

MDEStat Meeting

July 28, 2008



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.

*Table 1: WAS Enforcement SOP Implementation,
October 1, 2007 to March 30, 2008*

	Haz. Waste	Lead	Oil Above-ground	Oil Rem	OCP - UST	Ref. Disp	Scrap Tires	Sludge	Wood Waste
Number of facilities with significant violations	15*	321	26	8	97	20	5	6	3
Of the number above, number of facilities for which the case was referred to OAG within 90 days of violation	1**	92	4	0	1	1	0	0	0

* Only 15 individual facilities. ** Do not track number of days from violation to OAG referral.

Table 2: Landfills and Historic Dumps in Maryland

Category	Number in MD	Subject to GW monitoring Reqs? (Y/N)	Nature of MDE Oversight if Any	Number Inspected in FY08
1. Active Facilities	35	Y See Note 1	Refuse Disposal (RD) permits. 39 sites permitted. 35 sites active. 33 sites active and permitted. 3 sites not yet constructed, 3 others inactive, 2 operating under Consent Order only (Bethlehem Steel – inspected by HWP – see below).	100% of active permitted sites: 327 inspections at 33 sites.
2. Municipal	23 permitted, 20 active.	Y	RD permit; some have ARMA permits for landfill gas control; one has NPDES permit for treated discharges. 2 not yet constructed. All active sites are lined.	100% of active sites: 275 inspections at 21 active sites.
3. Rubble	8 permitted, 4 active.	Y	RD permit; all active sites are lined. Gravel Hill is not constructed; Washington County RF is inactive; Oak Avenue RF (Harford Co.) is closed and capped but permit is valid until 3/21/2010. Ritchie Land Reclamation RF (Prince George's) has RD permits, for original area and an expansion, both active, but are contiguous and operated as one site so they count as one site. Other active sites are Honeygo (Baltimore Co.), Day's Cove (Baltimore Co.) and Baker (Queen Anne's).	100% of active sites: 32 inspections at 4 active sites.
4. Non-Hazardous Industrial	5 permitted, 4 active.	Y	RD permit or Consent Order. 3 permitted: 2 active, 1 inactive, and 2 active at ISG/Severstal Sparrows Point Steel "grandfathered" and operating under a Multimedia Consent Order, and HWP has primacy for overseeing these sites; inspections at Bethlehem Steel sites not counted here (although SWP conducted 3 inspections and HWP may have conducted more).	100% of active sites: 8 inspections at 2 active permitted sites.
5. Land-Clearing Debris	5, all active.	N	RD permit	100% of active sites: 12 inspections at 5 active sites.

Table 2: Landfills and Historic Dumps in Maryland

Category	Number in MD	Subject to GW Monitoring Regs Y/N	Nature of MDE Oversight if any	Number inspected in FY08
6. Inactive/ Closed Facilities	Over 500; number unknown.	Some	RD permit or statutory authority. See Notes 2 and 3. Not counting inspections of closed areas of active LF's, which are not separately tracked: 18 inspections at 13 closed MSW LF's 50 inspections at 9 closed or inactive RF's. 6 inspections at 2 closed Industrial Waste LF's. The large number of inspections at closed RF's is largely due to the closure activities at Oak Avenue RF, which requires quality assurance and complaint investigation inspections.	At least 74
7. historic dumps	over 500; number unknown	N	Statutory authority; some were permitted, most were not.	Unknown.
8. closed landfills capped with soil	39	Some	Statutory and/or regulatory authority. See Notes 3 and 4. Woodberry Quarry was inspected due to work related to an MDE approved development of playing fields for Loyola College at the site, which recently acquired most of the landfill from Baltimore City.	2.6%: 5 inspections at 1 landfill (Wood-berry Quarry LF)
9. closed landfills handled under CERCLA	8	Y, to the extent required by SWP and/or CERCLA	CERCLA and/or statutory and regulatory authority. Sites are Old Scarboro, APG Michaelsville, Beltsville ARS, Bush Valley, Ft. Meade, Kane and Lombard, Patuxent River Naval Air Station, and Woodlawn Landfills. SWP consults with LRP and HWP concerning closure and monitoring of these sites at requested. Regulatory overlap for Old Scarboro, Patuxent River, and Ft. Meade, which are still monitored and/or inspected by SWP. Also, SWP inspects a solid waste transfer station at Woodlawn, which was inspected 9 times; however, LF is CERCLA responsibility.	Unknown: Old Scarboro lies mostly under the lined Harford County Waste Disposal Center, which was inspected 16 times.
10. closed landfills with cap of plastic and/or clay per capping requirements	53	Most.	Statutory and/or regulatory authority. See Notes 3 and 4	30%: 59 inspections of 16 sites.

