

# *MDE Serv Meeting*



*October 19, 2015*

# ***Table 1: WMA Web Content Updates***

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|                                                    | May<br>19 | July<br>27 | October<br>16 |
|----------------------------------------------------|-----------|------------|---------------|
| Total Web Pages Identified                         | 1729      | 1729       | 1656          |
| Pages Reviewed by OC and Overdue for Action by WMA | 105       | 137        | 200           |

# **Table 2: Facilities Operating on Administratively-Extended WMA Permits**

|                                            | Target | 6/21/10         | 11/19/12          | 11/25/13          | 10/16/14        | 4/6/15            | 7/16/15           | 10/8/15                        |
|--------------------------------------------|--------|-----------------|-------------------|-------------------|-----------------|-------------------|-------------------|--------------------------------|
| Surface Discharge Permit Major Facilities  | 10%    | 22%<br>(19/85)  | 7 %<br>(6/86)     | 15%<br>(13/86)    | 14%<br>(12/86)  | 21%<br>(18/85)    | 31%<br>(24/77)    | <b>51%</b><br><b>(46/90)</b>   |
| Surface Discharge Major & Minor Facilities | 10%    | Not requested   | 13.4%<br>(73/544) | 15%<br>(80/520)   | 19%<br>(97/502) | 21%<br>(101/482)  | 25%<br>(119/473)  | <b>29%</b><br><b>(137/473)</b> |
| ENR Facilities                             | 10%    | 13%<br>(10/75)  | 1%<br>(1/75)      | 1%<br>(1/75)      | 1%<br>(1/75)    | 1%<br>(1/75)      | 1%<br>(1/75)      | <b>1%</b><br><b>(1/75)</b>     |
| Ground-water                               | 20%    | 23%<br>(54/231) | 20.8%<br>(50/240) | 21.7%<br>(47/216) | 22%<br>(48/218) | 23.7%<br>(51/215) | 21.2%<br>(45/212) | <b>22%</b><br><b>(47/210)</b>  |
| Total Extended                             |        |                 | 123               | 127               | 145             | 152               | 189               | <b>194</b>                     |

# Table 3: Wetlands Permit Turnaround Performance

| Approval Type                               | Standard                                                         | Target Min. Percentage | Percent of FY14 Approvals Issued in Standard | Percent of FY15 Approvals Issued in Standard | Percent of FY16/Q1 Approvals Issued in Standard |
|---------------------------------------------|------------------------------------------------------------------|------------------------|----------------------------------------------|----------------------------------------------|-------------------------------------------------|
| Nontidal Wetlands and Waterway Construction | 10 months for minor projects                                     | 90%                    | 94%                                          | 94%                                          | <b>93%</b>                                      |
|                                             | 12 months for major projects                                     | 90%                    | 68%                                          | 72%                                          | <b>86%</b>                                      |
| Tidal Wetland Licenses and Permits          | 90 days for minor projects                                       | 100%                   | Not requested                                | 92.5%                                        | <b>92%</b>                                      |
|                                             | 8 months for major projects                                      | 90%                    | 90%                                          | 65.2%                                        | <b>60%</b>                                      |
|                                             | 11 months for major projects with a public informational hearing | 90%                    | 68%                                          | 0.0%                                         | <b>0.0%</b>                                     |

# **Table 4: Significant-Hazard Dams in Service in Maryland: EAP Status**

|                | 5/1/14 | 8/8/14 | 10/16/14 | 2/23/15 | 5/19/15 | 7/16/15 | 10/8/15     |
|----------------|--------|--------|----------|---------|---------|---------|-------------|
| EAP on file    | 89     | 86     | 87       | 86      | 87      | 88      | <b>89</b>   |
| No EAP on file | 23     | 26     | 27       | 27      | 27      | 18*     | <b>20**</b> |

\* Revised to exclude 8 dams for which an EAP is not required.

\*\* Includes 5 new significant hazard dams added to the inventory in 2015.

**Table 5: High-Hazard Dams in Service in Maryland without Current EAPs**

|                                                                 | 1/27/14 | 3/20/14 | 8/8/14 | 10/16/14 | 2/23/15 | 5/19/15 | 7/16/15 | 10/8/15   |
|-----------------------------------------------------------------|---------|---------|--------|----------|---------|---------|---------|-----------|
| Last EAP update was more than a year ago                        | NR      | 53      | 56     | 43       | 38      | 40      | 42      | <b>37</b> |
| Last EAP update was more than three years ago                   | 31      | 33      | 31     | 25       | 16      | 19      | 18      | <b>15</b> |
| Last EAP update was more than five years ago, or no EAP on file | 20      | 18      | 17     | 15       | 13      | 15      | 11      | <b>12</b> |

