

MDEStat Meeting

October 31, 2007

***Table 1: MDEStat Enforcement Summary
for ARMA***

	Ambient Air Quality Control High-Impact Facilities	Ambient Air Quality Control Low-Impact Facilities	Air Quality Complaints	Asbestos	Radiation Machines	Radioactive Materials
No. of sites inspected in FY07	432	1,375	277	814	1,917	283
FY07 coverage rate	71%	12%	65%	25%	38%	32%
No. sites/fac. inspected with sign. violations in FY07	21	57	30	2	980	77
No. of enf. actions in FY07 excluding compliance assistance	26	103	4	3	5	9
Is program's definition of significant noncompliance consistent with new MDE procedure?	Yes	Yes	Yes	Yes	Yes, but it is under reconsideration	Yes, but it is under reconsideration
Does program generally follow MDE procedure regarding when to initiate administrative and civil actions? If no, pls. explain.	Yes	Yes	Yes	Yes	Yes, but a greater use of civil authority is being considered	Yes, but a greater use of civil authority is being considered
How often does program meet the timelines specified in section IV of MDE procedure? Please estimate percentage of time.	90%	90%	90%	90%	50%	50%

***Table 2: Initial Significant Compliance Rate
for Radiation Machines in MD***

	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07
MFR objective	none	none	none	none	60%	75%	75%	75%
actual	29%	36%	42%	49%	40%	47%	51%	49%

Table 3: Radiation Machines Compliance in Selected Other States

Jurisdiction	Recent Compliance Rate
AL	66%
IL	87%
NC	48%
NYC	65-70%
PA	85%

Definition

A violator is in **Significant Non-Compliance (SNC)** if the violation(s) meets any of the following criteria:

- exceeds SNC thresholds established by a corresponding federal program;
- has caused actual, or has the potential to cause adverse impact to public health or the environment;
- represents willful, chronic or recalcitrant behavior;
- substantially deviates from the terms of a permit, order, settlement agreement, or from statutory or regulatory requirements; or
- is not corrected within 60 days following the issuance of a Notice of Violation, Site Complaint or Inspection Report by the Department.

Ambient Air Quality Control

High Impact Facilities

	2007 Totals
<u>PERMITTED SITES/FACILITIES</u>	609
No. of Permits/Registrations issued	276
No. of Permits/Registrations in effect at FY end	3,652
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
No. of Sites Inspected	432
No. of Inspections, Audits, Spot checks	1,823
<u>COMPLIANCE PROFILE</u>	
No. of Inspected Sites/Facilities with Significant Violations	21
% of Inspected Sites/Facilities with Significant Violations	5%
Inspection Coverage Rate [1]	71%
<u>SIGNIFICANT VIOLATIONS</u>	
No. of Significant Violations involving Environmental/Health Impact	26
No. of Significant Violations based on Technical/Preventative Deficiencies	14
No. of Significant Violations carried over from previous FY	14
Total	54
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	10
Ongoing	44
<u>ENFORCEMENT ACTIONS</u>	
No. of Compliance Assistance rendered	52
No. of Show Cause, Remedial, Corrective Actions Issued	3
No. of Stop Work Orders	0
No. of Injunctions Obtained	0
No. of Penalty & Other Enforcement Actions	22
No. of Referrals to Attorney General for possible Criminal Action	1
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$272,000

Ambient Air Quality Control

Low Impact Facilities

	2007 Totals
<u>PERMITTED SITES/FACILITIES</u>	11,009
No. of Permits/Registrations issued	511
No. of Permits/Registrations in effect at FY end	18,814
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
No. of Sites Inspected	1,375
No. of Inspections, Audits, Spot checks	2,204
<u>COMPLIANCE PROFILE</u>	
No. of Inspected Sites/Facilities with Significant Violations	57
% of Inspected Sites/Facilities with Significant Violations	4%
Inspection Coverage Rate*	12%
<u>SIGNIFICANT VIOLATIONS</u>	
No. of Significant Violations involving Environmental/Health Impact	0
No. of Significant Violations based on Technical/Preventative Deficiencies	57
No. of Significant Violations carried over from previous FY	13
Total	70
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	43
Ongoing	27
<u>ENFORCEMENT ACTIONS</u>	
No. of Compliance Assistance rendered	127
No. of Show Cause, Remedial, Corrective Actions Issued	11
No. of Stop Work Orders	0
No. of Injunctions Obtained	0
No. of Penalty & Other Enforcement Actions	92
No. of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$90,800

