

# ***MDEStat Meeting***

## ***April 20, 2009***



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Shari T. Wilson, Secretary

Sue Battle-McDonald, Stat Director

# Definition

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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: Overdue MDE PEPs

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	Pre-09 PEPs	09 PEPs
ARMA Number Overdue	12*	25
WMA Number Overdue	18	82
WAS Number Overdue	0	15
SSA Number Overdue	0	3
ASA Number Overdue	0	0
OS and CO	37	22

# Table 2: Status of ARMA's Pre-09 Incomplete PEPs

Employee	Supervisor	projected PEPs completion date per 3/13 email	Date 06 PEP scheduled	Date 07 PEP scheduled	Date 08 PEP scheduled
Fizer	Franks	4/10	done	done	new projected completion date is 5/1*
Fletcher	Bianca	3/27	4/23	4/23	4/23
Forrest	Bianca	4/3	4/15	4/15	4/15
Hug	Franks	3/27	done	new projected completion date is 4/24*	new projected completion date is 4/24*
Mosier	Franks	4/3	done	done	new projected completion date is 5/15*
York	Franks	3/20	done	new projected completion date is 4/17*	new projected completion date is 4/17*

\* Scheduled date requested but not provided.

## Table 3: Title V Permitting Summary

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Category	7/14/08	4/13/09
applications pending for new Title V permits (Table 4)	10	1
applications pending for new Title V permits that were received three years prior (Table 4)	4	1
applications pending for renewal Title V permits	18	35
applications pending for renewal Title V permits that were received 18 months prior (Table 5)	4	2
facilities with expired Title V permits (Table 5)	8	11

## *Table 4: Facilities with Applications Pending for New Title V Permits*

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Facility	Date Application Received	Projected Issuance Date
Mirant Chalk Point	6/5/02	Unresolved compliance issue - not under Permits Program's control.

# Table 5: Facilities with Expired Title V Permits

Facility	Permit Expiration Date	Date Renewal App. Recvd.	Projected Issuance Date
U. S. Gypsum	6/30/06	1/26/06	Delayed due to compliance issue. Delayed again due to company making significant changes to plant operations. Tentative determination to issue permit on 4/2/09; Permit is now out for public review and will be issued after all public participation requirements are satisfied. <b>Projected Issuance Date 7/1/09</b>
Wheelabrator	8/31/06	3/1/06	Delayed due to the need to respond to public (Eric Schaefer) and EPA comments. Public hearing held on 3/3/09. EPA 45-day review period ends on 5/8/09. <b>Projected Issuance Date 6/1/09</b>
AES Warrior Run	8/31/08	2/28/08	Delayed due to deficient Compliance Assurance Monitoring (CAM) Plan - this issue has been resolved as of 10/9/08. As of 4/7/09, Company is reviewing predraft; comments are due by 4/10/09. <b>Projected Issuance Date 8/1/09</b>
Millennium Inorganic Chemicals*	8/31/08	2/29/08	Initial application was grossly deficient. Application not complete until 4/28/08. EPA 45-day review period ends on 5/4/09. <b>Projected Issuance Date 6/1/09</b>
Lehigh Union Bridge*	9/30/08	3/31/08	Permit is being drafted but there is a pending enforcement case. Projected issuance date unknown
Transconti-ental Pipeline	11/30/08	5/30/08	Tentative determination to issue permit on 3/25/09. 30-day public comment period began on 4/2/09 followed by EPA's 45-day review period. <b>Projected Issuance Date 7/1/09</b>
Sunoco Balt. Terminal	2/28/09	8/12/08	EPA 45-day review period ends on 4/29/09 <b>Projected Issuance Date 5/1/09</b>
Newland Park Landfill	3/31/09	10/1/08	EPA 45-day review period ends on 5/7/09. <b>Projected issuance date 6/1/09</b>
Hopkins School of Medicine	3/31/09	10/2/08	EPA 45-day review period ends on 5/7/09. <b>Projected issuance date 6/1/09</b>
Fort Detrick	3/31/09	10/3/08	Same permit engineer as Transcontinental Pipeline; now that Transcontinental Pipeline is out for public review, engineer is working on Fort Detrick. <b>Projected issuance date: 9/1/09</b>
Constellation Westport	3/31/09	10/30/08	EPA 45-day review period ends on 4/29/09 <b>Projected Issuance Date 5/1/09</b>

\* We asked ARMA to provide an update on the issue discussed at the last meeting regarding the court decision on startup/shutdown exemptions, including the status of any legal advice and the impacts on the Millenium and Lehigh renewals. ARMA responded that "there is no word as of yet from the Attorney General's Office on this issue".

# *Table 6: Significant Violations Found Prior to 1/13/09 Not Referred to OAG/or Addressed by Settlement Letter as of 4/13/09*

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Program	Number of Significant Violations Not Processed Timely
Air	0
Asbestos	0
RHP, except Radiation Materials Division	0