

MDEStat Meeting

December 19, 2007



NEW DRINKING WATER REGULATIONS – SYSTEM COMPLIANCE (December 2007)

Drinking Water Standard	State Regulatory Deadline	Systems in Noncompliance	Systems with Exemption Agreements	Target Dates for Compliance
Arsenic MCL (10 ppb) *1060 systems	01/23/2006	19 systems: 14 community, 5 nontransient	12 systems: 8 community, 4 nontransient	Exemptions- December 2008 Other – not determined
Stage 1 Disinfection Byproduct – Total Trihalomethanes MCL *1060 systems	12/31/2007	2 community systems	Not applicable	Not determined
Stage 1 Disinfection Byproduct – Haloacetic Acids MCL *1060 systems	12/31/2007	2 community systems	Not applicable	Not determined
Radionuclides Rule – Gross Alpha MCL *490 systems	12/31/2007	2 community systems	Not applicable	December 2008
Radionuclides Rule – Combined Radiums MCL *490 systems	12/31/2007	2 community systems	Not applicable	December 2008
Surface Water Treatment Technique (GWUDI) *76 systems	Varies with each system	7 systems: 2 community, 5 transient (delegated)+ 10 TNC (deadline 2008)	Not applicable	Community – 2008; Transient – not determined
Long Tern 2 Surface Water Treatment Rule *76 systems	2007	TBD		State regulations have not been adopted.
Stage 2 Disinfection Byproduct Rule *1060 systems	2007	TBD		State regulations have not been adopted.
Groundwater Rule *3573 systems	2009	TBD		State regulations have not been adopted.

MCL – maximum contaminant level

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: Water Supply Enforcement Summary

In FY07:	Community and Non-Transient Non-Community Water Systems	Transient Non-Community Water Systems
No. of sites/facilities inspected	718	522
Coverage rate	67%	21%
No. sites/fac. inspected with sign. violations	171	201
No. of enf. actions excluding compliance assistance	333	320
Was program's definition of significant noncompliance consistent with the definition in the new MDE procedure (p.2)? If no, pls explain.	Yes	Yes
Regarding when to initiate administrative and civil actions, please compare the program's policy to the new MDE procedure.	Yes	Yes
Approximately what percentage of the time did program meet the timelines specified in section IV of MDE procedure? (Please provide best estimate of program manager.)	90%	Not tracked; program is delegated to the county health departments.

Table 2: Dam Safety Enforcement Summary

In FY07:	Waterway Construction – Dam Safety
No. of sites/facilities inspected	75
Coverage rate	16%
No. sites/fac. inspected with sign. violations	6
No. of enf. actions excluding compliance assistance	10
Was program's definition of significant noncompliance consistent with the definition in the new MDE procedure (p.2)? If no, pls explain.	No written definitions used in the past. WMA does not anticipate problems in applying new definition going forward.
Approximately what percentage of the time did program meet the timelines specified in section IV of MDE procedure? (Please provide best estimate of program manager.)	Waterway Construction - 70% Dam Safety – 80%

Table 3: Dam Inspections

Hazard Class	Risk Associated with Dam Failure	Number of Dams	Inspection Frequency Required by National Guidelines
High	loss of life and significant property damage	66	Annually
Significant	property/infrastructure damage	78	Every 3 years
Low	damage to floodplain and the dam itself	330	Every 6 years

Table 4: Local Erosion and Sediment Control Inspections in FY06

<u>County</u>	<u>Active Projects</u>	<u>Disturbed Acreage</u>	<u>Number Inspectors</u>	<u>Municipal/Other</u>	<u>Active Projects</u>	<u>Disturbed Acreage</u>	<u>Number Inspectors</u>
Anne Arundel	1,096	1,959	14	Aberdeen	15	55	1
Baltimore	280	3,110	8	Baltimore City	110	404	3
Calvert (partial)	1,009	1,463	3	Bel Air	3	9	1
Carroll	182	1,650	5	Bowie	13	140	2
Cecil (partial)	441	130	2	Gaithersburg	6	123	1
Charles	565	2,930	5	Greenbelt	3	14	2
Dorchester	65	80	1	Laurel	12	131	2
Frederick	150	1,976	3	Rockville	114	751	1
Harford	173	2,201	4	WSSC	227	354	4
Howard	323	1,073	21				
Kent	8	47	1				
Montgomery	603	4,772	15				
Prince George's	1,296	11,354	14				
Worcester	300	1,900	2				
Total	6,491	34,645	98	Grand Total	6,994	36,626	115

ATTACHMENT A: COMPLIANCE PROGRAM ENFORCEMENT SUMMARY

	Discharge – Ground-water (municipal and industrial)	Discharge – Surface (mun & ind) state and NPDES	Discharge – Pretreatment (industrial)	Stormwater Mgmt and E&S Control for Construction Activity	Mining - Coal	Mining – Non-Coal	Oil and Gas Exploration and Production	Wetlands and Water-ways – Nontidal and Flood-plain	Wetlands - Tidal
No. of sites/fac. inspected in FY07	972	3939	31	3234	89	163	0	1728	511
FY07 coverage rate	17%	89%	6%	18%	100%	28%	0%	38%	7%
No. sites/fac. inspected with sign. violations in FY07	23	114	0	37	8	0	0	23	7
No. of enf. actions in FY07 excluding compliance assistance	13	134	6	55	26	0	0	32	3
Is program's definition of significant noncompliance consistent with new MDE procedure (p.2)? If no, pls explain.	Yes – mirrors NPDES SNC criteria.	Yes – uses NPDES SNC criteria and State mandatory penalty law (9-342.1)	Yes – uses NPDES SNC criteria for Pretreatment.	Similar now, will be made consistent going forward.	Specific regs. for coal mining list types of violations/ how to determine penalty.	No SNC definition. Often tied to E&S and wetlands violations.	Discharge permits are under SNC criteria used for NPDES.	Similar now, will be made consistent going forward.	
Approximately what percentage of the time does program meet the timelines specified in section IV of MDE procedure? (Best estimate of program manager is OK for now.)	50%	50%	100% (limited actions)	50% - most cases resolved through settlement offers by Inspection Division Chiefs.	80%	50%	100% (no cases)	70%	70%