, several stakeholder groups which were created when Voluntary Cleanup/Brownfields legislation was enacted continue to provide informal feedback on issues related not only to the Voluntary Cleanup Program but also to other "Superfund" related issues through forums, meetings and informal discussions.

A major Program weakness is the insufficient number of staff and funding to oversee the large number of sites. The Program is required to investigate all sites on the State's Master List, a list of 436 sites known to be, or potentially, contaminated by hazardous waste (also known as State Superfund sites). EPA designated 335 of these sites as "no further remedial action planned" or "NFRAP". This federal designation does not mean that there is no risk to public health or the environment posed by the site; rather, it means the federal government will not provide funding for the site. These sites are, in essence, turned over to the State program to address. Capital monies are the only source of funds that can be used for the remediation of contamination. MDE must rely on cost recovery from responsible parties and State general funds to oversee remedial work at State Master List sites. On sites where there is no responsible party, work is not progressing due to insufficient funding.

In FY99, EPA approved the use of federal monies to pay for the first stage of work, the survey of 132 sites of the 335 NFRAP coded sites on the State Master List. Additionally, the State received general funds for staffing in the FY2000 operating budget to conduct site assessments of the surveyed sites. These assessments have enabled MDE to identify sites by FY2001 that will need remediation.

MDE has thus far determined that 3 of the 7 sites assessed using FY 2000 using General Funds will need remediation. Furthermore, 2 of the 3 sites will not have a viable, responsible party and will require State intervention to affect cleanup of the property. FY 2001 PAYGO funds have been provided to remediate the first of these sites: the Sauer Dump site, in Baltimore County. MDE will request FY 2002 PAYGO funding to remediate the next site where a viable, responsible party does not exist.

As MDE contacts additional property owners about the need for remediation, we expect that additional contaminated sites with non-viable responsible parties will be discovered.

Currently, MDE is actively overseeing remediation and investigations at 105 sites located on 17 federal facilities, 9 NPL sites (non-federal facility/operable units) and 34 State Superfund sites.

Overall, steady progress, limited by the available number of staff, is being made on this work.

Other accomplishments include:

- The Program oversaw an innovative groundwater remediation project involving the discharge of chemical solvents from the former Spectron Solvent Recycling Center, a National Priorities List (NPL) site, into the Little Elk Creek River in Cecil County. This project involved the diversion of a stream around a groundwater collection and treatment system and then restoration of surface water flow to the area once the remediation was completed.
- MDE participated in the Bainbridge Naval Training Center Remedial Action Team (BRAT) to plan and coordinate efforts toward completion of CERCLA related environmental cleanup at the site 1200 acre site. Environmental cleanup at the site was completed in

COMMENTS

*PREVIOUS
AGREEMENTS*

FY1999 EnPA

FY2000 EnPA

Fall 1999 and the property was transferred under the Base Realignment and Closure Act in February 2000 for development. MDE continued to oversee the removal and treatment of contaminated soils at the former Southern Maryland Wood Treating Site in St. Mary's County, a NPL site. Over 240,000 tons of soil has been treated at the site since the remediation action began. MDE is responsible for long-term monitoring at the site once the remediation is completed.

Hazardous Waste

Hazardous waste is produced as a byproduct of many manufacturing operations and processes. Also, numerous commercial chemical products are regulated as hazardous waste once they are declared to be waste or are intended to be discarded. Consistent with federal guidelines under the Resource Conservation and Recovery Act (RCRA), MDE regulates the management of hazardous waste in Maryland. The State's hazardous waste regulations have established a comprehensive management program that regulates all aspects of hazardous waste handling, including generation, transport, treatment, storage and disposal. This program is preventative in nature and is designed to eliminate the release of hazardous waste to the environment and achieve a continual decrease in the aggregate amount of hazardous waste generated per year. If such releases occur, cleanup is compelled. Waste minimization industry visits are conducted to promote implementation of pollution prevention technologies.

The Hazardous Waste Program:

- issues permits for hazardous waste treatment, storage, and disposal (TSD) facilities;
- conducts compliance inspections of hazardous waste generators, transporters and TSD facilities;
- responds to hazardous waste complaints;
- responds to hazardous materials incidents involving transportation and conducts inspections of Maryland certified hazardous waste hauling vehicles;
- oversees groundwater remediations;
- performs groundwater-monitoring evaluations;
- encourages waste minimization and pollution prevention through multi-media approaches to the compliance and permitting processes;
- tracks and identifies generators and transporters of hazardous waste through the issuance of EPA identification numbers and a manifesting system for hazardous waste from point of generation to point of disposal; and
- drafts comprehensive rules and regulations for the management of hazardous wastes consistent with federal rules.

Information regarding hazardous waste generation in Maryland is reported to MDE biennially by hazardous waste generators. MDE is currently collating and conducting quality assurance/quality control checks on hazardous waste generator report information for the 1999 calendar year which was due by April 2000. This information will then be provided to EPA for a report that will be published in late 2001.

The Hazardous Waste Program is considered a maintenance program to ensure protection of public health and the environment from releases of hazardous waste. Since a majority of the funding is received from EPA, the activities of the Program are largely directed by priorities set by EPA for States.

It should be noted, that there is a trend toward decreasing numbers of permitted hazardous waste treatment, storage, and disposal facilities (TSD's) in Maryland. In July 1998, there were 28 permitted TSD's in the State and as of the end of FY2000, the number of permitted TSD's is 23. The increase in closure of these sites is believed to be a direct result of better hazardous waste management, waste minimization and pollution prevention activities at facilities, which reduces hazardous waste generation and the need for long-term storage of hazardous wastes. This trend shows an admirable voluntary effort by industry, however, it has not reduced the workload for the Program. The number of small quantity hazardous waste generators which must be monitored

and inspected has remained the same but has the potential to increase, and sites where groundwater contamination is being investigated or remediated still need intensive MDE oversight to ensure protection of public health and the environment.

Other accomplishments include:

- Construction activities have begun at the Beazer (former Koppers Company Wood Treating Site) located near Salisbury. The final remedial design has been finalized and approved. Initial studies began at the site shortly after wood-treating operations ceased in 1984. In 1991, Beazer and the Waste Management Administration signed an Administrative Consent Order that served as the framework for additional studies, evaluation of remedial option and implementation of the selected remedy. Planned site activities which began in June 2000 and will continue through June 2001 include construction of a subsurface barrier wall; installation of a hydraulic gate, and in-situ biological treatment system; rerouting of Keens Creek, and several wetlands mitigation projects.

Emergency Response

MDE, in cooperation with local hazardous materials units, has the capacity to respond to emergencies to minimize risks to human health and the environment resulting from accidents and/or deliberate actions causing the release of hazardous substances to the air, water or land from fixed facilities, rail, waterway, and truck transportation routes. MDE's management strategies include:

- Responding to emergency situations quickly and effectively.
- Coordinating planning and training activities with other state, local and private industry emergency response organizations and hazardous materials units to ensure that Maryland has the capacity to respond to emergencies to minimize risks to human health and the environment.
- Providing training, technical assistance, and logistical support to local government emergency response personnel.
-

Measurements of numbers of emergency response actions are the best means of evaluating success in emergency response. However, the random nature of these events, and the linkage of events to natural factors such as weather, reduces the ability to accurately identify the reasons for any reported trends.

Emergency Planning and Community Right-to-Know

Chemical spill responses have remained relatively constant, with downward trends over the past two years that appear to be associated with milder winters and less highway transportation of heating oil. Local government spill reports continue on a voluntary basis and detract from the use of the information in definitive trend analyses.

MDE continued to provide support to local governments in hazardous chemical spill response. In addition to response support, MDE provided training opportunities for local emergency responders in association with the South Baltimore Industrial Mutual Aid Plan. MDE continued to work closely with industry in sharing resources and expertise during chemical spill events.

The federal Emergency Planning and Community Right-to-Know Act (EPCRA) requires that businesses and government agencies that manufacture and/or store hazardous materials report annually to local emergency response officials and the state regarding quantities and types of chemicals present at their facilities. MDE is the repository for this information in the State of Maryland. The Emergency Operations Program maintains a database of this information that is

available for public information. This program also maintains the state's copy of the federal toxic materials release inventory database (TRI). The unit also maintains files and reports regarding hazardous materials released to the air, water and land.

Trends in chemical releases from facilities that report under the federal right-to-know program have been presented in "Maryland's Environmental Indicators" report. Although there are a number of shortcomings with the use of composite information for trend assessment, the graph of total releases to the environment (page 44 of the 1999 Maryland Environmental Indicators report) is instructive as the general downward trend over the past decade.

As with Emergency Response, the random nature of spills and the linkage of events to natural factors such as weather also reduces the ability to accurately identify the reasons for trends in reporting of chemical releases under the federal Toxic Release Inventory reporting. Natural conditions and the economic well being of the country often determine the production of materials that use or release toxic chemicals. Congress and EPA frequently change reporting guidelines and thresholds, thus also making trend assessments challenging.

MDE worked with industry to insure that data reports submitted under the Right-to-Know programs was timely and accurate. The public was provided timely access to all data. Enhancements in data handling, specifically the electronic submission and handling continues to progress under an EPA funded grant. When electronic data management is fully implemented in the future, staff efforts can then be directed toward data analysis and utilization in a variety of regulatory, response, and planning functions.

Health and Ecological Risk Assessment

MDE's Environmental Risk Assessment Program works in cooperation with other MDE programs and state and local health departments in order to ensure that Marylanders and our natural resources are protected from unacceptably high levels of risk due to environmental contamination. MDE toxicologists collect and analyze environmental data to support toxicological evaluations of the health and environmental risk due to hazardous waste sites, chemical releases, contaminated drinking water, naturally occurring radiation, and many other sources of environmental contamination. MDE staff serve on the Maryland Cancer Council, the Maryland Conference of Local Environmental Health Directors and other groups established to evaluate environmentally related health issues.

Noise Control

Although excessive noise levels are not a "hazardous material", noise from human activities can have a significant adverse effect on the public health, the general welfare, and property. Title 3 of the Environment Article of the Annotated Code of Maryland, requires that MDE develop and enforce environmental noise standards and coordinate and provide technical assistance to noise control programs in other state and local agencies. Noise complaints are generally constant, with seasonally elevated reports associated with weather conducive to outdoor activities and open windows. MDE staff respond to noise complaints and take measurements and issue notices of violation as required. In most cases, by providing education, mediation, and technical assistance, MDE is able to obtain resolution of complaints without administrative penalties or legal action in 99% of cases.

MDE continues to provide technical expertise to other state agencies (e.g. State Highway, Motor Vehicle) and local governments (local police and liquor boards) in regard to noise control. Through training and other technical support, these entities are able to effect noise reductions independently, thus broadening state noise control and monitoring capabilities.

Air Pollution

Releases of air toxics are controlled by both federal and state regulations. These programs are

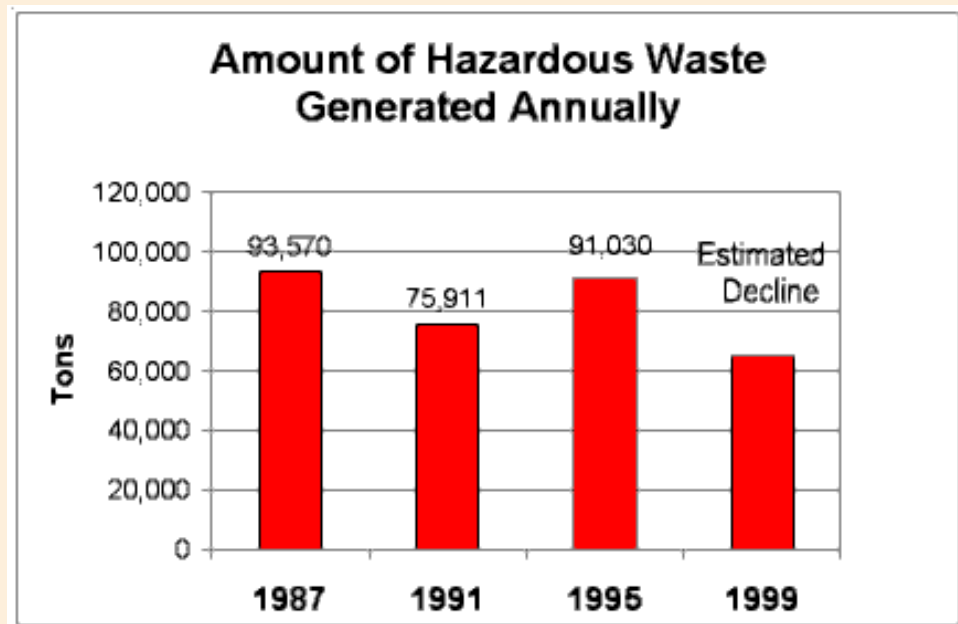
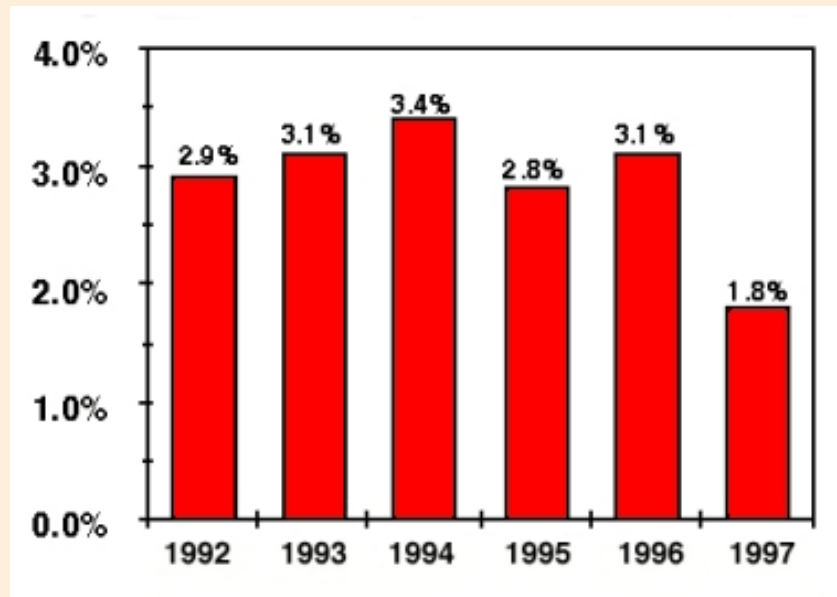
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GOAL PERFORMANCE DATA

Environmental Indicators

Children Exceeding Lead Poisoning Standard



MANAGEMENT OBJECTIVES - FY 2001

The key management objectives under this goal are:

Objective 4.1 To reduce the percentage of children poisoned of those tested by 10% each year.

The baseline for poisoning is a venous Elevated Blood Lead (EBL) greater than or equal 20 μ g/DL (micrograms per deciliter) each year.

Objective 4.2 To reduce the amount of hazardous waste potentially subject to release or already released in the environment;

Objective 4.3 To prohibit the improper disposal of hazardous waste;

Objective 4.4 To oversee environmental restoration at historically contaminated sites; and

Objective 4.5 To ensure that Marylanders are protected from unacceptably high levels of environmental contamination by maintaining a strong health and ecological risk assessment capability within MDE.

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MANAGEMENT STRATEGIES AND ACTION PLANS

Lead Poisoning Prevention

The management strategies and action plans described here have been evolving since the organizational infrastructure to implement the most recent of the strategies was put in place in February 1996. In FY 2001, the Lead Poisoning Prevention Program plans to reduce the percentage of lead poisoning by 10%. The baseline for poisoning is an EBL (venous) equal to or greater than 20 μ g/DL (micrograms per deciliter). This means we are seeking a 10% annual downward trend in the environmental indicator for Lead Poisoning Prevention. The indicator is the number of reported occurrences of blood lead levels at or above 20 μ g/DL (lead poisoned) expressed as a percentage of the tested population. This will be accomplished through the following strategies:

Increase Prevention:

- Increase the number of units identified in the Lead Property Registry by 10% this year to meet a goal of 85% by the end of year 2003.
- Increase the number of inspections (both private sector and MDE) to meet a target of inspecting 75% of Maryland's "Affected Properties" meeting risk reduction standards by 2003.
- Increase the number of MOU's to 100% of jurisdictions within the next two years by negotiating MOU's with all 24 local jurisdictions to enhance lead education/outreach work.
- Negotiate a new 3-year contract to provide counseling services, outreach, and education statewide to tenants as needed to support the "qualified offer" by property owners (cap on liability) for relocation and health care assistance to lead poisoned children.
- Continue other outreach activities and meetings.
- Add registration and inspection information to the MDE Web site by 2003.
- Increase early intervention:
 - Track timelines of home community health nurse visits with environmental investigation for lead poisoning cases.
- Continue to work cooperatively and provide support to the Lead Poisoning Prevention Commission for their statutorily mandated responsibilities.
- Increase enforcement:
 - MDE will serve as State agency lead to coordinate lead poisoning prevention efforts statewide.
 - SOP's for enforcement are still evolving. A workgroup has been established and meets on a regular basis to resolve this issue. This, in addition to attorneys dedicated to lead enforcement for the program and additional inspectors and support staff, should result in increased enforcement.

- Issue a minimum of 90% of all accreditations within standard time. 94% of all issued within standard time for CY 99.
- Continue oversight of accredited contractors, supervisors, and inspectors to ensure accuracy and competency. Begin measurement of enforcement actions taken against lead paint abatement contractors and training providers.
- EPA will work with Maryland to sample Baltimore schools for lead in drinking water and paint.

Environmental Restoration (Superfund)

In FY 2001, the Program will continue to:

- conduct preliminary assessments and environmental site investigations to identify sites that may be contaminated by hazardous waste and prioritize sites for cleanup;
- provide sole oversight for cleanups at 34 State Superfund sites; and
- participate in decision-making with EPA, DOD, and responsible parties at all phases of environmental investigations and overseeing cleanups at NPL sites and federal facilities.

EPA will continue to provide MDE with technical and programmatic assistance through the CORE and Site Specific Cooperative Agreements to ensure that MDE has meaningful and substantial involvement in the Federal Superfund program.

In addition, for federal facilities, the Program will use new DOD funding to provide oversight of the many formerly used defense sites (FUDS) in the State, an activity that the Program currently has insufficient resources to address. Potential strategies include seeking federal pre-remedial funding, an EPA multi-site agreement, or Defense State Memorandum Of Agreement (DSMOA) funding.

Under State Superfund activities, in FY 2000, the Program conducted further assessments of up to seven of the 132 State Superfund sites (see "Accomplishments, Status and Trends" for more detail) designated through initial site surveys as having a high priority regarding environmental contamination and public health impacts. In addition, in FY 2001, the Program will use State capital funds for the planned remediation of up to one site where no viable responsible party can be identified.

Hazardous Waste

Since this Program is dependent upon EPA federal funding to support its activities and EPA determines priorities for the Program, planning activities can only be projected for one year. Based upon the fact the Program conducted similar activities over the last several RCRA grant periods, it is expected that our level of activity will remain consistent with previous years, depending upon Congressional decisions regarding federal funding.

EPA Activities

1. The routine permitting, including renewal and modification, of standard TSD facilities is managed by the authorized states in Region III. Historically, Maryland has been diligent in completing permit commitments each year. In order to assist states as they help in meetings EPA's goal of Better Waste Management, the Region developed a state-specific spreadsheet, which designates the status of each TSD facility for operating and post closure facilities.

2. During FY00, the Region and Maryland undertook a mammoth effort to clean up the RCRIS database for permits and post closure facilities. Both Region III staff and managers worked cooperatively with MD to sort out outdated information. Based on feedback from Headquarter's staff, our combined efforts have resulted in an accurate RCRA universe of permit and post closure facilities. EPA will continue to assist MD with the implementation of RCRA information in

2001.

3. Recently, the Region has formed an Open Burning/Open Detonation (OB/OD) workgroup with VA, WV, MD and PA. In addition, the Region has set aside contract funds to provide OB/OD training as well as technical assistance for Part B reviews. VA has agreed to host the training. The Region's goal is to develop model permits that will be available to all the states.

Emergency Response

The Program plans to have all oil and chemical spill information geo-coded by the end of the year and will enhance the quality of spill reporting, to include precise address information. Outreach efforts will be directed toward local governments that submit spill reports to MDE. MDE staff will also need to be provided Geographical Positioning System (GPS) equipment and be trained in its use.

Emergency Planning and Community Right-to-Know

The Program will have an electronic reporting system in place for all right-to-know reporting requirements by the end of FY 2001. Electronic data reporting and management systems being developed under the federal grant will need to be institutionalized within existing programs. Staff resources currently being used to manually manage the data will be redirected toward improved data utilization and analysis as the electronic submission process reduces existing work requirements. Internet accessible databases for all spill and chemical reporting programs will be established by the end of FY 2001.

Noise Control

The Program will maintain 99% resolution of noise complaints without legal actions being required for each year. Plans are to continue with outreach efforts with local governments and provide complainants with prompt and courteous service. Noise complaint records are scheduled for entry into a database being developed in association with the Department's Compliance Database.

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RESOURCE DISCUSSION

Lead Poisoning Prevention

The program will begin to experience decreases in rental property registration fees in upcoming years. Owners of rental units constructed after 1949, who do not elect to be covered by the law, pay a \$5 per unit fee each year. This portion of the law expires on December 31, 2000. Federal funding has also been reduced in recent years. Governor Glendening's Lead Initiative's increased funding for enforcement activity in Baltimore City should stabilize the program funding resources and allow for growth in the activities necessary to implement the strategies and action plans for three years.

Superfund

Current funding and staff resources allow MDE to address only a portion of NPL, federal facility, and State Superfund sites. With current staff, the Program is able to:

- oversee investigation and remediation of all active, non-federal facility NPL sites;
- oversee investigation and remediation of only high and medium priority federal facility sites; and
- oversee investigation and remediation of a small percentage of State Superfund sites (34

sites).

The majority of the funding for pre-remedial surveys and investigations at State Superfund sites is provided by EPA, however, the majority of the remedial activities to be performed at State Superfund sites are ineligible for federal funding. In addition, current staffing levels are not sufficient to address formerly used defense sites. (See "Accomplishments, Status, and Trends for details.)

Emergency Response, Emergency Planning and Community Right-to-Know, and Noise Control

MDE plans to operate its spill, chemical reporting, and noise control activities within a budget that is similar to preceding years. Enhancements to the program activities will be sought through the reallocation of resources gained through improvements in automated data management.

DATA DISCUSSION

Hazardous Waste

The Program is converting Resource Conservation and Recovery Act (RCRA) Information System data from RCRA facility inspections pertaining to evaluations, violations, and enforcement actions to EPA's RCRA Info system. This conversion will make the data more reliable, and make tying State information into the EPA system easier. MDE intends to conduct this conversion so there is compatibility or integration with MDE's Enterprise System (Goal 10).