*NR means "not requested".*

# **Table 6: High-Hazard Government-Owned Dams Lacking Updated Emergency Plans**

*(continued on next slide)*

| Dam Name                           | EAP Date | EAP Revised Date | Owner Name         | Is EAP required by permit? | Condition of Dam  | Date of Last Request/ Reminder Sent to Dam Owner |
|------------------------------------|----------|------------------|--------------------|----------------------------|-------------------|--------------------------------------------------|
| Towson Reservoir Storage Tanks     | 10/1/08  | 10/1/08          | Baltimore City DPW | <b>Yes</b>                 | <b>Acceptable</b> | <b>9/30/15 email</b>                             |
| Mays Chapel Reservoir              | 10/1/08  | 10/1/08          | Baltimore City DPW | <b>Yes</b>                 | <b>Acceptable</b> | <b>9/30/15 email</b>                             |
| Pikesville Reservoir Storage Tanks | 7/1/08   | 7/1/08           | Baltimore City DPW | <b>Yes</b>                 | <b>Acceptable</b> | <b>9/30/15 email</b>                             |
| Indian Creek Site 2                | 4/17/08  | 4/17/08          | PG Co              | <b>No</b>                  | <b>Acceptable</b> | <b>9/10/15 letter</b>                            |

# ***Table 6: High-Hazard Government-Owned Dams Lacking Updated Emergency Plans***

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| Dam Name                           | EAP Date | EAP Revised Date | Owner Name         | Is EAP required by permit? | Condition of Dam  | Date of Last Request/ Reminder Sent to Dam Owner |
|------------------------------------|----------|------------------|--------------------|----------------------------|-------------------|--------------------------------------------------|
| Indian Creek Site 3                | 4/17/08  | 4/17/08          | PG Co              | <b>No</b>                  | <b>Acceptable</b> | <b>9/10/15 letter</b>                            |
| Emmitsburg Dam                     | 4/15/08  | 4/15/08          | Town of Emmitsburg | <b>No</b>                  | <b>Acceptable</b> | <b>7/9/15 letter</b>                             |
| Shipleys Choice Section II SWM Dam | 7/26/07  | 7/26/07          | AA Co DPW          | <b>No</b>                  | <b>Unsafe</b>     | <b>N/A dam to be removed</b>                     |



# Table 7: MS4 Permit Litigation Chart

(continue on next slide)

| Phase I Jurisdictions  | MDE                 | Circuit Court     |          |       | Court of Special Appeals |          |                           |
|------------------------|---------------------|-------------------|----------|-------|--------------------------|----------|---------------------------|
|                        | Final Determination | Judicial Petition | Decision | W/L/R | Appeal                   | Decision | Lead Petitioners          |
| Montgomery County      | 2/16/10             | 3/15/10           | 12/2/13  | R     | 1/15/14                  | R        | Earth Justice             |
| Baltimore County       | 12/1/13             | 1/22/14           | 10/7/14  | W     | 11/3/14                  | C        | Earth Justice             |
| Baltimore City         | 12/27/13            | 1/22/14           | 6/22/15  | W     | automatic                | C        | Earth Justice             |
| Prince George's County | 1/2/14              | 1/30/14           | 12/18/14 | W     | 1/20/14                  | C        | Earth Justice             |
| Anne Arundel County    | 2/12/14             | 3/14/14           | 12/2/14  | W     | 12/22/14                 | C        | Chesapeake Bay Foundation |

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(continue on next slide)

|                       | MDE                 | Circuit Court     |          |       | Court of Special Appeals |          |                                           |
|-----------------------|---------------------|-------------------|----------|-------|--------------------------|----------|-------------------------------------------|
| Phase I Jurisdictions | Final Determination | Judicial Petition | Decision | W/L/R | Appeal                   | Decision | Lead Petitioners                          |
| Howard County         | 12/18/14            | 1/16/15           | 5/19/15  | W     | 6/17/15                  |          | Chesapeake Bay Foundation                 |
| Charles County        | 12/26/14            | 1/21/15           | stayed   |       |                          |          | Charles County, Chesapeake Bay Foundation |
| Carroll County        | 12/29/14            | 1/22/15           | stayed   |       |                          |          | Carroll County, Chesapeake Bay Foundation |

# Table 7: MS4 Permit Litigation Chart

(continue on next slide)

|                       | MDE                 | Circuit Court     |          |       | Court of Special Appeals |          |                                             |
|-----------------------|---------------------|-------------------|----------|-------|--------------------------|----------|---------------------------------------------|
| Phase I Jurisdictions | Final Determination | Judicial Petition | Decision | W/L/R | Appeal                   | Decision | Lead Petitioners                            |
| Frederick County      | 12/30/14            | 1/26/15           | stayed   |       |                          |          | Frederick County, Chesapeake Bay Foundation |
| Harford County        | 12/30/14            | 1/23/15           | stayed   |       |                          |          | Harford County, Chesapeake Bay Foundation   |
| SHA                   | TD 12/26/14         |                   |          |       |                          |          |                                             |

# Table 7: MS4 Permit Litigation Chart

(continued from previous chart)

|                                                                                                            | MDE                 | Circuit Court     |          |       | Court of Special Appeals |          |                  |
|------------------------------------------------------------------------------------------------------------|---------------------|-------------------|----------|-------|--------------------------|----------|------------------|
| Phase II Jurisdictions                                                                                     | Final Determination | Judicial Petition | Decision | W/L/R | Appeal                   | Decision | Lead Petitioners |
| Municipalities                                                                                             | TBD                 |                   |          |       |                          |          |                  |
| State and Federal                                                                                          | TBD                 |                   |          |       |                          |          |                  |
| Notes: TD = Tentative Determination; TBD to be determined; W = win; L = lose; R = remand; C = consolidated |                     |                   |          |       |                          |          |                  |