Table 3: Entities Regulated or Inspected by MDE's Hazardous Waste Program

Type	Definition	Number	Inspection Frequency	Number Of Entities Inspected in FY07	Number Of Entities Inspected in FY08
TSDs (Treatment, Storage and Disposal Facilities)	A permitted entity that treats, stores or disposes of CHS	19	Annually	19	10
LQGs (Large Quantity Generators)	> 1000 kg/mo	548	Per EPA R3 -not sooner than every 3 years	109	99
SQGs (Small Quantity Generators)	>100 kg/mo	4,910	no routine inspections – complaints only	1	0
CESQG (Conditionally- exempt generators)	< 100 kg/mo	4,655	no routine inspections – complaints only	1	0
Haulers	Entities certified to haul CHS	128	no routine inspections	0	0
Vehicles	Vehicles certified to haul CHS	1,690	no routine inspections	0	0
Non-Notifiers	Hazardous waste generators that have neither obtained an EPA ID number nor notified the regulating agencies that they generated regulated amounts of hazardous waste	unknown	complaints only	0	0
Total		11,950	N/A	130	109

*Table 4: State Superfund Capital Program
Summary*

				Balances	
Fiscal Year	Authorization	Encumbered	Expended	To Be Encumbered	To Be Expended
Prior	6,330,000.00	6,330,000.00	6,330,000.00	-	-
2004	550,000.00	550,000.00	535,448.00	-	14,552.00
2005	1,500,000.00	1,094,858.79	788,018.81	405,141.21	711,981.19
2006	1,075,000.00	926,470.00	796,313.54	148,530.00	278,686.46
2007	500,000.00	311,087.70	129,157.60	188,912.30	370,842.40
2008	850,000.00	64,464.12	61,547.94	785,535.88	788,452.06
Totals	10,805,000.00	9,276,880.61	8,640,485.89	1,528,119.39	2,164,514.11

Table 5: State Superfund Projects Funded in FY08 and FY09

Jurisdiction	Project	FY08 Authorization	FY09 Authorization
Anne Arundel	Harundale Well Field Assessment	\$200,000	--
Balt City	Chemical Metals Site Remediation Project	\$100,000	\$200,000
Balt Co.	Blenheim Rd Site Assessment	\$150,000	\$50,000
Cecil	Montgomery Bros. Site Improvements	\$200,000	--
	Dwyer Site Remediation	--	\$350,000
	Mill Creek GW Investigation and Perchlorate	--	\$200,000
Statewide	site assessments	\$200,000	\$200,000
Totals		\$850,000	\$1,000,000

Table 6: Voluntary Public Notifications About Pre-Existing Contaminated Sites

County	Number of Open HRGUA Cases	Number of Sites Identified for Notification	Number of Letters Mailed
Anne Arundel	Will be determined fall 08		
Baltimore	22	7	359
Carroll	26	6	296
Cecil	68	17	556
Frederick	17	12	614
Harford	42	12	535

Table 7: WAS Vacancy Summary

	12/18/07	1/15/08	2/19/08	4/9/08	5/15/08	6/20/08	7/24/08
Total positions vacant	28	30	24	25	24	21	20*
Vacancies with exceptions approved by DBM	14	12	5	16	22	16	13
Positions vacant more than 4 months	21	21	14	17	18	14	14
Positions vacant more than 6 months	12	14	10	12	11	12	11

*Two of these are in OAG

Attachment A

Table 8: WAS Vacancies as of 7/24/08

PIN	Program/ Division	Vacancy Date	Classification/ Grade/	Except- ions to OB	Excep. To DBM	Excep. Apprvd by DBM	MS 22 to OHR	MS 22 Apprvd by OHR	Interv. Quests to OHR	Interview Questions Recvd & Approved by OFP	Announ- cement Posted/ Closed	Notes
062864	Oil Control/ Remediation	7/20/07	Geologist Lead/18	12/13/07	4/17/08	5/5/08	12/10/07	12/18/07	Using previous questions 6/6/08 submitted new ones	6/6/08	P 3/19/08 C O/C	7 – Selection made
072480	Lead/Lead Enforcement	8/10/07	Environmental Comp. Spec. III/15	2/1/08	4/17/08	5/5/08	3/12/08	3/19/08	4/23/08	R 5/5/08 A 5/6/08	P 3/19/08 C O/C	7, 1, 10 Selection made
014495	Recycling/ Ops	08/15/07	Administrative Aide/11	10/30/07	5/28/08	6/17/08	11/15/07	1/16/08	1/24/08	R 1/30/08 A 1/30/08	Response deadline 7/9/08	10
083383	Land Restoration/CHS	8/28/07	Geologist III/16	10/31/07	3/5/08	3/18/08	11/16/07	11/19/07	1/24/08	R 1/29/08 A 1/29/08	P 5/6/08 C 5/21/08 Extended closing 6/6/08	12, 14, 10 Low response to recruitment, reevaluating min. qualifications
018413	Recycling/Ops	10/1/07	Administrator II/17	10/30/07	3/6/08	3/18/08	1/29/07	3/7/08	2/15/07	EDC 6/19/08 ???	Recruitment Unit reviewing	17, 10
083385	Land Rest/CHS	10/23/07	Geologist III/16	10/31/07	4/17/08	5/5/08	11/13/07	11/19/07	1/24/08	R 1/29/08 A 1/29/08	P 3/19/08 C 5/21/08 Closing extended 6/6/08	10, 14 Low response to recruitment, reevaluating min. qualifications
014480	Land Rest/VCP	11/1/07	Environmental Program Mgr. 1/19	12/11/07	5/28/08		12/21/07	12/21/07	6/9/08	R 6/12/08 A 6/12/08 Resubmitted 6/27/08 A 6/30/08		10, 13, 14
047879	Hazardous Waste/ Enforcement	11/30/07	PHE III/17	1/17/08	3/5/08	3/18/08	1/3/08	1/16/08	1/17/08	R 1/25/08 A 1/25/08	P 3/21/08 C 4/7/08 Extended closing date 6/6/08	6, 9, 7, 10 Scheduling additional interviews