Emergency Response, Emergency Planning and Community Right-to-Know, and Noise Control

Spill and other chemical data is received by MDE units from industry and local governments. All data currently is submitted in paper format and maintained in files. Spill data is converted to electronic files. Selected tracking information obtained from submissions under the federal and state right-to-know programs is recorded electronically, but the information is only converted to electronic format for selected data sets.

Noise complaint reports are being entered into a local database in a format that will allow for incorporation into a planned Enterprise System.

Lead Poisoning Prevention

Problems that make measurements and comparisons questionable at present.

1. There is no current list of rental properties in the State of MD. There is no listing of owners of rental properties built before 1978. The Md. Department of Assessments & Taxation database contains a listing of residential property and property owners. The listing sometimes has date of construction information. It does not have information on whether a property is a rental or not. There is no current reliable source of information on this. MDE is coordinating with Baltimore City to exchange data they have compiled in a rental property database.
2. There is no requirement for property owners to report turnover. This is the condition that triggers an inspection. Therefore, the number of inspections is driven by turnover frequency. There is no data available on either a statewide basis or a jurisdictional basis to determine a valid and acceptable turnover rate.
3. Data concerning blood lead testing and lead poisoning is analyzed by calendar year. The report is available in August of the subsequent year. Therefore, the calendar year 1999 data is not available at this time.

4. Year 2000 legislation requires expanded screening for blood lead levels. The increased number of children screened during the next several years may result in higher numbers of elevated blood lead. Given a new database, the statistics may change significantly.
5. Many measurements, comparisons or reports must be created manually due to the fact that various databases at MDE and other agencies are not yet able to be queried sequentially or compared. An enterprise system is under development to resolve this problem. This system may or may not be completed in the next fiscal year.

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Maryland's FY 2001 & 2002 Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

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MDE GOAL #5: ENSURING WATER IS CLEAN AND SAFE FOR HARVESTING FISH AND SHELLFISH

Maryland's seafood industry and recreational fishing in the Chesapeake and Coastal Bays depend on consumers' confidence that fish, oysters, and clams from the Chesapeake and Coastal Bays and their tributaries are of the highest quality. Maryland's program has been in place for decades and puts a strong emphasis on preventing pollutants from entering the waters of the State and monitoring the quality of shellfish harvesting waters and edible fish tissue to certify that they are safe for human consumption. Increased pressure from population growth and expanded development in the Chesapeake and Coastal Bays watersheds present a huge challenge for maintaining this goal.

The key areas of emphasis for this goal are (1) ensuring shellfish harvesting waters are safe; and (2) adequately assessing contaminants in fish tissue to assure that Maryland citizens are not exposed to undue carcinogenic or other health risk from fish and shellfish consumption.

ACCOMPLISHMENTS, STATUS AND TRENDS

Shellfish Harvesting Waters

In FY99 a net amount of 1400 acres were closed to harvesting and is attributed to non-point source pollution and several years of above average rainfall. This represents less than a 0.2% increase in areas closed to harvesting. Non-point source pollution combined with climatological events are very difficult to manage. Pollution sources, which can be managed, such as farm practices, are routinely addressed. Also, intensive shoreline surveys were conducted to identify any outstanding pollution sources in the vicinity of the areas closed to harvesting.

Fish Tissue Analysis

In FY 99 MDE issued an advisory that fishermen should not eat more than 8 oz per month of Potomac River eels and carp, or catfish, larger than 16 inches. The advisory was coordinated with Virginia, which issued a similar advisory and in consultation with the Potomac River Fisheries Commission. Additional follow-up monitoring is planned for FY2000. This advisory will make fishermen aware of the risk of eating those fish so that they can adjust their behavior accordingly. The press release was sent to DNR to distribute with fishing licenses and a brochure was printed for distribution to provide additional advice on how to properly prepare the fish to further reduce risk.

The existing advisories in Baltimore Harbor (catfish, eel), Back River (catfish, eel) and Lake Roland (black crappie, carp) continue. The Baltimore Urban Risk Initiative continued this summer to evaluate the effectiveness of the advisories by outreach to fishermen in the Baltimore Harbor region. In addition, to evaluating the effectiveness and public understanding of the advisories, it educated those unfamiliar with the advisories about them, and obtained a better estimate of fish consumption rates which are an important variable in estimating the risk that lead to the advisories.

I. Communication and Coordination

II. Dispute Resolution

III. EnPA Coordination Team

IV. Signature Page

CHAPTER 4:
MARYLAND-EPA FY
2001 WORKPLAN

I. MDE and EPA
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
Resources

Goal #8: Protecting
and Maintaining
Maryland's Natural

We are still in the process of resolving issues with the Department of Health and Mental Hygiene laboratories which have been unable to provide analysis of tissue for organic compounds, including pesticides such as chlordane. Without the laboratory data we cannot assess other areas of the state, or re-assess existing advisories to determine if they need to continue, if the contamination has abated.

Data have been transferred from the Annapolis data center to local servers, and programs have been upgraded to meet Y2K requirements.

Fish Kill Investigations

MDE manages and coordinates the interagency program to investigate fish kills in all waters of the state. This is a mandated program, requiring TARSA to effectively receive, respond to, and interpret all reports of damaged aquatic resources. The investigative findings are acted on to enforce the water pollution laws of the Maryland, protect public health, aid in resource management, and contribute to public outreach.

Fish kills are caused by a variety of natural and human induced circumstances. Each investigation endeavors to determine the nature and extent of the event and establish a cause if feasible. If a specific pollution source is identified, the investigative findings become invaluable evidence in support of water pollution enforcement litigation, or public health advisory decisions. The fish kill investigation program is an integral component of the current national project to identify and interpret the effects of *Pfiesteria piscicida* and other harmful algae blooms (HAB's) in waters of the state, and relate the findings to various sources of nutrient pollution.

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GOAL PERFORMANCE DATA

Environmental Indicators

| <i>Acres of Shellfish Waters¹</i> | | | | | |
|----------------------------------------------|-----------------|-------------------|--------------------------------|--------------------|---------------------|
| Year | Approved | Restricted | Conditional² | %Restricted | %Conditional |
| 1970 | 855,951 | 320,665 | | 27.25% | |
| 1980 | 1,109,346 | 67,270 | | 5.72% | |
| 1990 | 1,056,149 | 58,526 | 61,941 | 4.97% | 5.26% |
| 2000 | 1,067,931 | 71,395 | 37,290 | 6.0% | 3.17% |

¹Based on total shellfish water surface acreage of 1,176,616

²Conditional means the area is closed to harvesting for 3 days following a rainfall of greater than 1" in 24 hours. There were no conditional areas prior to 1987.

Maryland Shellfish Harvesting Acreage vs. Population of Counties near Shellfish Waters

Resource Land Base and Encouraging Smart Growth and Community Revitalization

Goal #9: Preventing Pollution and Assisting the Regulated Community with Compliance

Goal #10: Utilizing Information Technology to Optimize and Enhance Environmental and Administrative Operations

II. Maryland DNR and EPA Goals

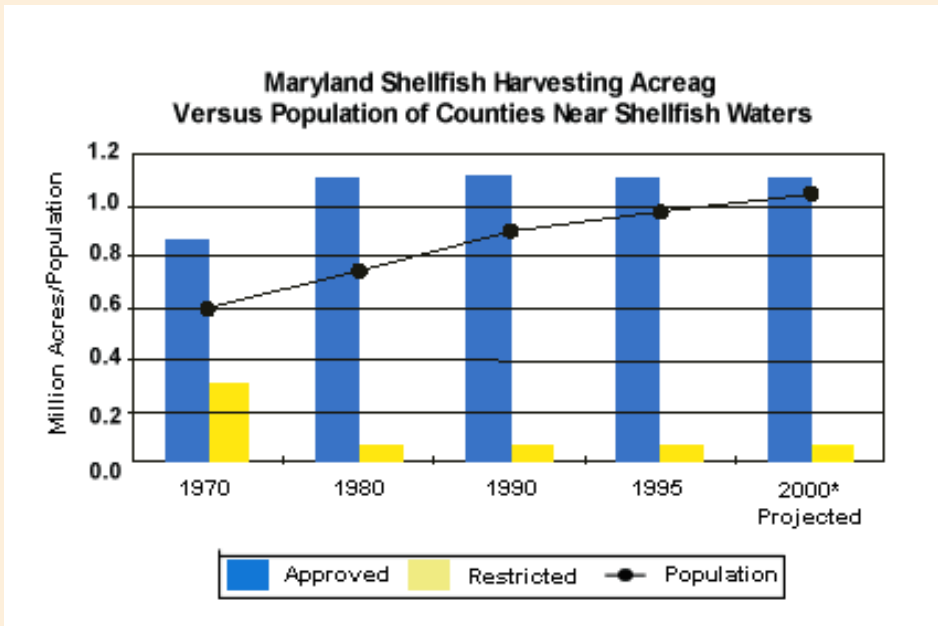
Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

Goal #2: Healthy Maryland watershed lands, streams, and non-tidal rivers

Goal #3: A natural resources stewardship ethic for Marylanders

Goal #4: Vibrant local communities in balance with natural systems

Goal #5: Establish a protected statewide network of ecologically valuable private and public lands (Green Infrastructure)



| Water Body | Affected Species | Area (Sq. Mile) | Percent of Total |
|--------------------------------------|-------------------------------------|-----------------|------------------|
| Estuarine Waters | | | |
| Baltimore Harbor | Channel Catfish, American Eel | 13.3 | 0.5% |
| Back River | Channel Catfish, American Eel | 6.6 | 0.3% |
| Potomac River (DC to Maryland Point) | Channel Catfish, American Eel, Carp | 88.5 | 3.3% |
| | Total | 108.4 | 4.1% |
| Lakes | | | |
| Lake Roland | Black Crappie, Carp | 0.16 | 0.5% |

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MANAGEMENT OBJECTIVES – FY2001

The key management objective required to achieve this goal is:

Objective 5.1 To ensure water is clean and safe for harvesting fish and shellfish by conducting periodic monitoring of harvesting waters.

Shellfish Harvesting Waters

- Increase number of bacteriological samples collected
- Increase number of properties visited during shoreline survey efforts
- Improve data and information management using Information Technology so that it is more

APPENDIX

State/EPA Information Management Efforts

Carroll/Camden Environmental Restoration Project

EnPA Fiscal Year Realignment Workgroup Status Report - June, 2000

COMMENTS

PREVIOUS AGREEMENTS

FY1999 EnPA

FY2000 EnPA

accessible to the public

- Pilot Project (DNA & fecal coliform finger printing) designed to provide information for additional management practices in areas impacted by non-point sources
- Incorporate Geographical Information System (GIS) so that monitoring, shoreline survey, water quality statistics, and other sources of information on pollution sources can be tracked easily and efficiently
- Continue to maintain areas open to harvesting
- Meet all requirements of the National Shellfish Sanitation Program (NSSP)
- Continued satisfactory FDA program audits
- Work with the TMDL program to help understand key factors in developing TMDLs for bacterially impaired waters.

Fish Tissue Analysis

- Obtain the resources necessary for accurate and timely laboratory analysis
- Correction of some laboratory and analysis problems
- Additional monitoring to assess areas never or not recently assessed.
- Development of risk assessment procedures for mercury and arsenic
- Complete program review for national EPA assessment.
- More frequent data reports.
- Participate in development of implementation plans for the chlordane TMDLs and PCB TMDLs in the Potomac.

Fish Kill Investigations

- Continue to respond to all fish kill reports in the state,
- Continue to coordinate with various interstate, intrastate, federal, county, and local jurisdictions,
- Continue to respond to public water pollution concerns,
- Continue to integrate with various resource management and law enforcement agencies throughout the state,
- Work to improve the Fish Kill database, currently being developed in Access, and
- Strive to expand and improve public outreach.

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MANAGEMENT STRATEGIES AND ACTION PLANS – FY2001

Shellfish Harvesting Waters

- MDE's Pilot Project is continued in FY2001 under CWAP grant; this time the project will be conducted by Salisbury State University in another watershed.
- Budget initiative for additional staff to enable and enhance accomplishments of the above objectives.
- Begin evaluation of the application of the pilot project findings and prepare preliminary report.
- Request upgraded computer hardware to enable ore effective use of GIS in preparation of closure maps and evaluation of data.

Fish Tissue Analysis

Pursue budget initiative for both monitoring and personnel to enable accomplishments of above Fish Tissue Analysis objectives. It is critical that laboratory resources be found to allow this program to complete its mission. Without current, accurate, and precise data this program cannot meet its mission to protect the public from undue long-term risk from eating contaminated fish.

Fish Kill Investigations

- Continue to implement Fish kill response program.
- Further refine the current approach to stream-line the fish kill investigation process through a working relationship with sister agencies, qualified volunteers, technical support, and laboratory support.

EPA Activities

In support of Maryland's efforts to achieve the above objectives, EPA Region III will do the following:

- Continue to work with Maryland to establish a statewide policy of using risk assessment procedures for consumption advisories that conform to EPA's recommendations.
- Continue to work with Maryland to develop appropriate E. coli standards.
- Continue to work with Maryland on the implementation of Pfiesteria strategy.
- Continue to support the Coastal Bays CCMP.
- Continue to support Maryland's efforts to identify CAFO facilities located in high-priority areas and to develop a compliance assistance and enforcement strategy to ensure CAFO regulations are complied with.
- Continue to work with Maryland to investigate causes of microbial, nitrate, and organic MCL violations.
- Continue to work with MDE to develop a universe of SSOs and investigate and address SSO violations.
- Continue to provide support in meeting Maryland's commitment to CSO compliance assurance.

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RESOURCE DISCUSSION

Shellfish Harvesting Waters

The goals for shellfish harvesting waters are entirely generally funded. A request has been submitted to increase staff for field monitoring efforts and data management so efforts to meet Information Technology objectives. Without adequate staffing, there is not enough staff time available to devote to implement GIS and meet monitoring needs under pressures from increasing population in the Chesapeake and Coastal Bays.

Fish Tissue Analysis

There are currently no funds specifically allocated for laboratory analysis. Past analyses were dependent on the DHMH laboratory providing "environmental laboratory services" which they have not done effectively. This is being handled both by requesting general funding for a contract laboratory and by discussion with DHMH regarding laboratory services. The shortfall as represented by our budget request is approximately \$360,000.

Staff resources are also not properly devoted to this effort. Two additional positions have been requested to aid in the required field work, to manage the data more effectively, to write more frequent reports, and to work closely with the laboratory to assure the quality of the data and obtain timely results.

Fish Kill Investigations

This program is entirely supported through general funds.

DATA DISCUSSION

Shellfish Harvesting Waters

Improvements in data management using new technology will streamline and enhance the program and permit better public access to data. Plans are currently underway to provide better access and ability to share data for other Departmental objectives under the Enterprise System plan (see Goal 10.)

Fish Tissue Analysis

Recent metals data have been downloaded to a PC-based database for analysis for a report that is in preparation. The entire database has been moved to local servers to increase the ability to share this data in conjunction with the Department's Enterprise System plan (see Goal 10.)

Fish Kill Investigations

The department needs to improve the fish kill database and incorporate it with the departmental database.

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Maryland's FY 2001 & 2002

Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

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CHAPTER 2: REVIEW OF FY 2000 COMMITMENTS AND FY 2001 & 2002 NEW INITIATIVES

FY 2000 Enforcement and Compliance Activities

Review of FY 2000 Workgroup Efforts

FY 2001 & 2002 New Initiatives

MDE GOAL #6: IMPROVING AND PROTECTING MARYLAND'S WATER QUALITY

Under federal and State law and regulation, MDE is required to ensure the water resources of the state are maintained and protected. Designated uses for Maryland's waters are specified in regulation and are designed to ensure that its waters meet the federally-mandated Clean Water Act goals of having "fishable, swimmable" waters. MDE addresses these responsibilities by implementing various programs to prevent point and non-point source pollutants from entering the waters of the state. MDE uses several legal and programmatic tools to meet this goal, including through strong regulatory programs such as regulation development, permitting, and enforcement as well as non-regulatory or voluntary pollution reduction activities.

Key areas of emphasis for this goal include (1) regulatory activities; (2) voluntary activities; (3) stormwater, erosion and sediment (nonpoint source) controls; (4) concentrated animal feeding operations; (5) sewage sludge; (6) abandoned mine reclamation; (7) financial assistance programs; (8) triennial review; and (9) air pollution control (see Goal #1.)

ACCOMPLISHMENTS, STATUS AND TRENDS

Regulatory Activities

Healthy, sustainable living resources are achieved through the development of management objectives and the implementation of plans that may include both regulatory and voluntary measures. A major portion of Maryland's efforts to achieve living resources goals in the Bays are accomplished through Maryland's participation in the Chesapeake Bay Program and the implementation of our Bay restoration goals. There are a number of Bay Program goals, including reducing the levels of nutrients entering the Chesapeake Bay from controllable sources by 40% by the year 2000, reducing inputs of toxic contaminants and numerous specific living resources goals (submerged aquatic vegetation, blue crab management plan, etc). MDE, DNR, and MDA work together with the U.S. EPA and the other signatories to the bay agreement (Pennsylvania, Virginia and the District of Columbia) to develop effective regulatory and voluntary strategies for reducing pollutant runoff into the Bay and its tributaries.

Other activities include special projects, such as the Gunpowder Watershed Project, the Anacostia Watershed Restoration, the Coastal Bays of the National Estuaries Program, and the Baltimore Harbor Toxics Regional Action Plan. These projects provide elements of research and development to enable Maryland to learn and implement new strategies for protecting the waters of the State.

MDE's Annual Enforcement and Compliance Report provides detailed information on the regulatory functions performed by MDE staff. Actual data by fiscal year is available each fall. For the past five years, inspection services have been prioritized. The priority order is complaints, violations and their follow-up, and permitted facilities. Total numbers of inspections are relatively consistent from year to year. In FY 1999, an increased number of water quality complaints were received relative to prior years and were responded to in a timely manner.

Quarterly permit data show that based on the watershed approach to permitting associated with the implementation of TMDLs, a reduction has resulted in the number of surface water permits issued during FY 1999. However, the number of coal and non-coal mining permits and oil and gas exploration and production permits have increased over prior years. Dam safety, stormwater management and erosion

CHAPTER 3:
ADMINISTERING
THE AGREEMENT

I. Communication
and Coordination

II. Dispute
Resolution

III. EnPA
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CHAPTER 4:
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Reducing the
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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

and sediment control, and water supply and sewerage construction permits have remained level or decreased slightly.

Under Goal #6, the FY 1999 efficiency measure for the percentage of significant violations resolved per total significant violations for stormwater, erosion and sediment control suggests a decline due to the increasing number of unresolved violations (some carried over from prior fiscal year) pending further action by the Administration. This measure fluctuates dramatically during the year but over time it is expected to average around 80%.

Voluntary Activities

For the past two years, compliance rates across all media have remained consistent which may be due to MDE's approach to compliance assistance. When minor problems are noted at the site, the compliance specialist may give a directive to make a correction without the issuance of a formal violation. At the same time, the number of enforcement cases has increased slightly due to a focus on the elimination of case backlog.

Stormwater, Erosion and Sediment (Nonpoint Source) Controls

Currently, MDE inspects 100% of industrial and wastewater treatment plants and approximately 55% of stormwater permits. This shortfall in field services has resulted in inadequate oversight of various development projects associated with significant land disturbances. If funded, the FY 2001 initiative will identify and mitigate violations occurring at projects currently not inspected. It will also reduce the impacts of nonpoint source sediment pollution on impaired waterways and assure equity in compliance activity between point and nonpoint sources. MDE's ability to assure appropriate reductions in nonpoint source loadings to impaired waters will fall short of what will be required to implement TMDLs.

Concentrated Animal Feeding Operations (CAFO)

An important component of Maryland's water pollution control strategy includes control of nonpoint source pollution from animal feeding operations. The following chronology is provided as background to the current status of the CAFO effort. MDE issued a CAFO general permit in December, 1999, which covered all CAFO's over 1,000 animal units and those operations with documented water quality violations. In the fall of 1998, MDE submitted to EPA a CAFO Strategy that identified who in Maryland would receive general permit coverage, which CAFO's would require individual permits, and how compliance and enforcement actions would be taken. The Maryland Legislature passed a bill and the Governor signed into law the Water Quality Improvement Act of 1998. This bill requires all farms in Maryland to submit nitrogen and phosphorus based nutrient management plans by 2004 and implementation of these plans by 2005. This bill mandated phytase addition to feed, established manure transport program, provided cost share for development of nutrient management plans, established funding and research efforts for evaluating alternative technologies, and related activities. The first draft of the CAFO permit was prepared in 1998 and was provided to Perdue to review. In the summer of 1999, this language was refined and targeted for distribution as a final draft to Allen Foods, Perdue and Tysons in August. In August, 1999, MDE and the Maryland Department of Agriculture (MDA) met with the Speaker of the House and the Chairman of the Environmental Matters Committee and the three companies to brief them on the permits.

In FY 2001, the new CAFO co-permits will be issued. MDE's regulatory function will include ensuring that the poultry companies are providing capacity for excess litter and manure; providing technical assistance to contract growers; ensuring that poultry companies are providing quarterly reports on the status of nutrient management planning and implementation of these plans.

Sewage Sludge

Under State law, MDE regulates the collection, handling, burning, land application, storage, disposal, and transportation of sewage sludge. Improperly managed sewage sludge utilization or disposal practices could result in pollution of groundwater and surface waters, with the potential for impacting drinking water well users, surface water drinking supplies, and boaters and the potential for propagation of disease. The Solid Waste Program's permitting and enforcement activities prevent and control pollutant releases

Quality

Goal #7: Ensuring Adequate Restoration of Maryland's Wetland Resources

Goal #8: Protecting and Maintaining Maryland's Natural Resource Land Base and Encouraging Smart Growth and Community Revitalization

Goal #9: Preventing Pollution and Assisting the Regulated Community with Compliance

Goal #10: Utilizing Information Technology to Optimize and Enhance Environmental and Administrative Operations

II. Maryland DNR and EPA Goals

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

Goal #2: Healthy Maryland watershed lands, streams, and non-tidal rivers

through the careful assessment of proposed utilization sites and practices, pollution control technologies, routine monitoring of sewage sludge generation facilities and application sites, and complaint investigations.

Sewage sludge utilization permits are comprehensive and include evaluations of application rates, slope requirements, evaluation of soil and water conditions on the application site, nutrient requirements, minimum buffers to streams, drainage ditches, springs, wells, roads, property boundaries and groundwater, monitoring requirements, and financial assurance. County governments provide comments regarding permit applications, participate in public meetings and inspections, and in some delegated counties, County Health Departments assist MDE by providing supplemental inspections and monitoring of the permitted sites.

Currently, 87% of sewage sludge generated in the State is recycled through land application, pelletizing and composting. Declining revenues in the Sewage Sludge Fund have led to reductions in the inspection staff. The program no longer conducts "pre-start inspections", inspection of sites prior to sludge application to ensure that buffer zones are properly marked, restricted soils are avoided, and compliance with other permit conditions. Today the focus is on inspections of operating sites. Often problems are discovered only after they have occurred. Also threatening the program is the increasing polarization of Maryland residents to the use of sewage sludge related to its characteristic odor and perceived public health threats, which limits its availability to farmers and others who use the material as fertilizer.

