

MDEStat Meeting

December 12, 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.

Waste Management Vacancies

(Chart 1 of 2)

Program/Division	Vacancy Date	Classification/Grade/	Exceptions 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	Announcement Posted/ Closed	Applicants Contacted	Applicant Respsn. Deadline	Interviews Completed	Selection Pkg. To OHR	Selection Package Recvd & Approved by OFP	Appointment Start Date	Comments
Lead/Lead Surveillance	08/01/06	Admin. Spec. II/11	08/08/07	08/22/07	09/06/07	09/21/07	10/05/07	??	??	P12/05/07 C12/26/07							12/6/07 *
Lead/Lead Enforcement	10/11/06	Environmental Program Mgr. 1/19	08/07/07	08/22/07	09/06/07	??		??									holding for funding reasons
Attorneys	01/02/07	Paralegal II/12	??			??		??									holding for funding reasons
Recycling/Recycling	01/16/07	Nat. Res. Planner III/15	07/29/07	08/22/07	09/06/07	04/02/07	04/12/07	09/14/07	R 10/02/07 A 10/03/07	NA	11/5/07	NA	11/09/07	11/14/07	R 11/16/07 A 11/16/07		holding for funding reasons
Attorneys	01/16/07	Asst. Attorney General VI/22	06/04/07	06/26/07	07/18/07	??		??									candidate declined; restarting process.
Solid Waste	02/20/07	OS I/8	07/26/07	08/22/07	09/06/07	08/08/07	10/02/07	11/14/07	R 11/16/07 A 11/16/07	P10/22/07 C11/13/07	EDC 12/10/07						
Recycling/Ops	03/05/07	Admin. Specialist II/11	??			??		??									Position being reassigned from Haz Waste to Recycling. Mary Sue Baker will assist with writing MS-22
Solid Waste/Construct.	04/24/07	PH Engineer III/17	08/08/07	08/22/07	09/06/07	6/12/07	7/11/07	10/13/07	R 10/15/07 A 10/16/07	P11/30/07 C12/28/07							second posting after poor response
Oil Control/Compliance	05/08/07	Environmental Compliance Specialist Supv/18	06/07/07	07/21/07	07/30/07	08/14/07	11/15/07	11/30/07	R 12/04/07 A 12/05/07	P12/04/07 C12/26/07	NA	12/26/07					
Solid Waste	5/09/07	OS III/10	06/20/07	07/21/07	07/30/07	08/01/07	08/21/07	11/28/07	R 11/28/07 A 11/29/07	NA	11/28/07	NA	12/5/07				candidate declined – 2 nd round of interviews
Oil Control/Remediation	05/14/07	Geologist Sup./19	06/07/07	07/21/07	07/30/07	05/17/07	05/21/07	08/13/07	R 08/21/07 A 08/21/07	P09/18/07 C10/19/07	10/31/07	NA	11/09/07	11/14/07	R 11/16/07 A 11/19/07	01/09/08	
Land Rest/CHS	06/25/07	Geologist Lead/18	08/08/07	08/22/07	09/06/07	09/13/07	10/01/07	12/03/07	R ?? A ??	P10/29/07 C11/16/07		11/16/07					
Lead/Lead Enforcement	07/04/07	Environmental Comp. Spec. IV/16	08/08/07	08/22/07	09/06/07	07/25/07	07/27/07	12/03/07	R 12/04/07 A 12/05/07	NA	11/30/07	12/19/07					

Table 1: Oil Control Program Enforcement Summary

	Aboveground Facilities	Oil Pollution Remediation	Oil UST Systems
No. of sites/fac. inspected in FY07	188 permitted 213 non-pmtd.	504	625 by MDE 283 by 3 rd party inspectors
FY07 coverage rate	17%	26%	16%
Target coverage rate	100%?	?	33% for gas stations ?% for other USTs
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%
Does Program anticipate obstacles in complying with new procedure?	Program does not foresee any obstacles in complying with MDE enforcement procedures; however, the Program feels it may require enhanced support from the OAG to meet enforcement timelines.		

Table 2: Oil Control Program Inspection Coverage Rates

	FY04	FY05	FY06	FY07
aboveground facilities	19%	23%	15%	17%
oil pollution remediation	32%	27%	24%	26%
underground storage tanks	9%	4%	7%	16%

Table 3: Oil Control Program Inspection Regimes

Inspection Type	Inspection Regime
Underground Storage Tanks	Third-party inspectors trained and accredited by MDE conduct most new motor fuel UST inspections. These inspections are performed on a three-year cycle mandated by the federal Energy Act. OCP successfully met the federal timeframe to conduct initial inspections (August 2007), and with the assistance of third-party inspectors (currently approximately 100) OCP expects to maintain the three-year cycle mandated for the approximately 3,500 motor fuel stations in Maryland.
Aboveground Storage Tanks	Permitted aboveground storage tanks (>10,000-gallon capacity) are inspected once every five years upon permit renewal.
Complaints/Spills	OCP responds to complaints and spills that present the greatest threat to the environment or public health and safety. (MDE's Emergency Response Division responds to emergency oil/gas spills - typically related to traffic accidents – that require immediate containment and clean-up.)
Groundwater Remediation	OCP inspects and evaluates all groundwater-impacted sites to determine responsible parties, extent of contamination, and acceptable clean-up plans. The level of project review and on-site oversight decreases as the site cleanup is implemented and progress can be monitored through written reports. These cases can remain open for many years as pump-and-treat systems continue to treat contaminated groundwater.

Table 4: Lead Poisoning Prevention Enforcement Summary

No. of sites/facilities inspected in FY07	1955 by MDE 25,548 by 3 rd -party inspectors
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%
Does Program anticipate obstacles in complying with new procedure?	No

Table 5: Solid Waste Program 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	No, we used the previous MDE-wide definition, which among other differences did not include a timeframe (e.g., 60 days) that converts an uncorrected minor into a major noncompliance.			
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?	SWP is close to 100% in compliance with issuance of Site Complaints and NOV's within 30 days of inspection; indeed SCs are usually issued concurrent with the inspection report.			
Regarding when to initiate administrative and civil actions, please compare the program's FY07 policy to the new MDE	Generally similar although due to inadequate resources we must prioritize cases and pursue them as we can get to them.			
Does the program anticipate obstacles in complying with new procedure?	Because of current staffing levels, meeting the proposed 60-day deadline for having prepared upper-level enforcement actions following the issuance of a Site Complaint or NOV may be a difficult timeframe to meet. The SWP distributes responsibility for enforcement activities and tracking to available staff, and unless the program receives additional staffing it is unlikely that the 60-day deadline will be met in all cases.			

Table 6: Hazardous Waste Program 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%
Does the program anticipate obstacles in complying with new procedure?	The new MDE procedure requires that "Penalties incorporated in the formal enforcement action should, where possible, recover the economic benefit of non-compliance and include an amount reflecting the gravity of the violation." This program does not have access to financial records, nor staff with appropriate expertise, to determine economic benefit.