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014625	Hazardous Waste/ Enforcement	12/19/07	PHE III/17	1/17/08	3/5/08	3/18/08	1/3/08	1/16/08	1/17/08	R 1/25/08 A 1/25/08		6, 6, 17, 10 Additional interviews being scheduled
014484	Hazardous Waste/ Fed. Facilities	01/21/08	Geologist III/16	1/17/08	4/17/08	5/5/08	1/28/08	1/29/08	Using previous approved questions	NA	P 3/17/08 C O/C Applicant response deadline 6/20	7, 10 Selection made
068360	Oil Control/ Compliance	1/16/08	Environmental Comp. Spec. III/15	2/4/08	3/5/08	3/18/08	1/30/08	1/30/08	1/22/08	R 1/31/08 A 2/1/08	P 3/19/08 C O/C	7, 6, 10 Selection made
078553	Lead/Lead Enforcement	2/12/08	Environmental Comp. Spec. IV/16	2/4/08	4/17/08	5/5/08	2/19/08	2/21/08	12/3/07	R 12/4/07 A 12/5/07	P 6/3/08 C 6/20/08	10
048674	Hazardous Waste/ Regulations	2/29/08	TBD	7/8/08	7/8/08							17, 12, 14
018406	Attorneys	3/12/08	Asst. Attorney General VI/22	DNR	2/20/08	3/18/08	NA	NA	NA	NA		19 Assigned to AG's Office
073071	Oil Control/ Compliance	4/30/08	Environmental Comp. Spec III/15	4/7/08	4/17/08	5/5/08	5/3/08	5/12/08	1/22/08	R 1/31/08 A 2/1/08	Applicant response deadline 6/2/08	7 Selection made
047878	Solid Waste/ Design & Cert.	5/27/08	PHE II/15 PHE III/17	7/8/08	7/8/08		6/5/08	6/6/08				
078556	Lead/ Lead Enforcement	5/28/08	Environmental Comp Spec. I/13 Changed to: Environmental Comp. Spec III/15	7/8/08	7/8/08		6/20/08	6/24/08				14
048669	Lead/ Lead Enforcement	6/4/08	Environmental Comp. Spec. Supervisor/18	7/8/08	7/8/08		6/20/08	6/24/08				14
062859	Oil Control/ Compliance	7/1/08	Environmental Spec. III/15	7/8/08	7/8/08		6/20/08	6/24/08				
078550	Attorneys	7/1/08	Asst. AG VI/22									

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Table 8: WAS Vacancies as of 7/24/08

Key

Yellow highlighting: date seems late or item seems overdue.

EDC: Estimated Date of Completion DNR: Did not Record P: Posted C: Closed R: Received A: Approved

Codes: 1-Budget/funding holds, 2-Admin. has not responded to Notice of Vacancy letter sent by HRC within 10 working days, 3-Testing or developing test for position specific requirements, 4-Testing or developing test to produce new eligibility list, 5-Position was advertised, but received no qualified applicants, 6-Insufficient applicant continue recruitment, 7-Selection made, 8-Appointment pending, 9-Applicant declined position, 10-Office of Budget did not submit hiring exception to DBM within 15 days of receipt, 11-DBM did not approve hiring exception within 30 days of receipt, 12-Admin. did not submit MS-22 within 30 days of vacancy, 13-Admin. did not submit hiring exception within 30 days of vacancy, 14-Admin did not submit interview questions within 30 days of vacancy, 15-OHR did not approve MS-22 within 45 days of receipt, 16-OFPP did not approve interview questions within 10 days of receipt, 17-Hold pending organizational decisions, 18 key codes don't apply, 19 in process of interviewing, 20 Position Review Form (PRF)