The number of sewage sludge inspections performed increased due to reduction in turnover. In addition, the compliance rate increased and the number of enforcement actions taken has declined. This is believed to be a result of stabilization, which has occurred within the industry and the concomitant development of experience on the part of the sludge applicators' staffs.

Abandoned Mine Reclamation

Acid mine drainage remediation contributes to ensuring that designated uses are maintained. Examples of recent projects include:

- The North Branch of the Potomac Doser Liming Project;
- The Cherry Creek Mine Drainage Assessment and Mitigation Project;
- The GIS/GPS Database Development for Maryland's Abandoned Mine Lands; and
- Federalsburg Stream Restoration and Abandoned Mine Project.

Projects for the current fiscal year (FY 2000) include:

- Little Meadows Abandoned Mine Land Reclamation Project
- George's Creek Stream Stabilization Project
- Federalsburg Stream Restoration and Abandoned Mine Project, Phase II.

Financial Assistance Programs

Financial assistance methods available for controlling and preventing water pollution are: cost-share program for nutrient removal at municipal wastewater plans, low cost loans from the State's Revolving Loan Fund for point and nonpoint source pollution control projects, grants for stormwater retrofits, cost-share grant funds for stream restoration, wetlands restoration and agricultural technical assistance programs, and supplemental State grants for wastewater projects. Additionally, the Department's Financial Assistance Programs have expanded and/or accelerated the use of funding through major enhancements like the Integrated Capital Project Priority System, Linked Deposition Program, and Biological Nutrient Removal Program.

In FY 1999, Maryland provided more than \$68.6 million in financial assistance to qualified applicants to control pollutant loads which totals about \$25.7 million (or 60%) over what was originally projected for FY 1999. MDE is also on track to provide a record \$179 million in FY 2000. Much of this increase is associated with the tremendous success achieved in the Water Quality Financing Revolving Loan Fund Program and the accelerated use of funding.

Goal #3: A natural resources stewardship ethic for Marylanders

Goal #4: Vibrant local communities in balance with natural systems

Goal #5: Establish a protected statewide network of ecologically valuable private and public lands (Green Infrastructure)

Triennial Review

In FY 1999, MDE began its Triennial Review of water quality standards. As part of this review, four public hearings were held to solicit input on what changes should be considered. Although the review is ongoing, current plans include development of a regulation to allow designation of Outstanding Natural Resource Waters in the State, adoption of biological criteria, adoption of ammonia criteria and several other new criteria for toxics. Field evaluation of the effectiveness of new criteria to protect recreational beaches has also begun.

Air Pollution Control

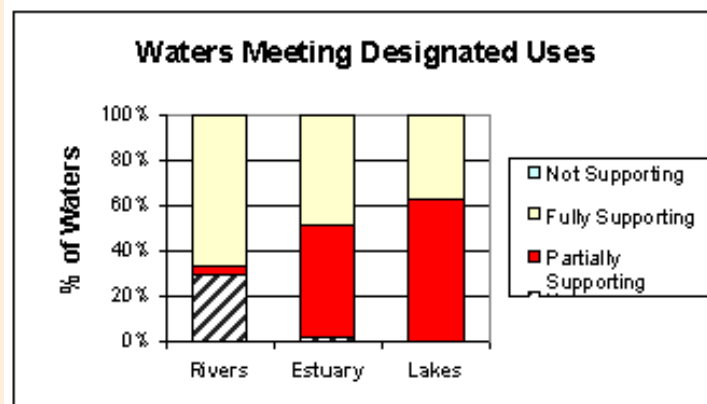
Air pollution control activities have reduced emissions of nitrogen oxides into the air which have also resulted in a decrease of nitrogen deposition into the waters of the State.

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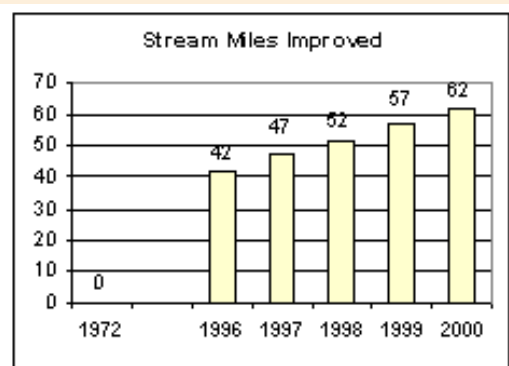
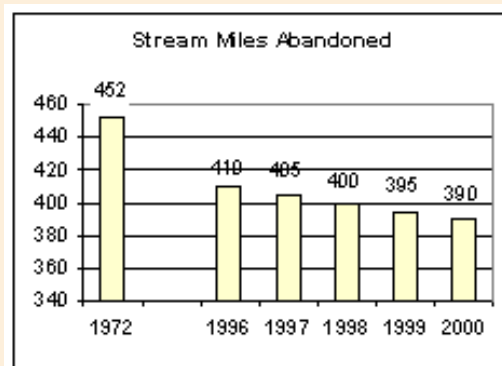
GOAL PERFORMANCE DATA

Environmental Indicators

Extent to which designated uses of surface waters are being met



Miles of degraded streams in which water quality has been improved by mine drainage controls



Acres of abandoned mine lands restored

APPENDIX

State/EPA Information Management Efforts

Carroll/Camden Environmental Restoration Project

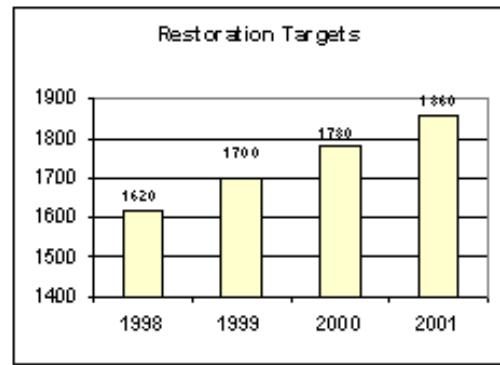
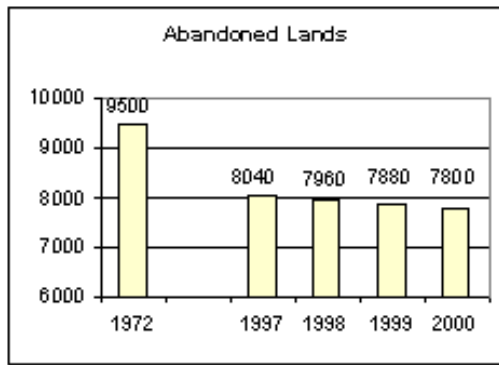
EnPA Fiscal Year Realignment Workgroup Status Report - June, 2000

COMMENTS

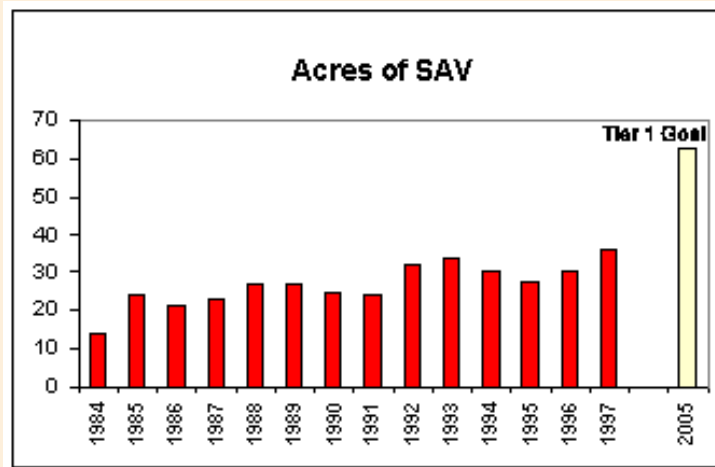
PREVIOUS AGREEMENTS

FY1999 EnPA

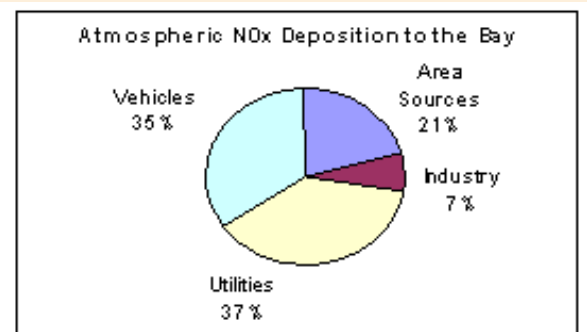
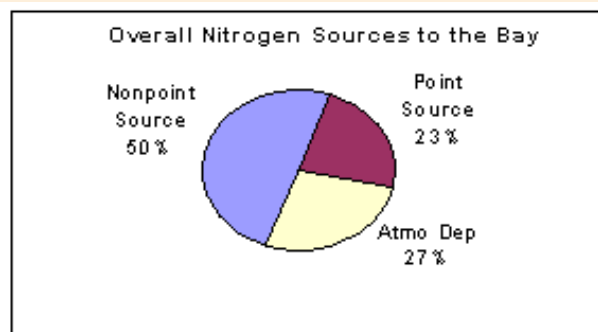
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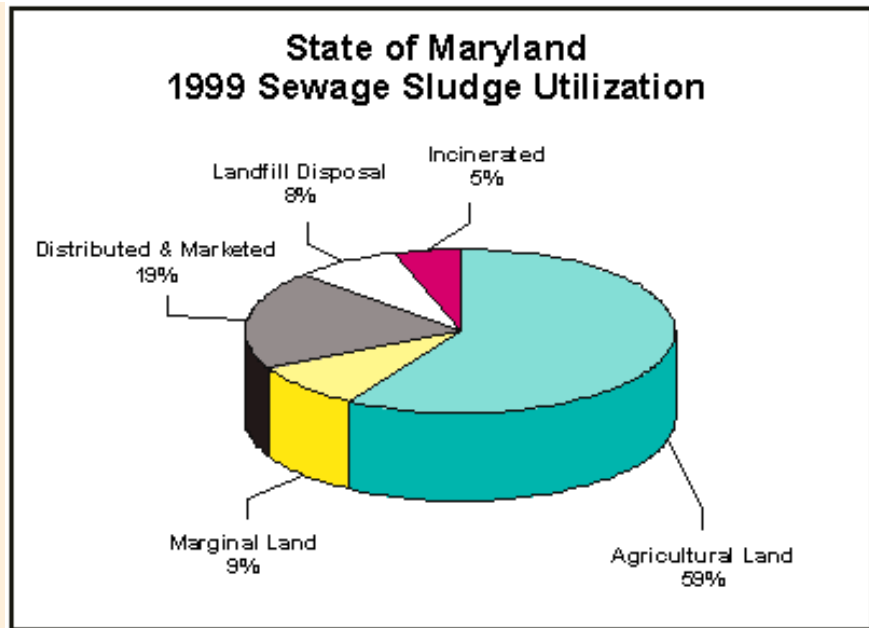
Increase in submerged aquatic vegetation (SAV)



Atmospheric nitrogen loading to the Chesapeake Bay



Sewage Sludge Utilization



MANAGEMENT OBJECTIVES – FY 2001

The key management objectives required to achieve this goal are:

Objective 6.1 To achieve and maintain designated uses of Maryland's waters as required under federal and state laws and regulations consistent with regional water resource policies and programs;

Objective 6.2 To monitor, document and support healthy, sustainable living resources through such data collection, regulatory and voluntary programs as determined necessary;

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MANAGEMENT STRATEGIES AND ACTION PLANS – FY 2001

Regulatory Activities

Designated uses for Maryland's waters are specified in regulation and are designed to ensure that our waters meet the federally mandated Clean Water Act goals of having "fishable and swimmable" waters. Shellfish monitoring contributes to ensuring that designated uses are maintained. The designated uses for Maryland's waters are defined in regulation and require that certain water quality criteria and standards are achieved through both voluntary and regulatory pollution source controls. Waters that do not meet designated uses are classified as "impaired".

As required by the federal Clean Water Act, Maryland is developing Total Maximum Daily Loads (TMDLs) for each impaired water body in the State. These TMDLs will be used to help in Maryland's existing efforts to protect and restore water quality. Over 465 TMDLs must be developed for Maryland waters in order to address all of the impairments listed on Maryland Clean Water Act Section 303(d) list of impaired waters. This will require a large effort on the part of MDE and DNR to collect, compile and analyze the available data necessary to assess water quality and point and nonpoint source pollutant-loading sources. The TMDLs must be closely coordinated with the ongoing Chesapeake Bay Nutrient and Toxic Contaminant Reduction Strategies, as well as EPA's Clean Water Action Plan. This coordination is being accomplished through MDE's Interagency TMDL Workgroup and Maryland's participation in the Chesapeake Bay Program, the Coastal Bays Program and the Clean Water Action Plan development and discussions with Maryland's Tributary Strategy Teams.

MDE has not held a formal and complete Triennial Review in ten (10) years, so there is a large

accumulation of issues to be dealt with. In addition, there has been several relevant new initiatives from EPA including the Clean Water Action Plan and development of nutrient standards. These activities will be reflected in next year's performance measures as the review of standards is completed and the move to promulgate new regulations begins.

Regulatory strategies include permitting and inspection of permitted facilities to ensure compliance. MDE has committed its resources to incorporating EPA's watershed approach into an integrated system of addressing water quality protection activities. A watershed permitting plan has been developed which coincides with Maryland's Agreement to produce TMDLs for impaired water quality segments. The State has been divided into five (5) permitting regions to coordinate NPDES individual permit limits with the point source TMDL allocations. The initial work product will be expanded to include General Permit registrations and has the potential to incorporate other permit activities (e.g., groundwater discharges, stormwater outfalls, non-tidal wetland disturbances, etc.) within a geographically based (GIS) watershed representation.

Aside from local government's role in Maryland's water quality standards, and identifying waters to be included on Maryland's 303(d) list, they have three broad roles associated with the TMDL Program. The first is with regard to the development of specific TMDLs. The second is with regard to general topics associated with Maryland's TMDL Program (e.g., striving for coordinated State and local responses to influence evolving federal policies, exploring methodologies for sediment TMDLs as they might relate to stream restoration and biocriteria, exploring the details of TMDL implementation, etc.). The third is with regard to the implementation of specific TMDLs.

Additional pollution reductions may also be achieved through pollution prevention efforts and supplemental environmental projects. Compliance Specialists look for opportunities for facilities to explore pollution prevention. Facilities currently in compliance may present a process, waste stream, or operational situation which if changed are not only cost effective for the business but can result in pollutant reductions. Compliance Specialists make referrals to the Maryland Center for Environmental Training to work independently with companies on pollution prevention efforts.

Supplemental environmental projects (SEPs) are considered where appropriate in settlement of major pollution enforcement actions. These projects must provide environmental enhancements beyond the regulatory requirements applicable to the company. In exchange for completing the SEP, an offset of penalty – which is far less than the cost/value of performing the project by the facility – is provided. (See Goal #9 for more pollution prevention/compliance assistance information.)

MDE's regulatory authority to protect and restore the waters of the State includes the following programs:

- NPDES Wastewater and Stormwater Discharge Permits to Surface Water (Industrial)
- Water Appropriation and Use Permit
- Groundwater Discharge Permit (Municipal or Industrial)
- NPDES Surface Water Discharge Permit (Municipal)
- Toxic Material Permit
- Underground Injection Control Permit
- Mine Operation Permits (including Land reclamation requirements)
- Sewerage Construction Permit
- Well Construction Permit
- Wetlands and Waterways Permit (Nontidal Wetland/Waterway Construction/Water Quality Certification)
- Tidal Wetland Licenses and Permits
- Discharge permits at oil facilities
- Erosion & Sediment Control and Stormwater Management Approvals for State and Federal Construction Projects
- NPDES Industrial Stormwater Discharge General Permit for Construction Activities
- NPDES Municipal Stormwater Permits
- Dam Safety Permits
- Gas and Oil Production Permits
- Inspection, enforcement and compliance activities associated with the above regulatory programs.

- NPDES General Permits (seafood processors, mineral mining, coal mining, animal feedlot operations, and hydrostatic testing)
- Watershed permitting and watershed cycling for monitoring and TMDL development
- Water quality certification
- Coastal Zone Consistency
- Nitrogen oxides control program (see Goal #1)
- Development or revision of water quality standards
- Budget initiative for meeting TMDL commitments will allow a comprehensive approach to this new strategy and addresses all critical points to allow each required component of TMDLs to proceed in an efficient and coordinated manner.

Voluntary Activities

A variety of voluntary efforts are also underway in Maryland to reduce pollution levels entering Maryland waters by implementation of best management practices on agricultural and urban/residential land uses, residential septic systems, forest harvesting plans, implementation of biological nutrient removal at municipal sewage treatment plants and numerous other programs. These efforts basically rely upon education and outreach efforts, coupled with financial incentives designed to encourage the voluntary participation of citizens and businesses.

Pollution prevention is part of a strategy to protect water quality. Efforts include performing P2 screening during pretreatment inspections, incorporating P2 incentives into the permit process, utilizing the established referral system with private contractors, producing P2 videos for industry, promoting P2 training and workshops as an educational tool, and others.

Nonpoint Source

Other key strategies include the following:

- Ten local jurisdictions are required to submit annual reports in accordance to Section 402 of the Clean Water Act, National Pollutant Discharge Elimination System (NPDES) regulations 40 CFR 122. 26(d)(2)(l) documenting new source identification, discharge characterization, and management programs as a condition to their permits.
- MDE and certain permitted local jurisdictions will certify individuals for the Responsible Personnel Certification Program for implementing erosion and sediment control measures.
- Finalize and adopt Maryland's draft State Stormwater Design Manual and proposed regulation changes that promote our new approach for the treatment of urban runoff from new and re-development sites.
- Review and delegate erosion and sediment control enforcement authority to local jurisdictions, and perform triennial reviews for county stormwater management programs.
- Issue stormwater management and erosion/sediment control approvals for state and federal construction projects.
- Conduct safety inspections of dam structures in Maryland, and issue dam safety permits.
- Request funding through a budget initiative for sediment and water pollution control field inspections will allow the identification and mitigation of violations occurring at projects not currently being inspected. It will also reduce the impacts of nonpoint source sediment pollution on impaired waterways and assure equity in compliance activity between point and nonpoint sources.

Concentrated Animal Feeding Operations

MDE will continue to work with EPA and the agricultural community to develop reasonable approaches to improving current animal waste management practices.

Local Health Services Initiative

Over the past 20 year, major pollution reduction initiatives have focused on point sources. The

Chesapeake Bay Program, the State's Tributary Strategies, source protection initiatives of the Safe Drinking Water Act, and Total Maximum Daily Load (TMDL) requirements have brought into focus the need to reexamine regulatory schemes for siting, designing, constructing, operating, and maintaining septic systems. There also needs to be a more comprehensive approach to alternatives for addressing increasing numbers of failing septic systems. Septic system regulations, policy directives, and delegation agreements with local health departments need to be significantly updated to reflect changing federal, State, and local laws/regulations. The State's subdivision regulations need to be reconciled with local land use planning and subdivision regulations to assure statewide consistency in approving new development projects. Lot size and set back requirements need to be evaluated along with location of septic systems relative to reservoirs, neighboring wells, paved areas, property lines, buildings, etc. New requirements need to incorporate expanded opportunities for clustering, use of shared facilities, innovative/alternative technologies, etc.

New subdivision configurations, new septic system maintenance requirements, and broader options for addressing system failures will result in smarter subdivision planning, reduced non-point source pollution, and the systematic elimination of septic system failures. This puts emphasis on pollution prevention, creative subdivision planning, and consideration of cumulative impacts. This initiative will help to reduce nonpoint source pollution and improve water quality through new policy directives for local health departments, closer oversight and improved accountability of locally delegated programs, and new regulations to reflect ways to incorporate new maintenance requirements and new criteria for lot configuration to allow for clustering and use of innovative technology as a means to address cumulative impacts and maximize opportunities for pollution prevention.

Successful outcomes would include reduced paved structures, reduced land disturbance, increased buffers, and promotion of open space/green areas. Other benefits will include overall reductions in pollution from subdivisions with on lot septic systems, and the implementation of environmental designs that result in "low impact development".

Sewage Sludge Program

In FY 2001, the Sewage Sludge Program will continue to ensure that permitted sewage sludge utilization and disposal sites facilities are designed and operated in compliance with all applicable water pollution control requirements.

To implement this strategy, the following activities will continue to be performed:

- overseeing operating permits for over 900 permitted sewage sludge utilization sites and facilities;
- performing over 600 inspections annually to ensure these sites are managed properly;
- ensuring that agricultural and other sludge application sites are properly maintained for 5 years following sludge application;
- notifying County governments of applications for sewage sludge utilization and disposal sites within their jurisdictions;
- requiring that regulated facilities are designed and operated with suitable requirements established for pollution prevention and control, including continuing requirements that Nutrient Management Plans be instituted at all farms utilizing sewage sludge as fertilizer; and
- routinely performing unannounced inspections of sewage sludge generation, storage, utilization, and disposal sites to insure compliance.

Abandoned Mine Reclamation

The abandoned mine reclamation program's goal is to restore Maryland's ecosystems impacted by pre-law abandoned mines to a healthy condition. The management objectives are to mitigate damage in

streams adversely affected by abandoned mine drainage; remove safety hazards; and restore the quality of terrestrial habitats and return the land to productive use. MDE's management activities include:

- Regulating the activities associated with existing mining operations;
- Providing funding and oversight of contracts for the cleanup and reclamation of abandoned mines; and
- Providing funding and oversight of contracts for stream restoration.

Projects to be accomplished in FY 2001 will be:

- Mill Run II
- Shallman Gob Pile
- Bass Hole Reclamation
- Potomac Hill Acid Mine Drainage Abatement
- Everhardt Acid Mine Drainage Abatement
- Matthew Acid Mine Drainage Abatement

The Bureau of Mines plans to host a symposium in October, 1999 to bring together several states and levels of government to discuss accomplishments to date regarding acid mine drainage and stream restoration.

Financial Assistance

Maryland anticipates providing up to \$83 million in FY 2001 in financial assistance to control pollutant loads. The following financial assistance methods continue to be available for controlling and preventing water pollution: cost share program for nutrient removal at municipal wastewater plants, low-cost loans from the State's Revolving Loan Fund for point and nonpoint source pollution control projects, grants for stormwater retrofits, cost share grant funds for stream restoration, wetlands restoration and agricultural technical assistance programs, and supplemental State grants for wastewater projects.

Additionally, there has been major enhancements to the Department's Financial Assistance Programs to strategically expand and/or accelerate the use of funding:

Integrated Capital Project Priority System

The Department has recently adopted an Integrated Project Priority System (IPS) for rating and ranking water quality projects under the Maryland Water Quality State Revolving Loan Fund. The system integrates point and non-point source pollution control project benefits and incorporates State water quality priorities reflected in management strategies contained in the Non-Point Management Plan, the Estuary Plan, the Coastal Bays Plan, Priorities Watersheds, and the Total Maximum Daily Load criteria as the minimum threshold requirement to be considered for funding.