Air Quality Complaints

	2007 Totals
<u>PERMITTED SITES/FACILITIES</u>	
No. of Permits/Registrations issued	N/A
No. of Permits/Registrations in effect at FY end	N/A
<u>OTHER REGULATED SITES/FACILITIES</u>	
Complaints received at all sites	707
Complaints received at unregistered/unpermitted sites	523
<u>INSPECTIONS</u>	
No. of Sites Inspected	277
No. of Inspections, Audits, Spot checks	579
No. of Initial Complaint Inspections at all sites	470
<u>COMPLIANCE PROFILE</u>	
No. of Inspected Sites/Facilities with Significant Violations	30
% of Inspected Sites/Facilities with Significant Violations	14%
Inspection Coverage Rate [1]	65%
<u>SIGNIFICANT VIOLATIONS</u>	
No. of Significant Violations involving Environmental/Health Impact	36
No. of Significant Violations based on Technical/Preventative Deficiencies	2
No. of Significant Violations carried over from previous FY	3
Total	41
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	36
Ongoing	5
<u>ENFORCEMENT ACTIONS</u>	
No. of Compliance Assistance rendered	36
No. of Show Cause, Remedial, Corrective Actions Issued	2
No. of Stop Work Orders	0
No. of Injunctions Obtained	0
No. of Penalty & Other Enforcement Actions	1
No. of Referrals to Attorney General for possible Criminal Action	1
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0

Asbestos

	2007 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued *	146
Number of Permits/Licenses in effect at Fiscal Year End	135
<u>OTHER REGULATED SITES/FACILITIES</u>	
Number of asbestos removal notifications received	3,277
<u>INSPECTIONS</u>	
Number of Sites inspected	814
Number of Inspections, Audits, Spot Checks	1,008
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	2
% of Inspected Sites/Facilities with Significant Violations	1%
Inspection Coverage Rate **	25%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	3
Number of Significant Violations based on Technical/Preventative Deficiencies	2
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	23
Total	28
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	20
Ongoing	8
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	20
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	1
Number of Referrals to Attorney General for possible Criminal Action	2
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$750

Radiation Machines

<u>PERMITTED SITES/FACILITIES</u>	2007 Totals
Number of New Facility Registrations Issued	267
Number of Facility Registrations in effect at Fiscal Year End	4,833
<u>OTHER REGULATED SITES/FACILITIES</u>	
Number of Service Companies Registered at FY end *	156
Number of Licensed Private Inspectors at FY End *	70
Number of Plan review or area surveys reviewed at FY End *	245
<u>INSPECTIONS</u>	
Number of Sites inspected	1,917
Number of Inspections, Audits, Spot Checks	5,267
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Violations	980
% of Inspected Sites/Facilities with Significant Violations	51%
Inspection Coverage Rate 11	38%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	2,519
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	372
Total	2,891
<u>DISPOSITION OF VIOLATIONS</u>	
Resolved	2,531
Ongoing	360
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	139
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	1
Number of Penalty and Other Enforcement Actions	4
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$30,700

Radioactive Materials

	2007 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	537
Number of Permits/Licenses in effect at Fiscal Year End	632
<u>OTHER REGULATED SITES/FACILITIES</u>	
Sources from Other Jurisdictions	44
<u>INSPECTIONS**</u>	
Number of Sites inspected	283
Number of Inspections, Audits, Spot Checks	216
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	77
% of Inspected Sites/Facilities with Significant Violations	27%
Inspection coverage Rate *	32%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Sign. Violations based on Technical/Preventative Deficiencies	129
Number of Sign. Viol. carried over awaiting disposition from previous FY	31
Total	160
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	110
Ongoing	50
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	1,280
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	6
Number of Referrals to Attorney General for possible Criminal Action	3
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$20,900

MDEStat Enforcement Summary – WMA

	Discharge – Ground-water (municipal and industrial)	Discharge – Surface (mun & ind) state and NPDES	Discharge – Pre-treatment (industrial)	Stom-wtr Mgmt and E&S Control for Construction Activity	Minin g - Coal	Minin g – Non-Coal	Oil and Gas Exploration and Production	Community and Non-Transient Non-Community Water Systems	Transi ent Non-Comm unity Water Systems	Water Supply and Sewer age Constr uction	Waterw ay Constr uction – Dam Safety	Wetlands and Waterways – Nontidal and Flood-plain	Wetlands - Tidal
No. of sites/fac. inspected in FY07	972	3939	31	3234	89	163	0	718	522	170	75	1728	511
FY07 coverage rate	17%	89%	6%	18%	100%	28%	0%	100%	79%	23%	16%	38%	7%
No. sites/fac. inspected with sign. violations in FY07	23	114	0	37	8	0	0	171	201	0	6	23	7
No. of enf. actions in FY07 excluding compliance	13	134	6	55	26	0	0	333	320	0	10	32	3
Does program's definition of significant noncompliance consistent with new MDE	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Does program generally follow MDE procedure regarding when to initiate administrative and civil	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Approximately, please explain percentage of the time does program meet the timelines specified in section IV of MDE	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

MDE procedure?
(Best estimate)