

MDEStat Meeting

June 17, 2008



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: Radiological Health Program Compliance and Enforcement

Facility Type	Registered X-ray Tubes	Inspection Frequency	FY07 Initial Compliance Rate	Number of Settlement Letters Sent as of 5/30	Penalties Obtained in FY08 as of 5/30
1. High energy & particle accelerators	3 facilities, 3 certified tubes	annual	63%*	0	0
2. Medical (therapy) accelerators	41 facilities, 60 certified tubes	annual	63%*	4	\$20,000
3. Hospitals (ex. CT scanners, general purpose machines, bone density, fluoroscopic machines)	61 facilities, 1155 certified tubes	biennial	63%*	0	0
4. Physicians: chiropractic, MD, GP, podiatric	1275 facilities, 1811 certified tubes	biennial	63%*	0	0
5. Industrial (ex. cabinet radiography, scanners, spectrographic)	241 facilities, 464 certified tubes	triennial	63%*	0	0
6. Dental	2674 facilities, 9149 tubes	triennial	48%	2	0
7. Veterinary	431 facilities, 538 tubes	triennial	34%	0	0
8. mammography (MQSA)	131 facilities, 206 tubes	annual	62%	0	0

* Compliance rates tracked together, not separately.

Table 2: FY07 AHERA Compliance Data – MDE and EPA Inspections

	Number in FY07
number of individual schools inspected by MDE	92
number of individual schools inspected by EPA	0
number in compliance with requirement for triennial re-inspection of asbestos-containing material	61
number found to have updated asbestos management plan at the school	64
number in compliance with requirements for annual notifications to parent, teacher, and employee organizations	31
number in compliance with the requirement to perform periodic surveillance of known or suspected asbestos-containing building material	54
number in compliance with the requirement to provide custodial staff with asbestos-awareness training	65

Table 3: Asbestos Inspections of Maryland School System

COUNTY	STUDENTS	EMPLOYEES ONLY
ALLEGANY	10,227	915
ANNE ARUNDEL	78,116	5,481
BALTIMORE CITY	90,207	6,458
BALTIMORE COUNTY	110,597	7,808
CALVERT	18,140	1,108
CAROLINE	5,929	456
CARROLL	29,218	2,039
CECIL	17,013	1,309
CHARLES	27,148	2,203
DORCHESTER	5,243	363
FREDERICK	40,648	3,181
GARRETT	4,925	434
HARFORD	40,472	2,942
HOWARD	49,569	4,225
KENT	2,458	182
MONTGOMERY	141,575	11,188
PRINCE GEORGE'S	148,019	8,918
QUEEN ANNE'S	8,044	677
ST. MARY'S	17,730	1,300
SOMERSET	3,206	272
TALBOT	4,595	382
WASHINGTON	20,936	1,387
WICOMICO	14,704	1,087
WORCESTER	6,986	682
ARCH. OF BALTIMORE	36,766	2,352
*ARCH. OF WASHINGTON	33,900	2,588
**ARCH. OF WILMINGTON	2,108	137

Table 4: FY07 State Facility & AOC Information

Number of people in medical monitoring program	639
Number of people trained	311
Total number of facilities that need management plans	121
Number of up-to-date management plans	45
Average number of staff hours to review each plan	5

Table 5: Asbestos FY07 and FY08 Compliance Data

	FY05	FY06	FY07	FY08		
				Q1	Q2	Q3
Number of of asbestos project notifications received	3,273	3,201	3,227	812	816	744
Number of sites inspected	961	922	814	260	131	136
Coverage rate	29%	29%	25%	32%	16%	18%
Number of sites inspected with significant violations	4	3	5	0	0	0
Number of enforcement actions excluding compliance assistance	6	8	3	0	2	2
Amount of penalties obtained as reported for ECR	\$75,000	\$15,000	\$750	\$2,250*	\$2,250*	\$2,250*
Penalties reported in Clean Air Fund annual report	\$80,850	\$33,000	(\$17,250)	NA	NA	NA

* These three penalty amounts of \$2,250 reflect a single penalty that had monthly payments of \$750

Table 6: Clean Air Fund Fee Questions

Clean Air Fund Fee	1. Is fee set by statute or reg?	2. Does the applicable statute or reg specify that fees should cover costs?	3. If question 2 was answered “yes”, does the should-cover-costs specification appear in statute or reg?
Construction permit fees	Regulation	No	
Operating permit fees	Statute	No	
Title V permit fees	Statute	Yes	Statute
Asbestos license fees	Regulation	No	
Asbestos training application review fees	Regulation	Yes	Statute

Table 7: ARMA Vacancy Summary as of 6/12/08

	12/3/07	1/8/08	2/21/08	4/8/08	5/8/08	6/13/08
Total positions vacant	13	19	16	19	18	17
Vacancies with exceptions approved by DBM	7	4	2	5	6	6
Positions vacant more than 4 months	10	11	9	11	15	14
Positions vacant more than 6 months	6	9	7	9	9	11