Linked Deposit Program – Water Quality Loan Fund

Through its "Linked Deposit Program" the Department has implemented an innovative way of assisting private property owners in addressing on-site water quality problems resulting from non-point source pollution. The program allows private landowners to enter into a loan with any one of 39 eligible lending institutions (and branch offices) around the State for capital improvements such as: agricultural best management practices, shoreline erosion control, wetlands creation or enhancement, correction of failing septic systems, removal or replacement of privately-owned and maintained stormwater management facilities. The lending institution underwrites the loan, sets loan terms and conditions, and assumes financial risks for the loan. The lender and the Department enter into an investment agreement for a sum equal to the loan amount where the Department takes a lower than usual rate of interest with the lender passing this discounted rate on to the private borrower.

Biological Nutrient Removal (BNR) – Eastern Shore

The BNR Program continues to be the State's principle program for decreasing nutrient loads from point source discharges and a cornerstone in the Chesapeake Bay 40% Nutrient Reduction Goal. In response to Pfiesteria outbreaks on the Lower Eastern Shore and possible linkages to elevated nutrient levels, the Department is fast-tracking implementation of the BNR Program on the Eastern Shore. In total, some 18 Eastern Shore wastewater treatment facilities are now targeted to do BNR and the Department has developed accelerated funding schedules.

Triennial Review

The President's Clean Water Action Plan places additional emphasis on water quality standards including development of new standards, revision of existing standards, development of bacteria and nutrient standards and streamlining the whole water quality standards process. MDE has requested the staff to meet these needs.

Air Pollution Control

Air pollution control activities will continue to reduce emissions of nitrogen oxides into the air to further decrease nitrogen deposition into the waters of the State. These control activities are described in Goal #1.

EPA Activities

In support of Maryland's clean water goal, EPA Region III will do the following:

- Continue to work with Maryland to address outstanding Water Quality Standards Issues and triennial reviews.
- Continue to provide technical assistance for the development of TMDLs and the 303(d) list.
- Continue to provide technical assistance for the development of TMDLs for the Coastal Bays with the EPA Estuary Program.
- Continue to support Maryland's implementation of watershed-based permitting.
- Continue to provide support to the SRF financing of non-traditional water quality activities and coordinate SRF programs with Maryland's comprehensive watershed management program and place-based initiatives.
- Continue to work with Maryland to develop the universe of SSOs and investigate and address SSO violations.
- Provide Maryland support in meeting its commitment to CSO compliance assurance.
- Provide support in dealing with CAFO groundwater and surface water contamination.
- Support Maryland's effort to identify CAFO facilities located in priority areas and to develop a compliance assistance and enforcement strategy to ensure CAFO regulations are complied with.
- Continue to provide Maryland support through compliance assistance and outreach efforts focused on stormwater.
- Support Maryland's implementation of an effective stormwater program that includes strong enforcement and compliance assurance
- Continue to work with MDE in the spirit of the July 14, 1998 document known as "EPA Region III and MDE Water Management Administration Agreement Regarding NPDES and Water Pollution

RESOURCE DISCUSSION

In addition, two initiatives requesting additional FY 2001 general funds have been approved by the General Assembly under MFR Goal #6:

1. Meeting Total Maximum Daily Load (TMDL) Commitments*

The TMDL process is built on water quality standards including designated uses and water quality criteria. This process requires acquisition of data from local governments, volunteer monitoring and other databases. It is implemented through development of TMDLs with public participation, and is then implemented in permits. This initiative is a comprehensive approach and addresses all critical points to allow each required component of TMDLs to proceed in an efficient and coordinated process. The initiative includes eight permanent positions, nine contractual positions and funding for contractual services.

Two of the eight permanent positions will develop and revise water quality standards as required by the federally mandated Triennial Review for TMDL development. Two other positions will acquire data to write TMDL documentation and will serve as technical liaisons to the regulated community and our stakeholders. Two positions will serve as modelers and will actually develop TMDLs at a faster pace than is possible with current staff. The final two additional permit writers will be necessary to implement TMDLs in permits.

(This initiative also supports MFR Goals #5 and #14.)*

2. Sediment and Water Pollution Control Field Inspections

This initiative is to address a shortfall in field services, which results in inadequate oversight of various development projects associated with significant land disturbances. Field verifications are needed to assure that requirements of permits are satisfied and violations are corrected to minimize water quality impairments. Environmental groups continue to raise the issue of the level of inspection of construction projects and have correlated insufficient field services with increased incidence of pollution. This initiative provides funding for the identification and mitigation of violations occurring at projects currently not inspected. It will also reduce the impacts of nonpoint source sediment pollution on impaired waterways and assure equity in compliance activity between point and nonpoint sources. This initiative includes five new positions: four Environmental Compliance Specialists and one Water Resources Engineer.

The Sewage Sludge Program's principal weaknesses include a lack of resources due to declining revenues in the Sewage Sludge Fund. The increased use of out-of-state disposal sites and the institution of water-reduction techniques at the larger wastewater treatment plants have reduced the volume of sludge produced and therefore decreased the billable volume of sewage sludge which previously supplied the special fund. However, since permits are issued based on fertilizer value in dry tons, not wet tons, this has not decreased the workload for the Program, just the revenue generated. Declining revenues in the Fund have also resulted in MDE eliminating funding of a research project by the University of Maryland regarding the chemicals that cause sewage sludge odor and possible ways of combating the odor, a major public concern regarding land application of the material. Research is essential and must be a key component of sewage sludge management in Maryland.

DATA DISCUSSION

Currently, discharge permit data is tracked and reported by MDE's Environmental Permits Service

Center. The mining, gas and oil, and stormwater management and erosion and sediment control data are maintained and reported independently by the respective programs within Water Management.

As of July 1, 1999, compliance data is maintained in the newly enhanced Field Investigation Report (FIR). The FIR system is one of the 19 databases that will be used to develop the prototype for the Department's Enterprise System. The new FIR system will allow all inspections conducted for 10 different media to be recorded within the Enterprise System. Concurrently, the new system will allow management to determine if all facilities/sites are being inspected on a timely basis. A scheduling feature of the new system will allow inspectors and management to maximize inspection time. The new system will calculate and record all information needed for the Annual Enforcement and Compliance Report on a monthly basis. (See Goal #13 for the link to MDE's Enterprise System.)

The Wetlands and Waterways Program currently maintains its permitting data in an Informix database, RAMS (Regulatory Analysis and Management System), using an HP9000 mini-computer which interfaces with the U.S. Army Corps of Engineers. The RAMS system was developed by the U.S. Army Corps of Engineers and is operational at MDE and the Baltimore District Offices of the U.S. Army Corps of Engineers. MDE's system is compatible with the data system used by the U.S. Army Corps of Engineers. Maintenance and technical support for RAMS are provided by Applied Systems in Las Vegas, Nevada and includes support for systems administration, systems modifications and enhancements, and for continued systems maintenance, development, and configuration management.

The HP9000 mini-computer primarily supports the RAMS critical database application for the wetlands permitting function that is used by four WMA programs and provides services to 150 internal and external users. This application collects and provides wetlands permits information to MDE and the U.S. Army Corps of Engineers. The HP9000 mini-computer was not Y2K compliant and required the FY 1999 procurement of a replacement computer and communication device.

The Informix database, RAMS, will be migrated to the replacement computer during the first half of FY 2000. In FY 2001, major enhancements to RAMS will take place when it is upgraded to RAMS II, a client-server software environment.

MDE plans to migrate/integrate wetlands data to the Department Enterprise System in FY 2001.

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MDE GOAL #7: ENSURING ADEQUATE PROTECTION AND RESTORATION OF MARYLAND'S WETLAND RESOURCES

Under state law, MDE is charged with ensuring that Maryland's valuable wetland resources are adequately protected. In addition, the State has recently adopted an ambitious goal of voluntary restoration of 60,000 acres of wetlands lost since the late 1940s.

Key areas of emphasis for the Wetlands program include: (1) maintaining strong regulatory and planning programs to protect tidal and non-tidal wetlands; and (2) developing and maintaining the Governor's Wetlands Restoration Initiative for wetland conservation and creation.

ACCOMPLISHMENTS, STATUS AND TRENDS

Regulatory Activities

MDE's Wetlands and Waterways Program administers regulatory and planning functions which address the protection, conservation, and management of Maryland's tidal and nontidal wetlands, waterways and floodplains. Although these functions are conducted under state statutes and regulations, the challenge is to look beyond the boundaries of state environmental programs to local and federal government authorities and to develop partnerships that take advantage of similar requirements. The goal of these partnerships is not only to establish an efficient regulatory process that eliminates duplicative government actions, but also to produce a strong commitment to resource protection, restoration, conservation and management.

Another challenge is to establish mechanisms to enhance customer service. One of the most effective methods implemented to date has been a pre-application meeting, which enable MDE staff to review projects during the planning stages in cooperation with local governments. Using this strategy, all regulatory requirements can be addressed, contradictory requirements can be identified, and an environmentally sensitive project can be designed that complies with both State statutes and local ordinances.

Wetland protection and management in Maryland continues to achieve the State's no-net loss goal. A tidal wetland permit or license must be obtained before a person fills, dredges, or otherwise alters a tidal wetland. Similarly, a nontidal wetlands and waterways permit is required for grading or filling activities, excavation or dredging, changing existing drainage patterns, disturbing the water level or water table, or destroying or removing wetland vegetation. Working with our environmental partners, this program received a multi-year award from the Maryland Department of Transportation under the federal Transportation Equity Act for the Twenty First Century (TEA-21) which provides funding for a wide variety of wetland creation projects for mitigating road construction.

In recent years, the regulatory program has limited the loss of vegetated tidal wetlands to less than one acre per year. More importantly, Maryland is realizing a net gain in tidal wetlands through mitigation and enhancement projects. Fiscal Year 1999 continued this trend with authorized losses of 0.119 acres, offset by the creation of 7.19 acres of tidal wetlands. Since the inception of the State's nontidal wetland regulatory program in 1991, nontidal wetland losses have averaged approximately 35 acres per year. For Fiscal Year 1999, authorized losses were 22.95 acres, which were mitigated

New Initiatives

CHAPTER 3:
ADMINISTERING
THE AGREEMENT

I. Communication
and Coordination

II. Dispute
Resolution

III. EnPA
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IV. Signature Page

CHAPTER 4:
MARYLAND-EPA
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I. MDE and EPA
Goals

Goal #1: Ensuring
the Air is Safe to
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Goal #2: Ensuring
that Marylanders
Are Not Exposed
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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

by the creation, restoration or enhancement of 38.07 acres of nontidal wetlands.

While permit compliance rates for tidal and nontidal wetland activities remain constant at 98-99%, the efficiency measure for FY 1999 suggests a decline in the number of significant violations resolved per the total number of significant violations for nontidal, tidal and floodplain activities. This decline is due to the increasing number of unresolved violations (some carried over from prior fiscal year) pending further action by the Administration.

Governor's Wetlands Restoration Initiative

MDE's regulatory efforts will be enhanced by the Governor's Wetland Restoration Initiative, which strengthens Maryland's policy of "no net loss" of wetlands by including a specific target to increase the State's wetland acreage base by 10 percent. A steering committee of State, federal and local agencies, business and development interests, mining and agricultural interests, and environmental groups has been appointed by the Governor to provide guidance on wetland restoration opportunities and advise on the development of the State Wetland Conservation Plan. This ambitious voluntary effort is a commitment to create, restore, or enhance 60,000 acres of wetlands to restore Maryland's wetland base to post-World War II levels.

Wetland gains were also demonstrated under Governor Glendening's Wetland Restoration Initiative. Since its introduction in May of 1997, approximately 1,500 acres of wetlands have been created statewide. This trend should continue with the development of new outreach programs like the State's Landowner Stewardship Referral Service. This cooperative effort, between the Departments of Natural Resources, Environment and Agriculture, Maryland Environmental Trust, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, Chesapeake Bay Foundation, Ducks Unlimited, and the Wetlands Restoration Steering Committee, encourages stewardship programs on privately owned properties to restore critical habitats and protect our waterways from pollutants.

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GOAL PERFORMANCE DATA

Acres of Maryland's total wetland resource base (nontidal and tidal that is being gained/lost through regulatory programs

Protecting Maryland's Water Quality

Goal #7: Ensuring Adequate Protection and Restoration of Maryland's Wetland Resources

Goal #8: Protecting and Maintaining Maryland's Natural Resource Land Base and Encouraging Smart Growth and Community Revitalization

Goal #9: Preventing Pollution and Assisting the Regulated Community with Compliance

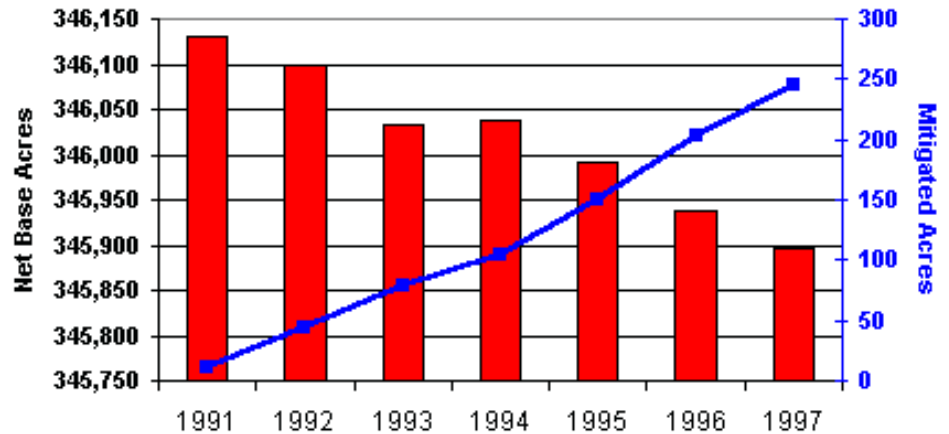
Goal #10: Utilizing Information Technology to Optimize and Enhance Environmental and Administrative Operations

II. Maryland DNR and EPA Goals

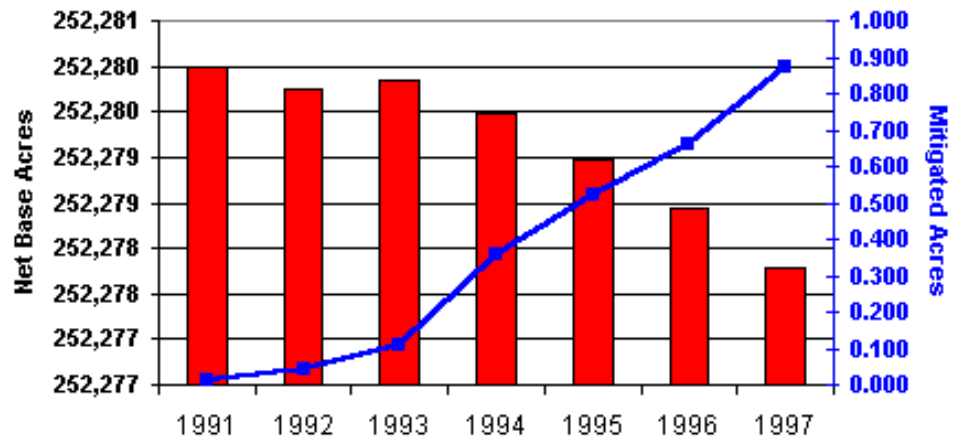
Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

Goal #2: Healthy Maryland watershed lands, streams, and non-

Non-Tidal Wetlands



Tidal Wetlands



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MANAGEMENT OBJECTIVES – FY 2001

The key management objective for this goal is:

Objective 7.1 Establish partnerships with local and federal governments to ensure an efficient regulatory process.

Objective 7.2 Continue to achieve Maryland's statutory goal of "no net loss" of wetland acreage and function, and strive for a net gain in wetlands over time,

through the regulatory program;

Objective 7.3 Increase Maryland's existing wetland base through the Wetlands

Restoration Initiative which will create, restore, or enhance 60,000 acres of wetlands through outreach and volunteer initiatives; and,

APPENDIX

State/EPA Information Management Efforts

Carroll/Camden Environmental Restoration Project

EnPA Fiscal Year Realignment Workgroup Status Report - June, 2000

COMMENTS

PREVIOUS AGREEMENTS

FY1999 EnPA

FY2000 EnPA

Objective 7.4 Develop a statewide wetland conservation plan to improve water resource/wetland protection and management on a watershed basis.

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MANAGEMENT STRATEGIES AND ACTION PLANS – FY 2001

Regulatory Activities

- Administer Maryland's wetland protection program which includes permitting, inspection and compliance under the Tidal Wetland Act, Nontidal Wetland Protection Act, Water Quality Certification as required by Section 401 of the federal Clean Water Act (CWA), and Coastal Zone Consistency as required by Section 307 of the federal Coastal Zone Management Act.
- Continue and enhance the State/federal partnership established by the Maryland State Programmatic General Permit issued by the U.S. Army Corps of Engineers.
- Implement state-of-the-art-engineering specifications to reduce both flooding hazards and adverse environmental impacts.
- Interpret updated low altitude aerial photography to provide more recent information on early season submerged aquatic vegetation (SAV) and tidal wetland trends to improve tidal wetland management, expedite regulatory decisions, and assist in the identification of unauthorized activities.
- Develop monitoring protocol for effectiveness of non-structural shore erosion control measures.

EPA Activities

While the Army Corps of Engineers has the lead for the enforcement of the wetlands program in Maryland, EPA will continue to enforce against illegal activities under Section 404 of the CWA, as well as provide permit review and comment.

Governor's Wetlands Restoration Initiative

- Support the Governor's Wetland Restoration Steering Committee, which is charged with making recommendations concerning the 60,000 acres restoration goal.
- Develop a Statewide wetland conservation plan, which will assist in local land use and watershed planning efforts.
- Develop an inventory of areas suitable for wetland creation, restoration and enhancement, including stream restoration and buffer plantings.
- Develop a database of existing natural resource and environmental information and their sources.
- Encourage watershed management plans for long-term management of wetland resources and for expediting the permit review and decision-making process.
- Strengthen partnerships between MDE and other agencies, non-profit entities, and private citizens for wetland creation, restoration, or enhancement.
- Update and publish informational brochures on wetland protection and management.
- Publish brochures promoting wetlands restoration
- Request funding through a budget initiative to support the goal of creating 60,000 new acres of wetlands in the State by actual preparation of area-specific plans, which could be immediately implemented upon identification of fund sources and sponsors.

EPA will continue to work with Maryland to achieve the Governor's Wetlands Restoration goals, which is consistent with EPA's and the Chesapeake Bay's wetland restoration goals.

Other Related Activities

- Participate in the implementation of the Conservation Reserve Enhancement Program.
- Participate in the implementation of Stream Releaf, Maryland's riparian forest buffer restoration and conservation.

EPA Region III will continue to support Maryland's efforts by providing basic and advanced training in wetlands identification and restoration.

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RESOURCE DISCUSSION

Mitigation projects are funded from the Nontidal Wetlands Compensation Fund (NWCF) which is a special fund revenue source made up of contributions made to the Fund for permitted wetland losses for which the Department has determined that mitigation is not a feasible alternative. Examples of FY2000 mitigation projects include Watkins Farm, Rosewood Property, and Hood Farm Restoration.

The Tidal Wetlands Compensation Fund is a second special fund revenue source made up of fees from entities (utilities, etc.) associated with wetland crossings. The funds are used to mitigate for losses of wetlands impacted by previously approved projects. One example of a Potomac River watershed project is the Saint Mary's City wetland construction project.

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DATA DISCUSSION

Progress in meeting the voluntary wetland restoration goal is recorded in two databases: a FoxPro database still under development and an Excel spreadsheet.

The FoxPro database has two main components. One component will represent a conversion and upgrade from the current dBase database that records wetland gains and losses. Upon completion, this database will improve substantially on report capability. The second component is for the landowner stewardship registry. This registry is for sites that are suitable and available for activities, such as wetland restoration, riparian buffer, and other conservation practices. The database is most appropriate for tracking projects for which detailed information is available. Some records of voluntary wetland restoration projects are currently in the database, as are potential wetland mitigation sites. Ultimately, data entry will be available through the Internet to partner agencies such as the Department of Natural Resources and the U.S. Fish and Wildlife Service.

All records of voluntary restoration are recorded in an Excel spreadsheet. The use of a simple spreadsheet was necessary due to the lack of detailed information provided with many restoration results. Where possible, information is tracked by county and by assistance program.

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CHAPTER 3: ADMINISTERING THE AGREEMENT

MDE GOAL #8: PROTECTING AND MAINTAINING MARYLAND'S NATURAL RESOURCE LAND BASE AND ENCOURAGING SMART GROWTH AND COMMUNITY REVITALIZATION

Targeting water and sewer infrastructure financing to priority funding areas and encouraging the voluntary restoration of contaminated property are legislatively mandated programs that protect and maintain Maryland's natural resource land base and encourage Smart Growth. MDE makes additional contributions to Smart Growth through other programs. For example, MDE's air quality planning programs can also affect smart growth policies. To focus and measure smart growth efforts, MDE developed and is implementing a "Smart Growth and Neighborhood Conservation Plan."

Key areas of emphasis for this goal include programs and efforts to protect and maintain the natural resource land base and encourage smart growth which include: (1) smart growth implementation; (2) water and sewer infrastructure funding; (3) voluntary cleanup, brownfields assessments, and federal base realignment and closure sites; (4) solid waste planning; (5) recycling; (6) scrap tires; (7) air quality planning; and (8) septic systems.

Under the FYs 2001 & 2002 EnPA Agreement, MDE, DNR, and EPA will be working together on several new Smart Growth initiatives. These efforts are presented under the "New Initiatives" section of the Agreement.

ACCOMPLISHMENTS, STATUS AND TRENDS

Smart Growth Implementation

MDE implements "Smart Growth" by targeting water and sewer infrastructure funding to priority funding areas and operating the Voluntary Cleanup Program. MDE continuously looks for ways to support Smart Growth policies in other programs.

The MDE Smart Growth Team meets monthly to track progress of the implementation of the smart growth plan and to work on new smart growth-related issues. The team developed and implemented a Smart Growth Awareness program that provided orientation and training on Smart Growth issues to almost all MDE employees. New employees receive a Smart Growth orientation packet. Smart Growth progress is tracked and reported to the Maryland Office of Planning on a quarterly basis. Employee awareness of Smart Growth policies has been significantly increased as a result of these efforts.

