

MDEStat Meeting

November 7, 2007

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: Hazardous Waste Enforcement Summary

No. of sites/facilities inspected in FY07	163
FY07 coverage rate	1.4%
Number of sites/facilities inspected with significant violations in FY07	31
No. of enforcement actions in FY07 excluding compliance assistance	34
Is program's definition of significant noncompliance consistent with new MDE procedure (p.2)? If no, please explain.	Mainly consistent.
Regarding when to initiate administrative and civil actions, please compare the program's FY07 policy to the new MDE procedure.	Same
Approximately what percentage of the time does program meet the timelines specified in section IV of MDE procedure?	near 100%

Table 2: Hazardous Waste Inspection Coverage Rates

	FY 04	FY 05	FY 06	FY 07
inspection coverage rate as reported in annual MDE enforcement reports	2%	1.5%	1.6%	1.4%

Table 3: Lead Poisoning Prevention Enforcement Summary

No. of sites/facilities inspected in FY07	27,503 [1]
FY07 coverage rate	23%
Number of sites/facilities inspected with significant violations in FY07	483
No. of enforcement actions in FY07 excluding compliance assistance	596
Is program's definition of significant noncompliance consistent with new MDE procedure (p.2)? If no, please explain.	Yes
Regarding when to initiate administrative and civil actions, please compare the program's FY07 policy to the new MDE procedure.	Same
Approximately what percentage of the time does program meet the timelines specified in section IV of MDE procedure?	80-85%

Table 4: Oil Control Program Enforcement Summary

	Aboveground Facilities	Oil Pollution Remediation	Oil UST Systems
No. of sites/fac. inspected in FY07	188	504	908 ^[1]
FY07 coverage rate	17%	26%	16%
No. sites/fac. inspected with sign. violations in FY07	58	30	58
No. of enf. actions in FY07 excluding compl. assist.	59	30	81
Is program's definition of significant noncompliance consistent with new MDE procedure?	Yes, all but 60-day timeline	Yes, all but 60-day timeline	Yes, all but 60-day timeline
Regarding when to initiate administrative and civil actions, please compare the program's FY07 policy to the new MDE procedure.	Same	Same	Same
Approximately what percentage of the time does program meet the timelines in new MDE procedure?	80%	80%	80%

Table 5: Oil Control Program Inspection Coverage Rates

	FY 04	FY 05	FY 06	FY 07
aboveground facilities	19%	23%	15%	17%
oil pollution remediation	32%	27%	24%	26%
underground storage tanks	9%	4%	7%	16%

Table 6: Solid Waste Enforcement Summary

	Refuse Disposal	Scrap Tires	Sewage Sludge Utilization	Natural Wood Waste Recycling
No. of sites/fac. inspected in FY07	255	502	217	38
FY07 coverage rate	100%	16%	31%	100%
avg. cov. rate FY04-06	99%	16%	26%	94%
No. sites/fac. inspected with sign. violations in FY07	24	5	5	3
No. of enf. actions in FY07 excluding compliance assistance	30	100	8	5
Is program's definition of significant noncompliance consistent with new MDE procedure (p.2)? If no, pls explain.	No, we used the previous MDE-wide definition.			
How often does the program comply with the timeline in the new procedure requiring that site complaints and NOV's be issued within 30 days of a site visit?	close to 100% of the time			
Regarding when to initiate administrative and civil actions, please compare the program's FY07 policy to the new MDE procedure.	Generally similar although due to inadequate resources we must prioritize cases and pursue them as we can get to them.			
How often does the program comply with the timeline in the new procedure requiring referrals to OAG within 60 or 90 days? Program manager's best estimate is OK for now.	near 0%	near 0%	2%	near 0%

Table 7: Percentage of All Landfill (Active & Closed) Groundwater Reports Reviewed

	FY 04	FY 05	FY 06	FY 07
target percentage of landfill groundwater reports reviewed	100%	100%	100%	100%
actual percentage of landfill groundwater reports reviewed	43%	48%	43%	48%