Table 8: ARMA VACANCIES as of June 13, 2008

PIN	Program/ Division	Vacancy Date	Class/ Grade	Except- ions 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	Announ- cement Posted/ Closed	Notes
018492	Planning/ RGGI	04/18/07	Administrator III/18 (Class was changed)	01/08/08	PRF?		09/26/07 resub. 12/07/07	5/2/08	??			****Pilot study has been re-opened on 3/25/08 (Class Unit has 45 day turnaround), Several mtgs held, no final resolution Code 17, 10
C7030	Planning/ SIP	05/16/07	Nat. Res. Plnr. (previous class PHE I)/13	09/11/07	09/25/07	2/19/08	09/26/07	10/10/07	01/15/08	R1/17/08 A1/17/08	P 5/12/08 C 6/13/08	6, 9
C7039	Planning/ Climate Change	06/12/07	Administrator III/18	06/20/07	06/26/07	07/08/07	07/05/07	08/21/07	??		P10/23/07 C12/04/07 New date: P01/15/08 C01/30/08	****Pilot study has been re-opened on 3/25/08 (Class Unit has 45 day turnaround) Several mtgs held, no final resolution Code 1, 17, 12, 14
C7041	Planning/ Admin. Serv.	06/12/07	Administrative Aide/11	01/07/08	PRF?		01/08/08	3/7/08	3/28/08	R 4/3/08 A 4/3/08		10, 12, 14
C7042	Mobile/ Admin. Serv.	06/12/07	Office Secretary II/9	09/26/07	PFR?		08/24/07	08/28/07	10/10/07	R 10/12/07 A 10/12/07		10, 12, 14
018370	Planning/ Spec. Prog.	07/15/07	Natural Resource Planner IV/17 (Class was changed)	09/26/07	PRF?		09/26/07 resub. 12/11/07	5/2/08	??			****Pilot study has been re-opened on 3/25/08 (Class Unit has 45 day turnaround) Several mtgs held, no final resolution Code 17, 10

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074063	Planning SIP	07/15/07	PH Engineer IV/18	09/26/07	PRF?		09/26/07	10/01/07	02/1/08	R02/1/08 A02/1/08		10, 12, 14
063992	Compliance/Field Serv.	09/30/07	Sanitarian II Registered/12	10/25/07	PRF?		1/22/08	02/08/08	2/10/08	R 2/12/08 A 2/12/08		10, 12, 14
077329	Air Monitoring/Data Mgmt.	10/24/07	Environmental Spec. II/13 3/25/08 class approved as NRP II/13	2/19/08	PRF?		2/6/08	3/27/08	4/20/08	R 4/22/08 A4/28/08		10, 12, 14, 16
018238	Planning/Reg. Development	11/27/07	PHE IV/18	2/25/08	PRF?		2/14/08	2/29/08	2/1/08	R 3/3//08 A 3/5/08		10, 12, 14
074053	Compliance/Process Compliance	12/31/07	PH Engineer I/13	01/7/08	3/5/08	3/19/08	12/04/07	01/16/08	01/22/08	R 01/22/08 A 01/23/08	P 3/26/08 C 5/2/08	7 – Selection made, 3, 18, 19, 6, 19
065116	Director's Office	01/02/08	Administrative Aide/11	12/31/07	4/7/08	6/3/08	12/31/07	01/16/08	01/07/08	R 01/17/08 A 01/17/08		11, 19 Scheduling Interviews
C2005	RHP/Machines	01/04/08	Health Physicist Trainee/13	2/25/08	5/28/08		12/20/07	01/16/08	01/11/08	R 01/17/08 A 01/17/08		10
025695	Permits/Chemical	1/30/08	PHE IV/17 Change to: PHE III/16	2/25/08	4/17/08	5/6/08	2/25/08	2/29/08	2/29/08	R 3/3/08 A 3/5/08	P 5/19/08 C 6/20/08	3
016632	Compliance/Asbestos	3/1/08	PHE I/13 (Class was changed)	5/2/08	PRF?		4/24/08	EDC 7/1/08	4/24/08	EDC 7/2/08		10, 2, 13, 12, 14
063986	AG's Office	3/14/08	Asst. Attorney VI/22	DNR	DNR	3/28/08						Recruitment being handled by AG's Office – Announcement posted
068356	Air Monitoring/Modeling	4/1/08	Meteorologist Senior/18	5/2/08	PRF?		5/22/08	5/29/08	5/16/08	R 6/6/08 A 6/9/08		10, 2

Vacancy Key Codes:

Yellow highlighting: date seems late or item seems overdue.

EDC: Estimated Date of Completion DNR: Did not Record P: Posted C: Closed
R: Received A: Approved

Codes: 1-Budget/funding holds, 2-Admin. has not responded to Notice of Vacancy letter sent by HRC within 10 working days, 3-Testing or developing test for position specific requirements, 4-Testing or developing test to produce new eligibility list, 5-Position was advertised, but received no qualified applicants, 6-Insufficient applicant continue recruitment, 7-Selection made, 8-Appointment pending, 9-Applicant declined position, 10-Office of Budget did not submit hiring exception to DBM within 15 days of receipt, 11-DBM did not approve hiring exception within 30 days of receipt, 12-Admin. did not submit MS-22 within 30 days of vacancy, 13-Admin. did not submit hiring exception within 30 days of vacancy, 14-Admin did not submit interview questions within 30 days of vacancy, 15-OHR did not approve MS-22 within 45 days of receipt, 16-OFP did not approve interview questions within 10 days of receipt, 17-Hold pending organizational decisions, 18 key codes don't apply, 19 in process of interviewing, 20 Priority Review Form (PRF)