Water and Sewer Infrastructure Funding

MDE provides capital funds to local governments through grants and loans for water supply and wastewater system improvements. As part of its ongoing operations, MDE implemented the following multi-phase project review and tracking system to ensure that funding actions are consistent with Priority Funding Area designations:

I. Communication and Coordination

II. Dispute Resolution

III. EnPA Coordination Team

IV. Signature Page

CHAPTER 4:
MARYLAND-EPA FY
2001 WORKPLAN

I. MDE and EPA 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 Resources

Goal #8: Protecting and Maintaining

- Comprehensive County Water and Sewer Plan Reviews: all plans must reflect Smart Growth priority funding areas and define capital projects in terms of new or expansion of existing infrastructure. Plan amendments undergo coordinated reviews by MDE, DNR, and MOP. Comments regarding Smart Growth are provided to the County if changes are necessary.
- Comprehensive County Water and Sewer Plan Conformance Reviews: all capital funding applications are reviewed for consistency with these plans.
- Priority List Development: projects requesting capital funding are ranked on a priority list that uses applicable federal or State eligibility requirements. Smart Growth criteria are the threshold requirement for funding consideration. MOP is consulted before projects are included on the priority list.
- State Clearinghouse Screening and Project Growth Management Consistency Reviews: prior to formal funding requests from the BPW, projects are reviewed by MDE and MOP for consistency with Smart Growth.
- Project Design/Engineering Reviews: during project design, engineering reviews are performed by MDE to ensure the size of the proposed facility does not exceed growth projections identified by county water and sewer plans, comprehensive land use plans, and MOP estimates.

MDE has successfully coordinated funding actions with Priority Funding Area designations. MDE adopted the integrated priority system described above using Smart Growth as a threshold requirement and allowing funding decision tradeoffs between point and non-point source pollution control projects. MDE also implemented a linked deposit program allowing expanded use of its SRF funds by private entities for non-point source projects which will help to preserve and protect the environment (See goal # 6 for additional details on capital programs.)

Voluntary Cleanup, Brownfields Assessments, and Federal Base Realignment and Closure sites

Maryland's rich industrial history has resulted in a significant number of properties where investigation and/or cleanup of contamination is necessary to ensure public health is protected. These programs eliminate threats to public health from exposure to soils, groundwater, and surface water contaminated by hazardous waste and other substances, while encouraging the revitalization of industrial and commercial properties. Redevelopment requires environmental cleanup, may provide economic development benefits including new jobs and increased tax revenues, and promotes wise growth by using existing infrastructure and avoiding development in undeveloped "greenfields".

The Voluntary Cleanup Program, enacted by the 1997 Maryland General Assembly, streamlines the cleanup process of eligible properties that are, or are perceived to be, contaminated by hazardous waste. MDE oversees cleanups and actively promotes the Program through seminars, workshops, and other outreach activities. As part of its State Superfund Program, MDE assesses publicly owned brownfields for the presence of hazardous wastes using federal funds. MDE oversees cleanups at federal bases slated for closure and expedites work where assessments or cleanups are planned or underway. MDE also works with EPA and the Department of Defense to involve local communities in close proximity to these sites.

The success of these programs is directly influenced by the commercial real estate market, the economy of the area in which the site is located, quality of existing infrastructure, availability and financial viability of responsible parties and developers to conduct cleanup and availability of institutional loans.

MDE continues to provide technical oversight to private industry and federal facilities for assessments and cleanups of hazardous waste sites and to encourage productive relationships with the regulated community and the public through federal facility partnerships, Restoration Advisory Board, and other stakeholders.

II. Maryland DNR and EPA Goals

Solid Waste Planning

Planning for solid waste maintains the natural resource base by ensuring that wastes are safely disposed of. MDE is responsible for reviewing and approving a solid waste management plan for each county and Baltimore City to assure that adequate facilities are available, when required, to safely manage and dispose of wastes that are generated or disposed. County recycling programs and compliance with the Maryland Recycling Act recycling goals are also described in the plan. The plan, which covers a 10-year period, and is updated every three years if necessary, addresses the collection, management, and disposal of specific wastes within the jurisdiction.

In FY 2000, MDE approved 2 solid waste management plans and provided technical assistance to 6 counties. The technical assistance to counties involved consultation with counties during plan revisions and updates, reviewing preliminary drafts of plans and meeting with county staff and citizen advisory committees to review issues and requirements.

Recycling and Source Reduction

Recycling and source reduction divert materials from solid waste disposal facilities, extends landfill life and preserves land to be kept in its natural state or for other uses. A significant amount of waste can be diverted from landfills and other solid waste acceptance facilities through recycling programs which limits the land needed for disposal sites and the potential for groundwater pollution. The Maryland Recycling Act requires all Counties and Baltimore City to recycle wastes. Overall, the State is required to recycle 15 or 20% of the wastes generated depending on population. MDE's Recycling Program promotes recycling and source reduction throughout the State by providing technical assistance and education and outreach, working with other State agencies to increase the volume of materials recycled in their agencies, and partnering with the Department of Business and Economic Development, the Northeast Waste Disposal Authority and the Maryland Environmental Service to develop markets for recyclable materials.

The 1999 recycling rate statewide was 36%. This rate represents a 3% increase over the 1998 and surpasses the voluntary 29% statewide recycling benchmark for the third consecutive year. The State Legislature expanded the concept of a statewide recycling goal during the 2000 legislative session by establishing a 40% voluntary statewide diversion goal to be achieved by 2005. This diversion goal now includes source reduction along with recycling as waste minimization strategies. MDE considers the adoption of this ambitious goal to be another measure of the Recycling Program's success.

Other major accomplishments of in FY 2000 include the following:

- *Developing a source reduction credit system.* Many local solid waste and recycling managers are putting increased emphasis on source reduction activities in an effort to reduce the amount of material entering the waste stream. While these activities are good for the environment, they negatively impact a county's recycling rate. For example, yard waste grass cycled or home composted does not count as recycling tonnage, while yard waste collected, weighed and composted at a central location does. To address this dilemma and align with the newly enhanced voluntary 40% waste diversion goal, a team of state and local government recycling officials developed a source reduction credit system. This system offers a way for local governments to apply the outcome of their innovative source reduction efforts to the annual calculation of their waste diversion rate. Maryland is now one of the few states in the nation that actually provides measurable credit for source reduction efforts. The credit system is in its first year of implementation, and its results will be reflected in the calculation of Maryland's 2000 waste diversion rate.
- *Achieving an 18% State agency-recycling rate in 1999.* MDE devotes staff to aid and assist State agency recycling coordinators in their efforts to establish successful collection and waste minimization programs. As a result, 85% of all State government buildings have active recycling programs. Outreach efforts include providing technical assistance to State agency coordinators to help improve site-specific recycling programs and publishing a quarterly newsletter to highlight the benefits of State government recycling and source

APPENDIX

State/EPA
Information
Management Efforts

Carroll/Camden
Environmental
Restoration Project

EnPA Fiscal Year
Realignment
Workgroup Status
Report - June, 2000

COMMENTS

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FY1999 EnPA

FY2000 EnPA

reduction efforts.

- *Renewing the commitment to recycling education and outreach programs.* The recycling program has re-focused its emphasis on outreach activities as the primary vehicle to keep recycling and source reduction initiatives visible throughout the State. The Program has developed extensive print and electronic information to share with the public, local government, and private industry. In FY 2000, the Program participated in 49 education and outreach events.
- *Conducting a joint training program for Maryland's recycling coordinators and solid waste managers.* MDE, in partnership with the Maryland Soft Drink Association and the Northeast Maryland Waste Disposal Authority, sponsored a two-day training program in December 1999 for local and state government recycling and solid waste managers. The program's theme - "Moving to the Next Level: Management Tools for Successful Programs" – focused on enhancing the managers' strategic skill set to provide more effective program leadership. The program provided sessions in strategic planning, budgeting, team building, and public outreach techniques. These skills were re-inforced by case study and role playing exercises. Over 50 participants attended this conference.
- *Co-Sponsoring the 12th Annual Maryland Recycling Coalition Conference, Training and Exposition held at Chesapeake College on June 7-8, 2000.* Over 150 representatives from federal, state, and local government, business and the general public attended the conference. Breakout sessions discussed topics ranging from "greening" the procurement process to alternative strategies for "hard to recycle" items (i.e., computers, and NiCad batteries) and a roundtable discussion about the future challenges for recycling.
- *Supporting America Recycles Day.* MDE was a member of the planning committee for the third annual America Recycles Day celebration on November 15, 1999. The major highlight of the celebration was the Maryland Recycling Trail featuring nine Maryland manufacturers that used recycled materials and nine processing facilities. Each stop along the trail offered tours to the public and provided information about the economic benefits of recycling.

Scrap Tires

Cleaning up stockpiles of tires protects and maintains the natural land resource base. MDE implements the Scrap Tire Recycling Act, enacted in 1991, to cleanup stockpiled tires and issue licenses for the collection, hauling, recycling, and processing of scrap to ensure proper disposal of all scrap tires and prevent new illegal scrap tire stockpiles. The program also actively seeks opportunities for recycling scrap tires, such as use for energy recovery, constructing scrap tire playgrounds, and use in landfill construction. MDE implements controls through an active permitting and enforcement program.

MDE's management strategies regarding scrap tires have had a dramatic impact over the last 7 years. Many scrap tire dumps have been eliminated, with over a million scrap tires recovered from scrap tire dumps in each of the past 3 years. Over 7 million scrap tires have been removed from more than 300 illegal scrap tire stockpiles since the program began. Major accomplishments of the Scrap Tire Program in FY2000 include:

- Effected the voluntary removal of nearly one-half million tires from 46 scrap tire stockpiles in the State;
- Worked with volunteers from MES, DNR, and the local community to construct a recycled tire playground at Elk Neck State Park in Cecil County;
- Conducted the third annual Governor's Summer Youth Project involving the employment of youth to conduct scrap tire cleanups on public properties,
- Completed a scrap tire sound wall barrier projection in conjunction with MES and MDOT on Interstate 95 in Baltimore County,
- Initiated a scrap tire project for enhancing equestrian arenas by using scrap tire products in footing material at the Fair Hill Equestrian Center in Cecil County,
- MDE, The Potomac Electric Power Company (PEPCO), the Maryland Conservation Corps, the Anacostia Watershed Society, the Earth Conservation Corps, Prince George's County, the Marines, and the Navy worked together to complete a clean up of an estimated 2400 tires that were dumped into Beaverdam Creek, a tributary of the Anacostia, and
- Nearly 3,300 scrap tire collection, recycling, processing facilities and haulers are licensed in

the State.

MDE uses the tire fee for licensing activities, enforcement/compliance, stockpile cleanups, remedial actions, and distribution of public information about scrap tire issues. Under MDE authorization, MES uses portions of the Fund to implement and oversee the "Scrap Tire Recycled System" (created to insure sufficient levels of service if the private sector is unable to provide service to manage scrap tires) and projects that reduce, recover and/or recycle scrap tires.

Air Quality Planning

Conforming transportation plans to mobile emissions budgets in air quality plans promotes smart growth in nonattainment areas by helping promote growth in designated areas and concentrating development density to levels which support public transit opportunities. MDE develops mobile source emissions budgets with the Department of Transportation and the local metropolitan planning organizations. In conjunction with those organizations, MDE monitors compliance with the budget through an annual conformity test. The transportation plan for an area must comply with this budget to receive federal transportation funds. Conformity budgets are developed in advance for future years and project emissions. MDE compiles inventories of actual emissions every three years to track the accuracy of the projected emissions estimates that make up the conformity budget. MDE monitors compliance through emissions inventories every three years

The conformity process to ensure that emissions from transportation plans meet limits set by the air quality plan for the region is completed each year for the Baltimore and Washington metropolitan areas. Working together, MDE, MDOT and the local metropolitan planning organizations have incorporated transportation projects that will lower emissions from the transportation sector each year. The task becomes more challenging each year as the mobile emissions budget continues to decrease through 2005. The emissions reductions are the result of new technologies such as clean cars and fuels and other innovative strategies designed to provide alternatives to auto travel such as improved transit routes and new bicycle paths.

Septic Systems

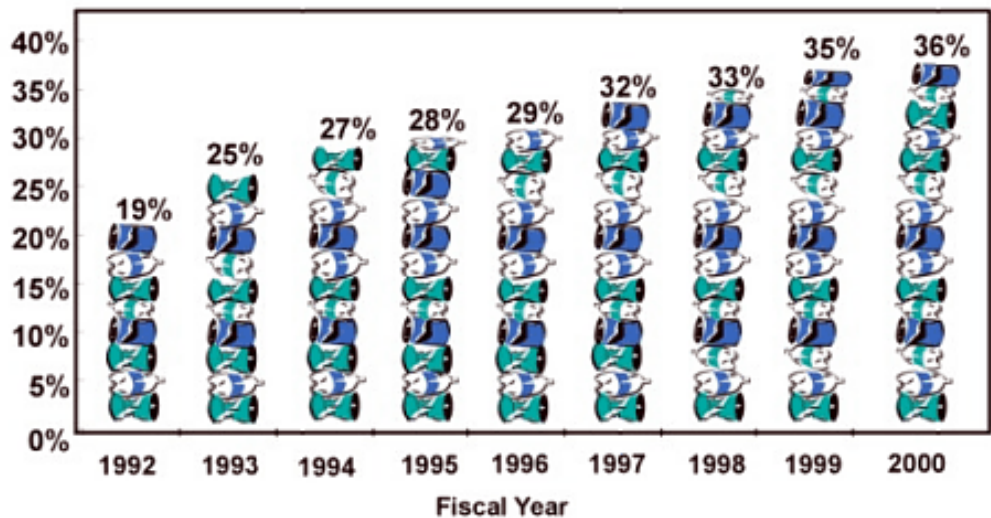
MDE delegates authority to issue septic system construction permits to local governments under state law. Development in "no planned service areas," areas without public sewer, using on-site disposal systems is guided by local land use decisions. MDE intends to work with local governments to provide guidance for evaluating applications for these construction permits in "no planned service areas" in light of groundwater protection, wellhead recharge, source water protection, wetland, floodplain, steep slope and erosion issues. MDE plans to develop a pilot project to create an environmental overlay map as a tool for better evaluating the issuance of construction permits in environmentally sensitive areas. MDE is also implementing the recommendation of the "Report of the Citizens Pfiesteria Action Commission" to require best management practices in the design and construction on new on-site septic systems.

MDE is in phase I of a multi-phase plan to adopt regulations to mandate implement new design, maintenance and performance standards for septic systems. Any additional regulatory changes will be based on recommendations by various stakeholder groups and public policy considerations and will include nitrogen removal for certain systems.

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GOAL PERFORMANCE DATA

Statewide Recycling Rate* (1992 - 1999)



*Maryland Recycling Act listed waste only

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MANAGEMENT OBJECTIVES – FY 2001

The key management objectives for this goal are:

Objective 8.1 Increase the use of vacant or underutilized land through cleanup and re-use of former commercial or industrial sites and federal facility bases for slated closure;

Objective 8.2 Encourage smart growth in efficient development patterns and conservation of existing neighborhoods;

Objective 8.3 Increase the volume of waste recycled and markets for recycled products;

Objective 8.4 Planning at the local level for the management of solid waste; and,

Objective 8.5 Establishment and enforcement of appropriate floodplain development ordinances to protect human life and property from the effects of flooding.

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MANAGEMENT STRATEGIES AND ACTION PLANS – FY 2001

Smart Growth Implementation

As identified in Chapter 2, MDE and EPA will pursue the Carroll/Camden Environmental Restoration Project, as well as support other new and ongoing efforts. MDE will continue to integrate smart growth policies into decision making where allowable by law through the Smart Growth team. The team, composed of representatives from each unit of the agency, ensures the

internal smart growth plan is implemented, examines new policies, reviews suggestions from employees and ensures that smart growth remains in the forefront of the agency' thinking and efforts. MDE will also continue to work with other state agencies and the federal government to implement projects, programs and reforms that make existing efforts more consistent with Smart Growth. Particular areas of emphasis will include public outreach.

Water and Sewer Infrastructure Funding

MDE will continue to market its capital funding programs to local government and eligible private entities utilizing Smart Growth themes. Greater emphasis will be placed on outreach and education including groundbreaking and dedication ceremonies and conferences with local government to highlight the program and smart growth themes.

Voluntary Cleanup, Brownfields Assessments, and Federal Base Realignment and Closure Sites

MDE will continue to oversee cleanups of eligible properties and encourage participation in the VCP through seminars, workshops, and other outreach activities. MDE will also continue to work with EPA and the Department of Defense to inform and involve local communities in close proximity to federal bases slated for closure and expedite work where assessments or cleanups are planned or underway.

The Voluntary Cleanup Program will improve outreach activities to increase participation in the cleanup and redevelopment of brownfields. Planned outreach activities are listed below.

- MDE will work directly with DBED to encourage the local jurisdictions and municipalities to enact necessary legislation to grant property tax credits under the Brownfields Revitalization Incentive Program.
- The VCP will conduct workshops and seminars with participation by DBED for lenders, developers, realtors, and community groups emphasizing the advantages and benefits of participating in the Voluntary Cleanup/Brownfields Programs. Other workshops and seminars will be conducted for specific trade groups (e.g., dry cleaners, chemical manufacturers, metal fabricators).
- MDE will continue enhancing literature and handouts regarding the Voluntary Cleanup/Brownfields Programs.
- MDE will initiate enhancements to the Department's home page to provide greater visibility to the Program, including linking the Department's web page to the web sites of DBED and other State agencies, local governments and real estate associations. As a result of meeting the initial benchmark for acreage completed through the Voluntary Cleanup Program, MDE is revising the benchmark to 500 acres completed through the Voluntary Cleanup Program for FY 2001. MDE is on target for reaching its goal of 100% of potential federal facilities slated for closure cleaned up and approved for reuse by the year 2001. However, if new federal sites in Maryland are identified for closure, this benchmark will need to be revised.

Solid Waste Planning

In FY 2001, MDE's solid waste management planning activities will include continued direct technical assistance and consultation with counties during plan revisions and updates. In addition, MDE will continue public outreach activities through meetings with county solid waste advisory committees, solid waste managers and recycling coordinators. To further assist counties with solid waste planning, MDE will continue to disseminate information on national solid waste issues, such as full cost accounting and the interstate transportation of waste and state and local solid waste issues.

Recycling

In FY 2001, the Recycling Program will continue to provide technical assistance to State agencies to maintain or increase the recycling rate statewide. The Program intends to add recycling market information and links to the MDE web site and maintain or increase the recycling rate for State agencies. As required by law, the Program will work with a stakeholders workgroup to implement a reporting system that provides better recycling data. This will require that MDE direct resources toward gathering data that will not impact the Maryland Recycling Act Recycling Rate or reduce ability to meet recycling goals. Solid waste tonnage reports have been modified to include information on solid waste being disposed out-of-state in compliance with the law.

New "Sell Recycled" Initiative for FY 2001. MDE is developing a "Sell Recycled" merchant decal program which will offer merchants selling products made from recycled materials the opportunity to promote their environmental awareness as well as encourage consumers to look for and buy these items. The program's success will rely on a partnership between the State, local government, and businesses to encourage participation and to make the decal as valued as the "Good Housekeeping" seal of approval. The decal program will be piloted in the fall 2000 in two counties.

In FY 2001 and beyond, the Recycling Program will continue to provide technical, education, and outreach assistance to the Counties and Baltimore City on regional recycling and source reduction opportunities. The Program also will continue to aid State agencies in their efforts to increase their recycling rates. An increased ability to partner with the private sector and other State agencies to encourage market development activities is desirable. However, the Program's legislatively-mandated reporting requirements continue to grow, thereby requiring limited staff resources (3 full-time equivalent employees) to be directed to this activity and away from education, outreach and new market development initiatives.

Scrap Tires

The Scrap Tire Program is undertaking the following management strategies for FY 2001:

- Continue coordination with State Fire Marshal's Office to ensure that plans for tire recycling and storage facilities meet applicable fire prevention standards and have adequate provision for fighting fires should they occur.
- Maintain compliance inspections and enforcement actions to discourage illegal scrap tire dumps and to reduce or eliminate the potential for the accumulation of massive new scrap tire stockpiles.
- Continue dedicating resources to accomplish scrap tire licensee compliance inspections and enforcement actions.
- Continue the identification and cleanup of stockpiled scrap tires;
- Encourage more recycling or reuse of scrap tires by conducting projects that reduce, recover, or recycle scrap tires. These projects may include constructing scrap tire playgrounds, sponsoring scrap tire amnesty day events, and encouraging civil engineering applications for scrap tires as in landfill closure cap design.

Air Quality Planning

MDE will continue to implement requirements for conformity planning and review of actual emissions to evaluate the accuracy of projections used for transportation conformity planning (see Goal #1.)

Septic Systems

MDE will continue to implement the multi-phase plan to adopt regulations to mandate implement new design, maintenance and performance standards for septic systems.

RESOURCE DISCUSSION

Smart Growth Implementation

Funding to support the integration of non-legislatively mandated Smart Growth policies into current programs is not provided.

Water and Sewer Infrastructure Funding

Funding for the program that provides water and sewer infrastructure assistance to local governments is provided through state general, federal and special funds. Continued legislative support will be needed for both operating and capital budgets to have program maintain functioning at present levels.

Voluntary Cleanup, Brownfields Assessment, and Federal Base Realignment and Closure Sites

Since the Voluntary Cleanup Program is not a self-funded program, state appropriations for non-site specific expenses will be a continued need.

Funding for base realignment and closure activity needs will be based on whether another round of base closures in Maryland is implemented. Currently, funding for State oversight on these sites is provided to the State through the Department of Defense State Memorandum of Agreement.

Recycling

Additional resources must be sought to move the Recycling Program forward. Limited staff, insufficient funding for implementing the required activities, and the unavailability of federal grants (except for 1-year special grant funds) have impacted the Program's ability to fulfill its mission.

EPA's role as a catalyst for regional solutions for issues such as market development and electronic end-of-life recycling also needs to be enhanced. Progress on these issues would benefit from a regional dialogue and strategy rather than relying on each state to craft its own policy. For Maryland, grant funding to implement any regional strategy on a state level is critical to lasting success. It has been unfortunate that EPA funding is not available as the states are facing more and more complex issues.

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DATA DISCUSSION

Smart Growth Implementation

Currently, smart growth plan implementation is tracked manually. MDE will develop a department wide database for tracking smart growth implementation plans that enables all employees to track progress.

Voluntary Cleanup, Brownfields Assessment, and Federal Base Realignment and Closure Sites

The Voluntary Cleanup Program, brownfields assessment, and federal base realignment and

closure sites are tracked using a Microsoft access database.

Scrap Tires

Semi-annual scrap tire report and licensee data are currently managed using an Oracle database.

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Maryland's FY 2001 & 2002 Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

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MDE GOAL #9: PREVENTING POLLUTION & ASSISTING THE REGULATED COMMUNITY WITH COMPLIANCE

Maryland businesses receive valuable customer service from MDE in the form of pollution prevention and compliance assistance. Pollution prevention promotes the reduction of pollution at its source and is considered by MDE as the preferred approach to environmental protection. The concept of preventing pollution at the "beginning of the pipe" as opposed to regulating the pollution at the "end of the pipe" can also be a more efficient and cost-effective approach for businesses.

Key areas of emphasis for this goal include: (1) institutionalizing pollution prevention and compliance assistance throughout the Department; (2) providing technical assistance to the regulated community; (3) promoting voluntary activities such as *Businesses for the Bay*; and (4) integrating pollution prevention or environmental restoration into enforcement activities through Supplemental Environmental Projects, for example.

MDE also supports compliance assistance during the regulatory and enforcement process as a means for businesses to avoid occurrences of physical pollution or technical violations under state and federal laws. Compliance assistance also involves MDE's public outreach and assistance activity, which helps the regulated community understand the law and assists them in complying with the laws' requirements. MDE also administers the Small Business Assistance Program.

ACCOMPLISHMENTS, STATUS AND TRENDS

Pollution Prevention

In its interaction with businesses, MDE permitting, inspection, compliance, and enforcement staff are promoting pollution prevention through written materials and referrals for further assistance. [Please Note: The Department's Waste Minimization activities are found in Goal # 4 - Reducing the Threat to Public Health from the Presence of Hazardous Waste and Hazardous materials in the environment.]

In the past, the Environmental Permits Service Center's pollution prevention program has provided training for over a hundred MDE employees, conducted over 20 pollution prevention workshops for auto body shops, provided technical and financial consulting to dry cleaners, and worked with the Maryland Chamber of Commerce in organizing a conference called "The Future of Pollution Prevention in Maryland."

Extensive planning activity took place in FY 99 to redefine the pollution prevention objectives, strategies and action plans for the Department. Two federal grants were amended and another federal grant was awarded to support the new objectives. An internal pollution prevention workgroup, including staff from each media administration, assisted in the development of these new objectives, strategies and action plans, and the P2 Initiative for Baltimore Harbor watershed. In particular. In addition, with the participation and leadership of MDE's Senior Staff, the Department is evaluating various options for expanding pollution prevention opportunities and activities throughout the agency.

The MDE Pollution Prevention Coordinator was also active in outreach activities to promote P2 technical resources and the voluntary recognition program *Businesses for the Bay*. Pollution

CHAPTER 3:
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MARYLAND-EPA
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Goal #1: Ensuring
the Air is Safe to
Breathe

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Goal #3: Ensuring
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Water

Goal #4: Reducing
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Health from the
Presence of
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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

prevention information was added to the MDE website which will also be used in the upcoming year to communicate the success of businesses that have received technical assistance through MDE.

Compliance Assistance

Compliance assistance is an element of MDE's enforcement process. It is a statistical measure of the number of times MDE inspectors resolve minor violations, or potential violations, without having to resort to full formal enforcement actions. In short, if an inspector discovers a minor violation and the facility corrects the problem voluntarily then that correction is counted as an action of compliance assistance.

To measure the compliance assistance rendered by inspectors, MDE has developed the following narrow statistical definition:

An inspector renders a countable act of compliance assistance when he or she documents a specific violation which the regulated entity corrects in the absence of a formal enforcement action; and the inspector documents the specific action(s) which the regulated entity has the option of undertaking to prevent the likelihood of potential future violations; and the inspector documents that the regulated entity undertook the suggested action(s) voluntarily, in such manner and within such time period as deemed acceptable by MDE in the absence of a formal enforcement action.

The compliance assistance numbers cannot be viewed in a vacuum, but rather need to be considered in conjunction with the number of enforcement actions taken by the enforcement program. MDE recognizes that often violations can be more efficiently resolved by reasoned persuasion than by adversarial confrontation. While significant violations require formal enforcement to vindicate the legal requirements, minor violations often present opportunities promptly to address small problems before they become big ones. If every minor violation became the subject of full adversarial proceedings the system would quickly become overburdened and the serious violations which require more detailed scrutiny would get lost in the sheer volume of minor cases requiring processing. Unfortunately, in the past, the only enforcement activity that counted was the formal enforcement action. All the work and minor adjustments accomplished through inspectors' watchful guidance of facilities went unrecognized. The compliance assistance numbers presented here now provide some perspective on the volume of work handled by inspectors.

Below is a summary of the Department's compliance assistance activity. It is important to note that individual program compliance assistance numbers are also reported within each of the appropriate environmental goals. This is important to demonstrate the integral relationship of compliance activities toward achieving overall environmental goals.

In FY 1999, MDE rendered a total of 14,709 acts of compliance assistance while taking 1,391 formal enforcement actions. Last year, 15,837 compliance assistance acts were rendered with 1,134 formal enforcement actions. Comparing the percentages, this year compliance assistance accounted for 91% of the contacts with the regulated community, down from 93% of the contacts last year. This reflects that the basic ratio of compliance assistance to enforcement stayed the same although there was a slight increase in the number of enforcement actions taken this year.

MDE programs continue to use documented compliance assistance as one of the tools available to help the regulated community achieve compliance. The inspector corps is continually being trained to recognize when a violation is minor in nature and therefore appropriately the subject of compliance assistance if the facility is responsive, and when a violation must be dealt with in a more severe and formal manner at the moment of discovery.

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GOAL PERFORMANCE DATA

Number of targeted entities participating in voluntary pollution prevention

Goal #7: Ensuring Adequate Protection and Restoration of Maryland's Wetland Resources

Goal #8: Protecting and Maintaining Maryland's Natural Resource Land Base and Encouraging Smart Growth and Community Revitalization

Goal #9: Preventing Pollution and Assisting the Regulated Community with Compliance

Goal #10: Utilizing Information Technology to Optimize and Enhance Environmental and Administrative Operations

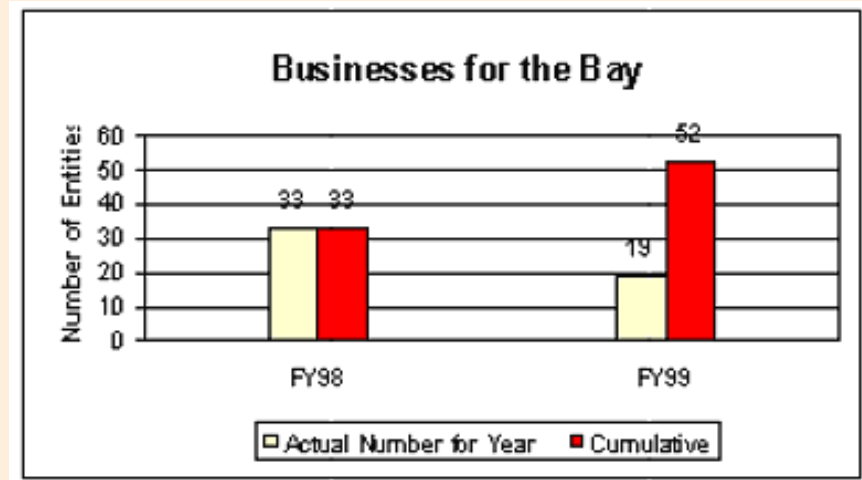
II. Maryland DNR and EPA Goals

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

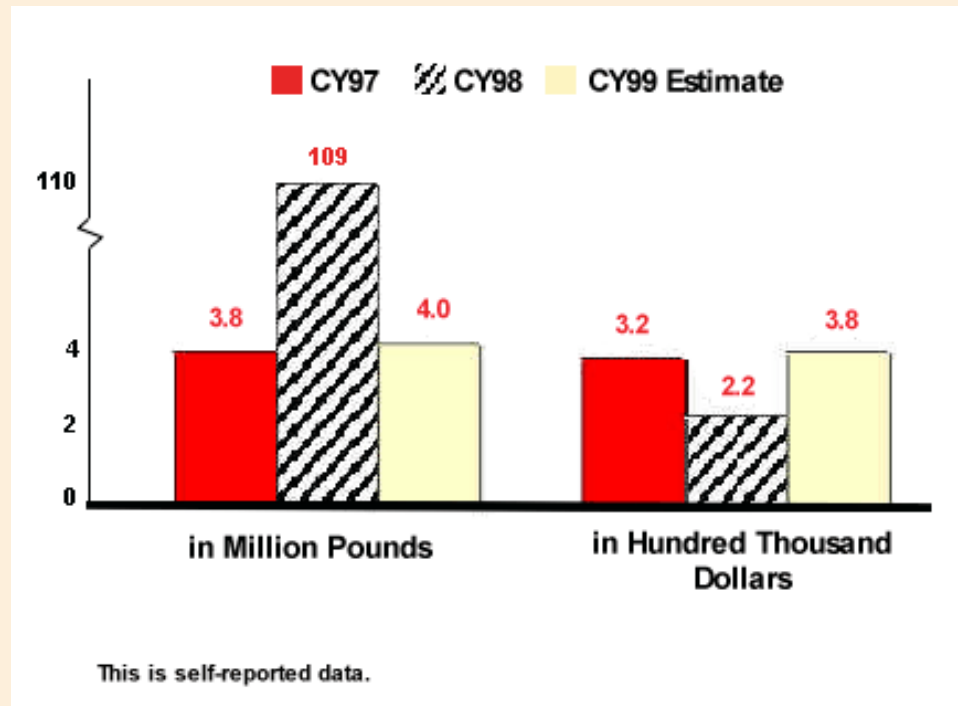
Goal #2: Healthy Maryland watershed lands, streams, and non-tidal rivers

Goal #3: A natural resources stewardship ethic for Marylanders

activities such as the Businesses for the Bay, Ozone Action Days, and the MDE Pilot Project



Pollution Prevention Results



MANAGEMENT OBJECTIVES – FY 2001

Objective 9.1 Institutionalize pollution prevention approaches within the Department and expand the use of pollution prevention techniques by Maryland's regulated community and citizens.

Objective 9.2 Conduct on-site pollution prevention assessments to facilities within the Baltimore Harbor Watershed.

Objective 9.3 Increase the number of participants in Businesses for the Bay, a voluntary program that encourages businesses to take specific steps to prevent pollution.

Goal #4: Vibrant local communities in balance with natural systems

Goal #5: Establish a protected statewide network of ecologically valuable private and public lands (Green Infrastructure)

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State/EPA Information Management Efforts

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EnPA Fiscal Year Realignment Workgroup Status Report - June, 2000

COMMENTS

PREVIOUS AGREEMENTS

FY1999 EnPA

FY2000 EnPA

Objective 9.4 Serve as a technical resource to all Maryland companies and MDE's permitting, inspection, and compliance and enforcement staff.

Objective 9.5 Look for opportunities to include pollution prevention activities as part of Supplemental Environmental Projects in Enforcement actions.

Objective 9.6 Initiate a Pollution Prevention Partners Network.

Objective 9.7 Explore voluntary options for businesses to implement facility-wide P2 plans and for the State to provide incentives to businesses to implement P2.

Objective 9.8 Implement a "Leading by Example" P2 program which could require all State agencies to develop P2 plans for all State facilities.

Objective 9.9 Conduct an aggressive outreach campaign to promote Environmental Management Systems and ISO 14001.

Objective 9.10 Develop a better understanding of compliance at the facility level based on the judicious use of inspector discretion to encourage facilities to correct problems promptly and voluntarily.

Objective 9.11 Improve overall compliance rates by preventing significant violations before they occur.

Objective 9.12 Begin tracking changes in the behavior of the regulated community brought about as a result of compliance assistance, particularly, tracking the amount of pollution reduced and the number of compliance assistance acts rendered at a given facility in comparison to the number of enforcement actions taken at the same facility.

Objective 9.13 Use the "compliance assistance/enforcement action" ratio as a criteria for measuring and identifying the "compliance state" of a given facility, and then using collected "compliance status" numbers to derive a more accurate system for determining the "compliance rate" of any given regulated industrial sector.

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MANAGEMENT STRATEGIES AND ACTION PLANS – FY 2001

Pollution Prevention

The P2 site-assessment initiative will focus pollution prevention efforts on sources affecting the Baltimore Harbor Watershed, which has been placed on the 303(d) list of impaired waters. The project will be linked to MDE's efforts to develop Total Maximum Daily Loads. Technical assistance will be provided to affected businesses and citizens through MDE's permitting, inspection, compliance, and enforcement activities, as well as through direct, non-regulatory outreach which will be supported by the University of Maryland Technology Extension Service. The pilot project will allow MDE to focus its efforts in a specific geographic area and assess which policies, procedures and training programs are useful and may be expanded department wide. For instance, the project will pilot the use of the Department's Permitting, Compliance and Enforcement database to track pollution prevention activities.

MDE is also involved in promoting *Businesses for the Bay*, a voluntary program that encourages businesses to take specific steps to prevent pollution. The program acknowledges the efforts of businesses and encourages them to share their knowledge and experience with other companies through a mentoring program. The *Businesses for the Bay* program will also be instrumental in

tracking progress and in providing technical assistance. MDE plans to increase the number of participants in this program each year through the pilot program and other targeted promotions.

MDE also participates in the activities of the National Pollution Prevention Roundtable, a forum for state and industry representatives to share innovative ideas in pollution prevention. These innovations are then shared with MDE staff to incorporate into their work activities.

In addition, staff from the P2 staff will work with the enforcement staff and Attorney General's office on how to approach P2 in Supplemental Environmental Projects (SEPs). (see Goal 4 & 6 for more information about Supplemental Environmental Project activities.)

The Pollution Prevention Partners Network would gather together all the pollution prevention/environmental assistance providers in Maryland on a regular basis, enabling participants to learn more about the services each provides, and to encourage referrals among the participating organizations.

Pollution prevention planning would focus on developing options to encourage Maryland businesses to voluntarily implement facility-wide P2 plans and for the State to provide incentives to businesses to implement P2 (such as tax incentives, loans, and permit flexibility).

A "Leading by Example" P2 program could be developed that would include: requiring all State agencies to develop P2 plans for all State facilities, forming an interagency P2 committee to assist agencies develop and then implement the P2 plans, developing a state pollution prevention procurement policy, and developing a supplies and waste exchange for state facilities.

An aggressive outreach campaign to Maryland businesses could be developed and implemented promoting Environmental Management Systems and ISO 14001 (EMSs are considered the cutting-edge of pollution prevention because they institute an ongoing systematic approach to meeting both environmental and business goals).

EPA Activities

On June 26, 2000, DPA launched the National Environmental Performance Track Program (NEPT). This voluntary program is designed to motivate and reward top environmental performance. The first level of NEPT, the National Environmental Achievement Track, is open to facilities of all types, sizes, and complexity. It is designed for facilities with a solid environmental record and firm commitment to do even more. The benefits include recognition, information exchange, and regulatory and administrative flexibility. EPA also has made available to states up to \$20,000 for the following activities:

1. Studies and investigations of state environmental rules, policies, and regulations affected by incentives proposed in the Performance Track Program;
2. Evaluation of existing state performance track programs. Program evaluation involves verifying that the goals of voluntary performance track programs have been achieved; and
3. Analysis and dissemination of performance data.

EPA plans to hold training covering key components of NEPT, which may be appropriate for state representative participation.

EPA would appreciate Maryland's assistance in promoting national energy efficiency programs, such as Energy Star Buildings and Homes, and energy star products. EPA requests that MDE include energy efficiency initiatives as part of MDE's P2 program.

Compliance Assistance

Tracking the number of compliance assistance acts rendered during site inspections and investigations carries out a two-fold strategy. First, substantively, the MDE views compliance assistance as the preferred method for bringing facilities into compliance because this tool gets the facility back into compliance more quickly, using less enforcement staff resources than full blown adversarial proceedings. In terms of enforcement resources it is more efficient to have a facility voluntarily agree to make minor corrections than to immediately file formal enforcement actions which may require full adversarial hearings before the correction is made. Thus, these numbers should encourage facilities to make minor changes promptly and voluntarily. Second, statistically, counting the number of compliance assistance acts compared to the number of enforcement actions gives us an insight into how the regulated community responds to MDE suggestions made during inspections or site visits.

The compliance assistance category is our first rudimentary step towards measuring the extent to which enforcement activity actually changes the behavior of the regulated community. By tracking how often a facility voluntarily complies, and how often that facility must be formally charged, we create a targeting tool that may help us determine which facilities are open to suggestions about protecting the environment and which facilities are only brought into compliance by threat of sanctions.

Similarly, by tracking how often an individual inspector reports rendering an act of compliance assistance rather than taking an enforcement action, we can gauge how effectively we are training our inspectors in the use of compliance assistance. These numbers will help us develop a basic benchmark concerning the acceptable range of individual inspector discretion. An inspector who only takes enforcement actions, or conversely who never takes enforcement actions, may require additional coaching on what constitutes a significant violation warranting enforcement, and what amounts to a minor violation or preventable situation subject to compliance assistance.

The Department remains committed to tracking these numbers in the future, further refining their use and applicability to different regulatory situations. As new issues in the "enforcement action/compliance assistance" mix become apparent the Department will adjust this approach to those issues in order to provide the maximum deterrent impact for the most reasonable expenditure of enforcement resources.

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RESOURCE DISCUSSION

Pollution Prevention

MDE's Pollution Prevention program is funded through a competitive federal grants program with a required match. Over the past years, these funds have enabled the Department to hire two contractual Pollution Prevention staff. The Department plans to continue to have a Pollution Prevention Coordinator and to use the funding for the other position to outsource pollution prevention technical assistance on-site visits. This is because the Department has been unsuccessful in its efforts to hire a person with the experience and knowledge to perform pollution prevention site visits while working as a contractual employee.

Available resources limit the scope and depth of Pollution Prevention program activities and the ability of the Department to successfully meet its grant commitments. Therefore, the Department, with the participation and leadership of MDE's senior staff, has evaluated various options and opportunities to expand both the breadth and depth of the Pollution Prevention program. However, these options and opportunities are entirely dependent on increasing the number of full-time permanent staff. MDE hopes to increase its P2 staff with three additional full-time permanent positions, which would enable staff to implement Objectives 9.6 to 9.9 and significantly expand the depth of Objectives 9.1 to 9.5. Without additional full-time permanent staff, Objectives 9.6 to 9.9 could not be implemented.

Compliance Assistance

In the area of compliance assistance, 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. This money will be used to help develop statistically valid sector identification and random sampling methodologies that can be applied to better target the inspection work that is presently being done. Otherwise tracking compliance assistance is simply a matter of recording the activity presently being provided. If more inspection staff is added the number of compliance assistance acts will correspondingly increase, or decrease if the resources to accomplish the work are decreased.

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DATA DISCUSSION

Pollution Prevention

Pollution Prevention data are self-reported by companies that participate in the *Businesses for the Bay* Program or receive technical assistance through MDE's partnership with the University of Maryland's Technical Extension Service. Submission of this data is voluntary. Other data reported in the Performance Measures are generated internally.

No needs assessments for training MDE staff have been performed. Future training will include SEP training for the Attorney General's office and targeted training for those involved with the Baltimore Harbor Pilot Project.

As a result of limited staff resources no facilities were targeted for pollution prevention activities.

Compliance Assistance

Compliance assistance through inspections is tracked and reported under the appropriate environmental goal.

Although compliance assistance numbers are being reported as "quality" measures, in their present form those numbers only represent "output" measures. The numbers are "output" measures because they simply count how often inspectors report rendering compliance assistance, and provide no further insight into the quality of that activity. At this time we only have anecdotal information but no quantifiable data about how effective compliance assistance is at actually changing the behavior of the regulated community. We have chosen to list these numbers as "quality" measures because it is the Department's intention to collect additional data in future years concerning the amount of pollution reduced as a result of compliance assistance activity. We also intend to develop measures, or criteria for measuring such things as improved facility housekeeping and maintenance, training and inventory control, equipment, technology, process or procedure modifications, which were brought about as the result of inspectors' compliance assistance suggestions.

Developing valid and quantifiable "quality" measures for the compliance assistance category of inspection activity is difficult. First, a quality measure requires a quantifiable baseline, which indicates what the situation was before the compliance assistance was rendered. Then the existence of the intervening act of compliance assistance needs to be established. Finally, there must be a logical nexus between the altered situation and the compliance assistance. It is statistically invalid, not to mention intellectually dishonest, to take credit for behavior changes which were going to happen without the intervention of the compliance assistance.

We have begun constructing this complex measure by establishing a reliable method for capturing

the existence of each act of compliance assistance. We are presently in the process of reducing the antidotal evidence of changed behavior at regulated facilities into a numerically quantifiable form. Once we have a set of behaviors on the part of the regulated community, which can be counted, we will try to establish the cause and effect relationship that will enable us to say that MDE's compliance assistance helped to bring about the pollution reduction for which the regulated facility is being credited.

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MDE GOAL #10: UTILIZING INFORMATION TECHNOLOGY TO OPTIMIZE AND ENHANCE ENVIRONMENTAL AND ADMINISTRATIVE OPERATIONS

MDE's use of Information Technology will cost effectively, and provide the best services and information to our internal and external customers. MDE provides information management systems and tools to employees that will support and enhance the Department's business functions and assist MDE in accomplishing its mission.

Key areas of emphasis for this goal include: (1) improving the network infrastructure to allow for reliable computing services, supporting web enablement of MDE services, and providing remote access capabilities for staff located at satellite offices; (2) implementing *Enterprise Environmental Management System, EEMS*, to consolidate business application systems and data; (3) improving data quality and standardization throughout the agency; (4) increasing customer service and public access to information.

ACCOMPLISHMENTS, STATUS AND TRENDS

High quality, accurate environmental information is a strategic resource for protecting public health and the environment. To make the most effective use of this important resource, MDE has been strengthening the way it collects, manages, uses, and shares data and information. MDE also is strengthening its relationships among those who provide environmental information and use it in decision making—MDE and its federal and state partners, the regulated community, citizen organizations, and the general public. Toward this end, MDE recently consolidated many of its information activities into a new office that will provide better service to its partners and stakeholders, and improve MDE's ability to manage and use information across all of its programs.

This new Office of Information Management and Technology is integrating various aspects of information management, project management, policy, and technology. It is strengthening MDE's data quality emphasis, and creates stronger linkages between information collection, management, and public access functions. It is improving consistency across these operations and systems, providing the necessary foundation for improved customer service delivery. This new office is working to improve MDE's information technology infrastructure, key business processes, data standards, customer service and access to information, while maximizing fiscal resources.

This office is relying on a unified approach to information technology—one that works strategically across each of the three main components of the integrated information environment:

1. Receiving and sharing information
2. Managing and using information
3. Providing access to information

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Together these components support a common goal of informed decision making by government, industry, communities, and individuals on public health and environmental matters. Keys to the continued success of this office are strong, cooperative relationships within the organization among its administration, as well as with its stakeholders and customers, and with other state and federal partners, such as the U.S. EPA.

Infrastructure

Over the past three fiscal years, the Department has upgraded all of its desktop computer office automation hardware and software resources to a standard level of technology. This included a significant effort undertaken in FY 1999 to upgrade the laptop computers of the field inspection staff. MDE has initiated the first of a two-phase procurement to upgrade the Department's primary network operating system on its servers, with implementation during FY 2001. MDE transitioned to commercial services for the Internet service provider and router maintenance for expanded support availability and expertise.

Enterprise-wide Computing Capabilities for Multi-Media Data

The systems used to support the business functions at MDE, as well as in most other states, evolved as a result of an increase in the awareness for environmental protection and the resulting evolution in environmental regulations. Systems were typically developed around the needs of the specific environmental media to be regulated (i.e. air, water, waste), and as such, were standalone systems with no interfacing or relationship to similar systems used to support other media types, or even other business requirements within the same media. As the industry has matured there is a realization that although the media types are different, the activities necessary to issue permits, monitor compliance and conduct enforcement are basically the same. With this in mind there has been a trend by a number of states to develop enterprise-based systems that address the needs of the organization as a whole. These systems allow the organization to standardize multiple processes that were once thought to be unique, and as a result maximize the organizations potential to meet its mission.

Throughout the past fiscal year, MDE has been focusing working on developing a proof of concept model to demonstrate the feasibility of an Enterprise System to support the core business functions of permitting, compliance and enforcement across the different environmental media, while operating from a single, consolidated database. This model, Enterprise Environmental Management System (EEMS), is progressing with custom software development utilizing a web based architecture and data standards and processes developed by the State/EPA Information Management workgroups' efforts . MDE received a grant from EPA under their One-Stop Program to assist in the development of the proof of concept model.

When the Enterprise Environmental Management System (EEMS) is fully implemented, the citizens of the state and other stakeholders will benefit from on-line permit application, data submission for compliance reporting, permit and process statuses, and a single point of reference for environmental information. MDE will benefit through the streamlining of processes, a reduction in the maintenance requirements necessary to support a consolidated system verses multiple systems, streamlining of and the ability to evaluate alternatives to reporting through EPA's national database systems, and reductions in the effort necessary to report on the status of the environment. Other benefits to MDE include the ability for an inspector to be informed of all inspection, compliance and enforcement activities for a given site before the inspector arrives on the site. With today's systems this is not possible and results in multiple inspectors being dispatched to a site within the same relative time period. The Department will also be incorporating its GIS data and spatial functionality

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

Goal #2: Healthy Maryland watershed lands, streams, and non-tidal rivers

Goal #3: A natural resources stewardship ethic for Marylanders

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into the permitting, compliance and enforcement processes through EEMS, to improve the accuracy of inter-site relationships and the depth of information available for spatial analysis.

EPA Activities

EPA supports MDE's efforts to secure a 3-year Performance Partnership Grant (PPG) for development of MDE's Environmental Enterprise Management System.

Customer Service and Public Access

MDE has made continued strides to increase the information and services available through the Internet and other electronic media. Via the Internet, customers can download MDE permit applications and instructions, submit information to the Department electronically, view the status of certain permit applications, and make Public Information Act (PIA) requests on line. This same PIA system improves the business process by reducing the level of effort required to satisfy a request, as well as improving the tracking of a request and the accuracy of the expenses incurred to satisfy a request.

Year 2000 Compliance

MDE utilized a Y2K Information Technology and Risk Management Committee to coordinate the efforts that ensured operational readiness through the Y2K rollover period as well as into this millennium. The combination of MDE's business process expertise and technical resources allowed the Department to achieve the timely completion of Y2K compliance of all mission critical systems, embedded chip systems and network infrastructure components. The benefits of this Y2K Compliance effort can be carried forward with an established baseline for business process inventory along with information systems. This will provide the ability for assignment of prioritizations to support the development activities of the Enterprise Environmental Management System.

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MANAGEMENT OBJECTIVES – FY 2001

The key management objectives under this goal are to:

Objective 10.1 Improve the Department's IT infrastructure by upgrading, replacing or implementing new systems that provide reliable computer services, proactive management of IT resources, and a platform on which to support current and future initiatives and mandates. Such initiatives and mandates include remote connectivity for staff located at satellite offices and web enabled customer services.

Objective 10.2 Continue the integration of key business processes into the *Enterprise Environmental Management System* to reduce or eliminate duplication of effort, increase the use of multimedia data, and enhance the Department's ability to collect and manage information in support of the needs of our internal and external customers.

Objective 10.3 Develop and implement standardized data management practices and data standards that are applicable to MDE's core business processes and integrate these standards into all current and future system development.

Objective 10.4 Develop and implement web concentric customer service applications that allow the customer to acquire MDE services via the Internet.

MANAGEMENT STRATEGIES AND ACTION PLANS – FY 2001

Infrastructure

To improve MDE's networking infrastructure to the level necessary to support all MFR initiatives, the Department must implement the following strategies:

- An analysis of the existing network infrastructure was performed to identify the presence or absence of critical networking components that jeopardize the realization of the goals defined within MFR. These components included network routers, hubs, servers, and system management hardware and software. The analysis took into consideration the headquarters location as well as the satellite offices.
- The FY 2001 Unfunded Information Technology Project Request was approved and funded to support the procurement of critical network components.
- An implementation plan is under development based on priorities of components and the installation configuration.
- Continued initiatives are being maintained such as upgrading the office automation package to Office 2000 so as not to negate resources expended to date.

Enterprise-wide Computing Capabilities and Multi-Media Data

MDE will continue to design, develop and implement an integrated, "regulated entity" based Enterprise Environmental Management System through the employment of the following strategies:

- Expand on the proof of concept model developed in FY 2000 to include all core business processes.
- Develop applications within the Enterprise System that allows for accessibility via the Internet for usage by remote staff and telecommuters.
- Develop and implement the tools necessary to efficiently utilize the Enterprise System so MDE can more effectively execute its mission.
- Continue to incorporate GIS data into applicable processes and provide access to the tools necessary to realize the benefits of GIS.

Data Quality and Standardization

So that MDE can realize the benefits of a consolidated database environment, the following strategies must be implemented:

- Obtain funding for three data quality assurance professionals and hire.
- Analyze MDE data requirements and work to rectify areas of insufficient or inferior data collection and resources, redundancy between Partners in data collection and management, and insufficient, or lack of implementation of, standardized information documentation practices.
- Identify existing, applicable data standards from internal and external entities, utilizing where applicable standards and practices recommended by State/EPA Information Management workgroups'.
- Develop, approve and implement MDE data standards.
- Align all data conversion and development activities with the released standards.
- Develop, implement and maintain mechanisms necessary to monitor and

quantify the level of adherence to the standards.

Customer Service and Public Access

In order to increase the availability of services that MDE provides to its customers via the Internet, the following strategies must be implemented:

- Satisfy the objectives of infrastructure improvements and Enterprise System implementation.
- Identify all services MDE provides where customer interaction is required.
- Develop web-centric applications that provide the identified services via the Internet.
- Market service availability to the customers.

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RESOURCE DISCUSSION

During FY 2000, previously decentralized IT staff were consolidated into the centralized Office of Information Management and Technology, and tasked with serving the needs of MDE as a whole instead of at the Administration level. The intent is to better support the coordinated planning, assignment and distribution of IT resources and services. In support of this reorganization, budgetary resources for staff salaries, computer equipment, software, contractual services and training were removed from the administrations and consolidated. An effort is underway with EPA for several of our federal grants to consolidate the assignment of IT resources and services from each of the performance grants into a single overall EPA sponsored IT grant. This will ensure greater flexibility and efficiencies in the use of IT resources that can be achieved through scalability and application.

Currently, there exists a shortfall in the staffing of a data quality control/assurance unit within the Office of Information Management and Technology. These three positions must be staffed to ensure consistency of the data retained and prevent the duplication of the resources necessary to maintain the proliferation of questionable data. Dedicated staff would be utilized in developing, implementing and monitoring quality assurance standards for information systems and services.

An Over the Current Services Budget (CSB) for FY 2002 has been submitted to DBM for an increased appropriation to support the objectives and strategies defined within this goal. Included in this Unfunded Information Technology Project Request are: equipment and services necessary to provide remote connectivity to MDE's satellite offices; further development of the Enterprise Environmental Management System (including web enablement of applications); and, three data quality assurance positions.

We expect to see dramatic changes in technology over the course of the next five years. To be efficient and cost-effective, MDE's information systems and technology infrastructure must be flexible enough to respond to changes and take advantage of innovations in technology.

Our evolving user community will also affect the success of our information efforts. We must develop the ability to integrate environmental information and services. Citizen organizations and the public are also increasingly involved in environmental decision-making, and their need for information and more sophisticated analytical tools is growing.

DATA DISCUSSION

With the projected increase in services provided via the Internet it will be of paramount importance that the integrity of the data collected, maintained and presented are beyond reproach. We must ensure that environmental programs are not jeopardized through data compromises and discrepancies. Departmental data that is rigorously monitored and maintained to established standards and that does not lend itself to interpretation and criticism will dramatically improve MDE's credibility with the regulated entity community as well as the public.

MDE's information comes from many sources – local governments, industry, federal agencies, monitoring and assessment programs. Therefore, working in partnership with the State and EPA is an essential element of our information programs, and seeking advice and input from the regulated community and the public will ground our information programs and approaches and make them more responsive to stakeholders' needs. To achieve integrated information systems that increases efficiency and fosters information sharing, we must work with MDE's stakeholders and use MDE's information to ensure that data are used properly, maintained effectively, and protected appropriately.

The development of Departmental standards for data quality assurance (QA) and quality control (QC) processes will be the responsibility of the QA and QC unit to be established and staffed within the Office of Information Management and Technology. Data standards recommended by the State/EPA Information Management workgroups' efforts will serve as the foundation for MDE standardization efforts concerning the collection, management, and transfer of data for reporting requirements and will be implemented, where applicable, to support current and future development efforts.



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As part of its strategic planning related to the Managing for Results initiative, DNR program managers annually re-examine the Department's major management objectives under each of eight over-arching goals. While there is a clear relationship between DNR's strategic planning goals and the goals and indicators developed for the Environmental Performance Partnership Agreement (EnPA), there is not a one-to-one correspondence between them. This results in part from the organizational structure of the Department which is imperfectly fitted to the ecosystem basis of the environmental indicators developed for EnPA. (DNR goals 1 through 5 deal with matters that are the subject of the Environmental Performance Partnership Agreement, and this workplan thus incorporates only the objectives and strategic actions found under those five goals.)

As the following pages demonstrate, much of what DNR needs to do in working toward these goals is to monitor, measure and track environmental conditions. Direct actions affecting the environment, often under the auspices of other agencies or private interests, are predicated on the findings of scientific studies and information feedback from the environment provided by DNR.

DNR GOAL #1: ENSURE SUSTAINABLE POPULATIONS OF LIVING RESOURCES AND AQUATIC HABITAT IN THE MAINSTEM OF THE CHESAPEAKE BAY, TIDAL TRIBUTARIES, AND COASTAL BAYS

This DNR goal corresponds generally to the Water Quality and Tidal Aquatic Systems themes into which EnPA's ecosystem health indicators have been clustered. The EnPA goals, or outcomes, include 1) improving and protecting surface water quality, and 2) conserving or maintaining viable populations of native species, ecological communities and evolutionary and ecological processes.

Objective 1.1

By June 30, 2005 reduce nutrient loads to Maryland's portion of the Chesapeake Bay to no more than 53.6 million lbs./yr. of nitrogen and 3.74 million lbs./yr. of phosphorus and sediment loads to an amount to be determined, and maintain those levels thereafter.

Strategic Actions

- Revise Tributary Strategies to maintain loading cap after 2000.
- Provide BMP and other technical data annually to assess progress by computer modeling.
- Monitor loads of nutrients entering the Chesapeake Bay from major rivers.
- Provide grants for specific pollution prevention measures at marinas.
- Calculate the watershed point and non-point source nitrogen and phosphorus loads and load reductions for Maryland's watersheds.

I. MDE and EPA Goals

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| | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|---------------------------------|----------------|----------------|-------------------|-------------------|
| Outcomes | | | | |
| Lbs./yr. of nitrogen loadings | | | | 53.6 |
| Lbs./yr. of phosphorus loadings | | | | 3.74 |

Objective 1.2

Achieve 66,649 acres of SAV in Maryland by 2005.

Strategic Actions

- Involve schools, citizen-based organizations and volunteers in restoration efforts.
- Evaluate status and trends in SAV coverage for all major tributary and mainstem segments of the Chesapeake Bay. Evaluate SAV habitat measures for all major tributary and mainstem segments of the Chesapeake and Coastal Bays to determine what factors may be limiting the restoration of SAV.
- Refine and update SAV Targeting System to identify locations that can most benefit from planting efforts. Chart, mark and patrol SAV bed areas.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|--------------------------|-------------------------|-------------------|-------------------|-------------------|
| Acres of SAV in Maryland | | * | ** | ** |
| | *Data not yet available | **Not predictable | | |

Objective 1.3

Maintain a sustainable blue crab stock by achieving management targets. Current target levels are: harvest - 30 million pounds; fishing mortality rate - 59% or less; and average reproductive success from 1990 - 1995 as measured by the winter dredge survey - 9.1 or greater.

Strategic Actions

- Collect relative abundance, size, and sex composition data by sampling 750 sites in the Maryland portion of Chesapeake Bay from November through March.
- Collect the appropriate biological data from the summer trawl and Calvert Cliffs crab pot surveys.
- Analyze data, assess economic and biological status of resource and if necessary regulate harvest.
- Continue cooperative studies and coordination with Virginia.

| Outcomes | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|------------------------------------|----------------|----------------|-------------------|-------------------|
| Dredge survey index of recruitment | 7.5 | 8.5 | 9.5 | 9.7 |
| Fishing mortality rate | 45% | 40% | 40% | 40% |

II. Maryland DNR and EPA Goals

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Objective 1.4

Increase oyster biomass index 10 fold by 2010, with 1994 as the base year.

Strategic Actions

- Establish a biomass index using existing data and apply it to each year since 1986.
- Monitor populations via the Fall survey and update index each year.
- Employ newly developed technology, linked to GIS analysis and charting, to map habitat characteristics of management importance.
- Complete sample processing and microbiological assays for Dermo disease.
- Patrol the waters and inspect commercial harvesters to ensure compliance with laws and regulations.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|------------------------------------------|-------------|-------------|----------------|----------------|
| Biomass index increases over 1994 (84.5) | 1.5x | 1.7x | * | * |

*Note: Data are not available until after surveys are completed.

Objective 1.5

Objective 1.5. By 2010 restore the Patuxent River from the results of the April 2000 oil spill by actively participating in 100% of the Natural Resource Damage Assessment (NRDA) Trustee and subgroup meetings until the closeout of emergency response activity in contaminated areas, damage assessment is complete, and mitigation actions are approved and implemented.

Strategic Actions

- Complete habitat evaluation assessment to quantify wetland functions list due to spill.
- Determine restoration needed to mitigate for damaged wetlands.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|---------------------------------------------------|-------------|-------------|----------------|----------------|
| Percent of Trustee and subgroup meetings attended | | * | 100% | 100% |

*FY2000 – Data not available

Objective 1.6

Annually respond to 100% of the outbreaks of harmful algae blooms (HABs), including *Pfiesteria*, Mahogany Tides, and Brown tide blooms.

Strategic Actions

- Coordinate monitoring, rapid response, analyses, and information dissemination on HABs within DNR and with cooperating agencies.
- Coordinate and conduct Annual *Pfiesteria* workshop to review most current technical

information and disseminate findings from Maryland.

- Conduct baseline fish anomaly surveys in *Pfiesteria*-susceptible waters to assess overall fish health and document toxic algal outbreaks.
- Conduct a comprehensive technical assessment of the factors associated with *Pfiesteria* outbreaks and proactively identify the areas at risk in all of Maryland's Chesapeake Bay tidal tributaries and the Coastal Bays.
- Maintain and staff the fish health hotline.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|-----------------------------------|------------------------|------------------------|---------------------------|---------------------------|
| Percent of outbreaks responded to | 100% | 100% | 100% | 100% |

Objective 1.7

By October, 2004, implement 100% of the actions assigned to DNR in the Coastal Conservation and Management Plan.

Strategic Actions

- Track (FY2000 to FY2002) and evaluate (FY2002) implementation of DNR activities.
- Identify appropriate technical and financial resources to complete identified action items.
- Produce technical interpretive reports documenting all findings including assessments of progress in reaching water quality, habitat, and living resource goals.
- Produce briefing material for non-technical customers such as state, local and federal government managers elected officials, citizens and Tributary Teams including management implications of findings.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|----------------------------------------|------------------------|------------------------|---------------------------|---------------------------|
| Cumulative % of DNR actions completed. | | | 50% | 100% |

Objective 1.8

By 2003 develop and implement 5 management plans for the non-native, invasive aquatic and terrestrial species occurring in Maryland which have been identified under the Chesapeake Bay Program as problematic to the restoration and integrity of the Bay's ecosystem.

Strategic Actions

- Work with the Steering Committee on Invasive Species to identify and rank non-native and exotic aquatic and terrestrial species by June 30, 2001.
- Hold invasive species workshop in Maryland.
- Complete, and by 2003 implement, management plans for each of 5 species.
- Prepare a non-native invasive aquatic nuisance species management plan for the US Fish and Wildlife Service.
- Acquire federal funding to support regulatory, educational and research activities outlined in the plan.
- Develop monitoring plans for of non-native invasive nuisance species.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|--------------------------------------------|----------------|----------------|-------------------|-------------------|
| Management plans completed and implemented | na* | na* | 0 | 2 |

*new measure in FY2001

EPA ACTIVITIES

In support of DNR's goals and objectives, EPA Region III will work to achieve the Chesapeake Bay Program goals, including:

- Correct the nutrient and sediment related problems in the Chesapeake Bay and its tidal tributaries sufficiently to remove the Bay and the tidal portions of its tributaries from the list of impaired waters under the Clean Water Act 2010;
- By 2003, establish appropriate areas within the Chesapeake Bay watershed and its tributaries as "no discharge zones" for human wastes from boats. Expand the number and availability of waste pump-out facilities in order to achieve 50% expansion by 2010.
- By 2010, achieve at a minimum a ten-fold increase in native oysters in the Chesapeake Bay, based on a 1994 baseline.

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DNR GOAL #2: HEALTHY MARYLAND WATERSHED LANDS, STREAMS, AND NON-TIDAL RIVERS

In general, this DNR goal corresponds to two EnPA themes, Non-tidal Aquatic Systems and Terrestrial System Degradation, Fragmentation and Isolation. The related EnPA goals include 1) conserving or maintaining native species, evolutionary/ecological processes and ecological communities, 2) maintaining the State's natural resource base, and 3) achieving no net loss of wetland resources.

Objective 2.1

Restore 600 miles of riparian forest buffers (RFB) by 2010.

Strategic Actions

- Provide 120,000 tree seedlings for riparian forest buffer plantings annually.
- Provide targeting assistance to ensure plantings occur in most effective locations from watershed perspective.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|------------------------|------------------------|------------------------|---------------------------|---------------------------|
| Miles of RFBs restored | 104 | 114 | 133 | 169 |

Objective 2.2

Restore and protect 5,000 acres of non-tidal wetlands by 2005.

Strategic Actions

- Identify potential wetland restoration sites through GIS targeting protocols, the Landowner Stewardship Referral Service and partnerships.
- Develop landowner agreements and identify funding partners (CREP, TEA Wetlands Fund, etc.)
- Restore wetlands on specific properties in cooperation with local soil conservation districts, Ducks Unlimited, etc.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|---------------------------------------------|------------------------|------------------------|---------------------------|---------------------------|
| Cumulative number of wetland acres restored | 40 | 165 | 465 | 765 |

I. MDE and EPA Goals

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Goal #2: Ensuring that Marylanders Are Not Exposed to Unnecessary Levels of Radiation

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Objective 2.3

By June 2003 restore 70,000 acres of sensitive agricultural lands through the establishment of riparian forest buffers and vegetated stream buffers.

Strategic Actions

- Provide 1 million tree seedlings for Conservation Reserve Enhancement Program (CREP) plantings.
- Provide technical assistance to Public Land Managers and to the Tributary Teams for work in their designated priority watersheds.
- Summarize length of stream miles in different land cover classifications for each focus watershed.
- Update appropriate watershed profiles in Surf Your Watershed to reflect stream buffer conditions.
- Assist communities, organizations and government agencies in identifying potential stream buffer reforestation projects.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|-----------------------------------------------|-------------|-------------|----------------|----------------|
| Acres of restored agricultural riparian lands | 5773 | 6020 | 12,000 | 20,000 |

Objective 2.4

Protect by enrolling 15,000 acres of forest land into programs that enable long term forest conservation by 2005.

Strategic Action

- Use Forest Conservation Act, CREP Easement Program, Forest Legacy and Forest Conservation and Management Agreements together to leverage significant amounts of long term forest protection.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|---------------------------|-------------|-------------|----------------|----------------|
| Acres of forest protected | | | 6492 | 7095 |

Objective 2.5

Reopen at least an additional 51.1 miles of stream for a total of at least 400 miles restored by 2003 to allow for anadromous fish passage.

Strategic Action

Identify and prioritize stream blockage structures at Maryland Department of Transportation, State Highway Administration owned stream crossings for development of fish passage.

II. Maryland DNR and EPA Goals

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

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Goal #3: A natural resources stewardship ethic for Marylanders

Goal #4: Vibrant local communities in balance with natural systems

Goal #5: Establish a protected statewide network of ecologically valuable private and public lands (Green Infrastructure)

Outcome

1999

2000

2001

2002

Actual

Actual

Estimated

Estimated

Number of miles reopened

291.2

348.9

370.9

395.9

EPA ACTIVITIES

In support of DNR's goals and objectives, EPA Region III will work to achieve the Chesapeake Bay Program goals, including:

- Conserve existing forests along all streams and shorelines and promote the expansion and connection of contiguous forest.
- Permanently preserve from development 20% of land area in the Bay watershed by 2010.
- By 2012, reduce the rate of harmful sprawl development of forest and agricultural land in the Chesapeake Bay watershed by 30% measured as an average over 5 years from the baseline of 1992-1997.

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DNR GOAL #3: A NATURAL RESOURCES STEWARDSHIP ETHIC FOR MARYLANDERS

This DNR goal corresponds quite directly to the EnPA theme of Public Understanding and Community Support, with its goals of:

1. increasing community involvement, and
2. improving public education about environmental and natural resources issues.

Objective 3.1

By 2005, recognize a total of 150 schools with a Green Schools Award.

Strategic Actions

- Market the Green Schools program through the Internet, publications and DNR staff and volunteers.
- Work with the existing partners (Governor's office, Maryland Association for Environmental and Outdoor Education, MDE, MSDE and the Maryland Association of Student Councils) to train 25 state, federal and county resource staff about the program and to present training to 100 teachers.
- Work with existing partners to identify 3 new partnerships in specific topic areas such as energy, waste management, water pollution, water conservation, etc.

| | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|------------------------------------------------------------|------------------------|------------------------|---------------------------|---------------------------|
| Outcome | | | | |
| Number of Schools receiving Green Schools Award since 1999 | 34 | 47 | 67 | 87 |

Objective 3.2

Increase the number of volunteer hours in DNR-sponsored initiatives by 10% by 2003 (2001 is base year).

Strategic Actions

- Promote volunteer opportunities through DNR's website and *The Natural Resource*.
- Have DNR units, programs, and the Education Matrix Team: identify opportunities for volunteers to help design, implement or evaluate their activities and
- develop and implement a process for recruiting and managing volunteers and

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reporting their participation.

| | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|--|----------------|----------------|-------------------|-------------------|
|--|----------------|----------------|-------------------|-------------------|

Outcomes

| | | | | |
|-------------------------------------|--|---|--|--|
| Total number of volunteer hours | | 0 | | |
| Percent increase in volunteer hours | | | | |

* New measure for which data are not yet available

Objective 3.3

By 2005 assure that 100% of Maryland school systems, including private and homeschooled students, provide an outdoor Bay or stream experience for 100% of students graduating from high school.

Strategic Actions

- By July 2001, develop a tracking system to identify gaps in existing outdoor education coverage.
- By July 2001, work with MSDE and other partners to identify options to fill gaps in outdoor education coverage.
- By July 2002, develop and implement three new initiatives to address gaps in outdoor education coverage, with a focus on city schools, private schools, homeschooled students, and other underserved areas.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|---------|----------------|----------------|-------------------|-------------------|
|---------|----------------|----------------|-------------------|-------------------|

| | | | | |
|-----------------------------------------------------------------------------------------|--|--|----|---|
| Percent of Maryland school systems providing for an outdoor experience for all students | | | 70 | 8 |
|-----------------------------------------------------------------------------------------|--|--|----|---|

Objective 3.4

By 2003 increase by 10% (using 2001 as a base year) the number of student service learning hours completed with DNR involvement (with minority student involvement reflecting at least 2000 Census population levels).

Strategic Actions

- By July 2001, develop a tracking system to account for service learning hours completed with DNR involvement.
- By July 2001, identify units currently involved in service learning, and units with potential for service learning activities.
- By December 2001, provide training to DNR employees on service learning principles

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and opportunities to conduct service learning activities.

- By July 2002, secure additional resources to provide additional support to units for service learning activities.

| Outcomes | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|--------------------------------------------------|-------------|-------------|----------------|----------------|
| Number of student learning hours | | * | | |
| Number of minority student learning hours | | * | | |
| Percentage of increase in service learning hours | | * | | |

*New measure for which data are not yet available

Objective 3.5

By 2003, increase by 10% the number of people reached through DNR outreach opportunities (events, publications, web site, etc), using 2001 as a base year.

Strategic Actions

- Coordinate department-wide participation in four major outreach events.
- Produce and distribute the Maryland Bay Game.
- Produce and distribute the Maryland Mountain Game.
- Produce and distribute *The Natural Resource Magazine* quarterly.
- Work with State Highways Administration to feature 52 weekly Bay Fact messages on the Bay Bridge Fact Sign.
- Work with DNR Information Technology Staff to promote publications and news stories on the Internet.

| Outcome | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|-----------------------------------------------------|-------------|-------------|----------------|----------------|
| Estimated circulation of printed materials | | * | | |
| Estimated number of program viewers | | * | | |
| Number of new Natural Resource Magazine subscribers | | * | | |

| | |
|--------------------------------------------------------------------------|---|
| Number of Bay Game survey respondents | * |
| Number of Mountain Game survey respondents | * |
| Number of graphics/editing publications distributed | * |
| Number of persons attending outreach events | * |
| Number of hits to DNR's web page | * |
| Percentage increase of people reached through DNR outreach opportunities | * |

*New measure for which data are not yet available

Objective 3.6

By 2003, set a stewardship example for Marylanders by implementing four new Departmental initiatives to reduce consumption of resources at DNR.

Strategic Actions

- By July 2002, form a DNR-workgroup to identify four resource reduction initiatives and the actions needed to achieve them.
- By October 2002, identify tracking mechanisms to estimate resources conserved through these initiatives.
- By December 2002, implement two resource reduction initiatives.

| | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|------------------------------------------------------------------|----------------|----------------|-------------------|-------------------|
| Outcome | | | | |
| Number of new initiatives to reduce resource consumption at DNR. | | | 2 | 3 |

EPA ACTIVITIES

In support of DNR's goals and objectives, EPA Region III will work to achieve the Chesapeake Bay Program goals, including:

- Work with local governments, community groups, and watershed organizations to develop and implement locally-supported watershed management plans that address protection, conservation, and restoration of stream corridors, riparian forest buffers, and wetlands in two-thirds of the Bay watershed by 2010.

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DNR GOAL #4: VIBRANT LOCAL COMMUNITIES IN BALANCE WITH NATURAL SYSTEMS

This DNR goal combines interests reflected in several EnPA themes—those dealing with both Tidal and Non-tidal Aquatic Systems and with Terrestrial Systems. Smart growth is part of the EnPA goal of protecting Maryland's natural resource base, and watershed management plans are important across all three of the EnPA themes.

Objective 4.1

Annually, assist with the development and implementation of at least five watershed management plans in areas requested by local governments.

Strategic Actions

- Comprehensively design and implement water quality and habitat improvement activities on a local watershed scale:
 - targeting priority environmental problems,
 - maximizing opportunities for partnerships within the watershed groups.
- Integrate, at a local watershed level, the targeting and delivery of natural resource management services from all appropriate DNR Units.
- Work with Regional Teams to develop and implement specific Watershed Restoration Action Strategy (WRAS) goals and projects.

| Outcomes | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|--------------------------------------------------------------|------------------------|------------------------|---------------------------|---------------------------|
| Cumulative number of WRAS developed and implemented annually | | 0 | 5 | 10 |

Objective 4.2

By 2005 work with 20 communities to protect natural resources in Smart Growth Priority Funding Areas.

Strategic Actions

- Annually review 100% of the Sensitive Area Elements sections of local government comprehensive plans submitted to the Department.
- Incorporate Green Building concepts into development and redevelopment projects in

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Goal #10: Utilizing Information Technology to Optimize and Enhance Environmental and

Priority Funding Areas.

- Form an Urban Water Quality Workgroup to provide technical and or financial assistance to local governments to identify and remove barriers to low impact development designs and techniques to minimize water quality impacts.

| Outcomes | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|--------------------------------|--------------------|--------------------|-----------------------|-----------------------|
| Number of communities assisted | N/A | N/A | N/A | 5 |

II. Maryland DNR and EPA
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Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

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Goal #3: A natural resources stewardship ethic for Marylanders

Goal #4: Vibrant local communities in balance with natural systems

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DNR GOAL #5: ESTABLISH A PROTECTED STATEWIDE NETWORK OF ECOLOGICALLY VALUABLE PRIVATE AND PUBLIC LANDS (GREEN INFRASTRUCTURE)

DNR's goal for protecting natural resource lands for a variety of potential uses reflects the concerns in the EnPA goals of protecting natural resource lands, native species and ecological processes, found in the Terrestrial System and Biological Diversity themes in the goals and indicators report.

Objective 5.1

By 2005, strategically increase by 30,000 the number of private acres of land which sustains and protects the Green Infrastructure network.

Strategic Actions

- Establish land protection priorities and identify an overall approach to sustain and enhance the Green Infrastructure land network.
- Develop new and innovative techniques and incentives to broaden private landowner participation in protecting the Green Infrastructure land network.
- Seek the cooperation and assistance of local governments in developing complementary land use strategies to protect the Green Infrastructure. Encourage the use of low impact development and green building principles to maximize the retention and sustainability of the Green Infrastructure.
- Work with both internal and external partners to design a public education campaign to support Green Infrastructure initiatives.

| Outcomes | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|-------------------------------------------------------------------------------------------------------------------------|----------------|----------------|-------------------|-------------------|
| Number of acres of private lands within Green Infrastructure that are afforded protection annually by easement purchase | | 5,812 | 10,000 | 1,000 |

Objective 5.2

By 2005, strategically increase by 25,000 the number of acres of public land which sustains and protects the Green Infrastructure network.

Strategic Actions

- Establish land protection priorities and identify an overall approach.
- Continue ongoing efforts to financially strengthen and stabilize DNR land

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management operations.

- Develop new and innovative techniques and incentives to broaden private landowner participation in protecting the Green Infrastructure land network.
- Seek the cooperation and assistance of local governments in developing complementary land use strategies to protect the Green Infrastructure.
- Work with both internal and external partners to design a public education campaign to support Green Infrastructure initiatives.

| | 1999 Actual | 2000 Actual | 2001 Estimated | 2002 Estimated |
|-----------------------------------------------------------------------------------------------------------------------------|----------------|----------------|-------------------|-------------------|
| Outcome | | | | |
| Number of acres of public lands within Green Infrastructure that are afforded protection annually by fee simple acquisition | 5,228 | 34,514 | 34,000 | 5,000 |

II. Maryland DNR and EPA Goals

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

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Under both Federal and State law, MDE is charged with ensuring that the air is safe for all Marylanders to breathe.

STATE/EPA INFORMATION MANAGEMENT EFFORTS

The Partners agree to follow the vision and operating principles of the State EPA Information Management Workgroup (SEIWG) (attached).

EPA and States through SEIWG, are working toward the National Environmental Information Exchange Network (NEIEN). In order to improve the overall integration of environmental information, states and EPA are developing a comprehensive data exchange network that will provide a wide range of shared information among the States and EPA, Tribes, localities, the regulated community and other data partners. The objectives of the network are to improve environmental decision making, improve data quality and accuracy, ensure security of sensitive data, reduce data redundancy and reduce burden on the providers of information.

In addition, Region III has implemented a regional effort to bring together key program managers, information policy staff and senior leadership to discuss key issues related to the evolution of information exchange resulting from national, regional and state by state efforts. MDE and EPA agree to continue the work on the Region III exchange efforts and through the SEIWG promote and implement the objectives of NEIEN.

Enterprise System

The Partners agree to work together to develop an enterprise wide data management system that will put MDE and EPA Region III on the leading edge of application of information technology for environmental data collection and management. The Enterprise System is facility/site/person-based and is based on a hierarchical structure in which all MDE regulated activities are tracked and managed. The Partners agree to begin with permitting compliance and enforcement data. In developing the Enterprise System, MDE and EPA will work together to achieve burden reduction when reporting information to EPA. The Partners will evaluate the feasibility of eliminating reporting through EPA's national database systems including but not limited to RCRS, PCS, AIRS, AFS, and TRI. MDE and EPA agree to use the principles and objectives of NEIEN as it completes this evaluation. In addition, the Partners agree to continue their work on data documentation and data standards, increased public access, and data gaps as outlined in the FFY 2001 EnPA.

**State/EPA Vision and Operating Principles for Environmental Information Management
(Approved by State/EPA Information Management Work Group at Salt Lake City Meeting)**

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Goal #10: Utilizing Information Technology to Optimize and Enhance Environmental and Administrative Operations

II. Maryland DNR and EPA Goals

The States and EPA are committed to a partnership to build locally and nationally accessible, cohesive and coherent environmental information systems that will ensure that both the public and regulators have access to the information needed to document environmental performance, understand environmental conditions, and make sound decisions that ensure environmental protection.

Joint State/EPA Operating Principles For Effective Environmental Information Management

Working closely with local governments, the regulated community, the public, and tribal governments, the States and EPA will adhere to the following Operating Principles in their efforts to build efficient and effective environmental information systems that recognize customers' needs, ensure full public access, strengthen environmental program management, minimize reporting costs, and ensure fairness and due process in the protection of trade secrets.

1. Data collected by the States and/or EPA should have a specific and demonstrable use that:
 - contributes to public understanding and decision-making about environmental and health risks in their communities.
 - supports States' and EPA's ability to manage environmental programs effectively and enables regulators, legislators and other oversight bodies, and the public to measure success in the implementation of such programs, in a manner that is increasingly based upon environmental results.
 - imposes the least burden on the private and public sectors, consistent with the above public requirements.
2. The States and EPA commit to developing ways of sharing core environmental information based on compatible data standards and system design. To this end, business processes and information systems designed by either or both States and EPA should:
 - be designed and managed employing methods and technologies that will assure that the burden of collecting, storing, maintaining, and retrieving these data is minimized and provides for timely data sharing among all users.
 - be managed and maintained to provide enhanced data quality, reliability, security and overall system stewardship.
 - be integrated across programs and facilities based on data standards, in part so that information collection duplication and/or redundancy is reduced as much as possible.
 - provide the context, purpose, reliability, and collection methods for these data, in order to enhance users' understanding and use of data to address environmental issues.
 - promote ready access to quality environmental information for all levels of government, the regulated community, and the public.
3. The States and EPA will leverage and share existing and future state and federal investments in the use of information technology. Recognizing the opportunities and risks associated with the rapid pace of developments in information technology, the States and EPA will work as partners to modernize environmental information systems as rapidly and efficiently as possible, while doing everything possible to ensure that all EPA components and all States participate fully in this process.
4. The States and EPA recognize that there is a critical need to share information for each agency to be successful in its general mission. While recognizing that both have special data needs for specific programs that do not require information to be shared or for which information sharing may not be necessary, States and EPA recognize the overriding importance of transparency in public activities and decision-making and of respect in the use and dissemination of each other's information.

Goal #1: Ensure sustainable populations of living resources and aquatic habitat in the mainstem of the Chesapeake Bay, tidal tributaries, and Coastal Bays

Goal #2: Healthy Maryland watershed lands, streams, and non-tidal rivers

Goal #3: A natural resources stewardship ethic for Marylanders

Goal #4: Vibrant local communities in balance with natural systems

Goal #5: Establish a protected statewide network of ecologically valuable private and public lands (Green Infrastructure)

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5. The States and EPA will improve the collection, management, and sharing of environmental information to support the achievement of their respective and shared environmental goals and priorities. Integration of and agreement on these goals and priorities will occur through a structured dialogue (such as the National Environmental Performance Partnership System [NEPPS]).

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CARROLL/CAMDEN ENVIRONMENTAL RESTORATION PROJECT

This project entails a multi-year effort to ready tracts of land in a heavily industrialized and underutilized section of Baltimore City, Carroll/Camden Industrial area, for redevelopment. This seven year project will assess tracts of property; identify those properties for which there are no further requirements and for which cleanup is necessary; explore the feasibility of area wide cleanup plans; and address redevelopment issues ranging from NPDES permitting to stormwater management to promoting pollution prevention for new developments in a comprehensive manner.

This pilot project supports EPA and MDE objectives in the Environmental Partnership Agreement. The pilot project reduces the threat to public health from the presence of hazardous materials; protects and maintains Maryland's land base; encourages smart growth and community revitalization; improves regulatory customer services; strengthens EPA's state relationship through coordinated Brownfields redevelopment activity; and addresses city and urban environments. Most significantly, this multi-media pilot project will result in a measurable environmental benefit, as required by the Environmental Partnership Agreement.

The Carroll/Camden area, located in west Baltimore, is heavily industrialized.

Like many of Baltimore's traditional industrial strongholds, this area has seen tremendous decline in response to a loss of major industrial employers. The resulting disinvestment in the area coupled with a widespread negative perceptions about potential environmental issues for available properties have contributed to a large tract of underutilized property.

Recently, Carroll/Camden has been the focus of a Baltimore City Master and Re-development Plan. Simultaneously, as a result of EPA's Brownfields Pilot and Showcase Community designation, EPA Region III, MDE, and the U.S. Army Corps of Engineers are developing strategies to conduct sampling and analysis of a small portion, 20 acres of a 500 acre tract. In addition, MDE, working with the Legislature, has committed to step up enforcement efforts related to requiring responsible parties to cleanup historically contaminated property including the Carroll/Camden area. This project furthers these efforts by assessing the environmental status of land use, area wide, identifying parcels that have no further requirements and returning them to the real estate market and, for those parcels requiring further clean-up, determining the extent of cleanup required.

Carroll/Camden's land use is a mix of heavy and light industrial activity and a substantial number of underutilized parcels. At the same time, the area has also been the focus of local economic development efforts. Among the development attributes of the area are rail and highway access and potentially large tracts of land. To date, these efforts have produced individual successes but not economic revitalization on the larger scale.

Maryland's three year old voluntary cleanup program has been successful in facilitating

assessment, cleanup and redevelopment of individual parcels of property. While several voluntary cleanup sites are located in Carroll/Camden, the potential is far greater. Two of the most compelling advantages of Maryland's voluntary cleanup program, the liability release for eligible purchasers, and the MDE – EPA Voluntary Cleanup Program Memorandum of Understanding, have not been used to its full potential in this area. This is, in part, because buyers are seeking larger tracts and are also dissuaded from the voluntary cleanup program for fear of having to address area wide contamination on a site by site basis. Last, there are property owners who continue to hold property, believing it is economically preferable to placing property on the real estate market which would require addressing environmental requirements to effectuate transfers of property.

To overcome these challenges, area wide assessments involving multiple property owners must be conducted to identify those parcels where there are no further requirements. Likewise, for sites requiring cleanup, a comprehensive approach to determine cleanup requirements must be developed for the area as opposed to a series of individual cleanup plans. Once the environmental status of property is ascertained, multi-media approaches to redevelopment can be implemented to streamline the redevelopment process.

Pursuing this project is contingent on federal funding. Funding is required to undertake the assessments and multi-media approach to redevelopment. This project will require two geologists, one toxicologist and funding for assessments totaling approximately \$1million annually over seven years to conduct the assessment work. The multi-media redevelopment effort will require funding for additional staff time in each of MDE's administrations during the second half of the project to facilitate a multi-media approach to redevelopment.

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EnPA FISCAL YEAR REALIGNMENT WORKGROUP STATUS REPORT – JUNE, 2000

Current Status

The FY2000 approved federal budgets from five grants (Water Quality Planning and Management (604(b)), Toxic Substances Compliance Monitoring, Underground Storage Tanks, Underground Injection Control, and the Toxic Substance Control Act Grants) were entered into the grant accounting module of the state FMIS system. MDE has evaluated the year-to-date progress of the pilot project and has noted several important benefits:

Ability to track availability of grant funds through on-line look-up (rather than waiting for monthly reports). However, due to the differences between state agency expenditure objects and federal line items, the online look-ups require pen and pencil manipulation to ensure a particular line item is not overexpended.

To address this issue, MDE has been in contact with the state FMIS team regarding the grant accounting module. The state team was able to give input as to how MDE could use the grant object component of the grant accounting module. The grant object component allows for several state agency objects to roll-up into one grant object that could be utilized to match a particular federal line item. This would make online look-ups more functional for grant award tracking purposes. This solution will be tested by Fiscal Services in conjunction with the Waste Administration for the Adult Lead Grant. Testing is expected to start with the beginning of the new grant period that starts on October 1st.

FMIS has currently been enhanced with a "drill down" feature. This feature allows online look-ups of the composition of particular account balance types. The balance types that inquiries can be made on are cash revenues, accrued revenues, cash expenditures, accrued expenditures, encumbrances and pre-encumbrances (requisitions). However, look-ups are limited to those transactions that occurred after the enhancement was implemented. The implementation of the enhancement was April 2000.

MDE plans to continue the pilot for a second year during FY2001. The same five grants will be used, as well as, the addition of the Adult Lead Grant. The lessons learned from the first year of the pilot concerning workload adjustments and procurement tracking will be incorporated into the second year of the pilot project. The results of the second year will be evaluated during FY2002.

If the grant object component testing is successful, this could potentially lead to the ability of MDE to produce Financial Status Reports directly from the FMIS system. This would reduce the need to reconcile agency records to the state's accounting records to a review process.

Training Coordination Agreement

MDE and EPA have agreed to the use of conference space at EPA's Environmental Science Center (ESC) in Fort Meade, Maryland for the purpose of MDE participating in EPA's Air Pollution Training Institute (APTI) satellite classes.

EPA agrees to:

(1) provide ESC conference room space for use by MDE staff between the hours of 8:00 a.m. to 5:00 p.m. weekdays, excluding federal holidays, for the purpose of participating in APTI satellite classes;

(2) reserve one of the following ESC conference rooms for MDE's use, no more than twelve weeks in advance of the scheduled satellite class:

(a) Room A111, Video/Teleconference Room (capacity – 15), or

(b) Room A106, Main Conference Room (capacity – 35)

(3) provide sufficient tables and chairs to accommodate the number of attendees, two dedicated telephone lines (one for telephone, one for fax); and a secure storage area for MDE equipment;

(4) provide MDE and its authorized contractor access to the roof of the ESC to determine an appropriate location to mount the satellite dish (not to exceed 1.2 meters in diameter), subject to EPA's approval; and

(5) designate a Point of Contact at the ESC to implement this agreement.

MDE agrees to:

(1) provide and maintain at its own expense, (no federal funds will be used) all on-site equipment necessary for the transmission and reception of APTI satellite training classes, including the satellite dish and electrical cabling between the dish and the conference rooms, the TV and other associated equipment. MDE will retain ownership of all equipment and other property provided;

(2) arrange for an APTI approved contractor to conduct a site survey of the ESC roof and provide EPA with a scaled drawing showing the proposed location, specifications and mounting method for the satellite dish. Upon EPA's approval, MDE will arrange for the installation of the satellite dish at its own expense;

(3) assume all costs associated with the installation of cable connectors and dedicated telephone lines, if needed, in each of the two conference rooms identified above;

(4) provide EPA, where feasible, with a 3-month training schedule in advance of the classes, including the course titles, dates and times of the classes. MDE will update the training schedule on a monthly basis throughout the period of this agreement;

(5) provide EPA with a roster of attendees to the EPA Contact no less than five business days prior to each scheduled APTI class;

(6) allow EPA staff to participate in the APTI course, if space is available in the assigned room;

(7) assume responsibility for any damage to the conference facilities or other EPA property caused by MDE employees while attending satellite classes, subject to applicable State and federal laws;

(8) assume responsibility for removing the satellite dish, mounting apparatus, and all equipment provided by MDE upon termination of this agreement;

(9) make all necessary logistical arrangements for the transmission of the APTI satellite training classes, and provide an appropriately- trained Training Monitor to set up the transmission equipment and to monitor its operation during each class;

(10) allow EPA to use the satellite equipment when it is not scheduled for use by MDE for APTI training classes, provided that EPA designates a Training Monitor for that class and assumes all operating costs when it uses the satellite equipment; and

(11) designate a Point of Contact to implement this agreement.

The following Points of Contact are designated to implement this agreement:

For EPA:

Mary Price, Assistant Facility Manager
Environmental Science Center, Fort George G. Meade, Maryland
U.S. Environmental Protection Agency
price.mary@epa.gov; (410) 305-2647

For MDE:

Christina Tsotsias-Cavey, Administrative Specialist
Air & Radiation Management Administration
Maryland Department of the Environment
ctsotsias@mde.state.md.us; (410) 631-3210

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Maryland's FY 2001 & 2002 Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

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