

MDEStat Meeting

April 15, 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: Voluntary Public Notifications About Pre-Existing Contamination Sites

County	Number of Open HRGUA Cases	Number of Sites Identified for Notification	Number of Letters Mailed
Anne Arundel	will begin after Cecil is complete		
Baltimore	22	7	359
Carroll	26	6	296
Cecil	68	27*	*
Frederick	17	12	614
Harford	42	12	535

* specific number of sites/letters for notification has not yet been determined

Table 2: Contaminated Residential Wells with WAS-Overseen Carbon Filtration Units

County	OCP State Lead	OCP RP Lead	OCP Total for County	CHS	Grand Total for County (OCP +CHS)
AA	2	24	26		
Baltimore	13	43	56	7	63
Cecil	6	54	60		
Carroll	20	68	88		
Caroline		1	1		
Frederick	11	39	50		
Garrett		1	1		
Harford	4	78	82	8	90
Howard	6	19	25		
Kent		1	1		
Montgomery	2	19	21		
Talbot	1	7	8		
Washington		3	3	12	15
Wicomico		2	2		
Worcester		1	1		
Totals	65	360	425	27	452
Totals in HRGUA Counties			336	15	351

(counties with high-risk groundwater use areas are highlighted)

Table 3: FY05-FY07 Tire Fund Financial Summary

FY	Beginning Balance	Prior Year Encumbrances	Revenue	Expenditures	Encumbrances	Ending Balance
FY 05	\$3,449,990.54	\$5,208,335.40	\$2,980,944.87	\$2,206,187.09	\$4,529,758.27	\$4,903,325.45
FY 06	\$4,903,325.45	\$4,529,758.27	\$3,819,335.32	\$2,696,043.41	\$4,845,114.30	\$5,711,261.33
FY 07	\$5,711,261.33	\$4,845,114.30	\$4,471,080.34	\$3,481,590.50	\$6,704,714.10	\$4,841,151.37

Table 4: FY05-FY07 Oil Fund Financial Summary

FY	Beginning Balance	Prior Year Encumbrances	Revenue	Expenditures	Encumbrances	Ending Balance
FY 05	\$191,291.03	-	\$3,246,097.05	\$3,396,257.67	-	\$41,130.41
FY 06	\$41,130.41	-	\$5,093,618.94	\$3,882,574.20	-	\$1,252,175.15
FY 07	\$1,252,175.15	\$232,647.27	\$5,254,117.95	\$4,524,436.57	-	\$2,214,503.80

Table 5: Maryland Used Tire Clean Up and Recycling Fund

	FY05	FY06	FY07
Initial Fund Balance	\$3,449,990.54	\$4,903,325.45	\$5,711,261.33
- add open prior year encumbrances	\$5,208,335.40	\$4,529,758.27	\$4,845,114.30
- adjusted beginning balance	\$8,658,325.94	\$9,433,083.72	\$10,556,475.63
Revenues			
- refund of indirect cost for prior year	\$741,255.69	NA	NA
- gross used tire fees revenues	\$2,258,113.04	\$3,804,589.44	\$4,539,476.65
- adjustment for comptroller's fees	(\$89,623.86)	(\$65,127.12)	(\$81,120.51)
- adjustment	\$0.00	\$70,526.00	NA
- cost recovery	\$17,300.00	\$5,247.00	\$12,724.20
- fines	\$400.00	NA	NA
- escrow collected	\$53,500.00	\$4,100.00	\$0.00
Total Revenues	\$2,980,944.87	\$3,819,335.32	\$4,471,080.34
penalties per annual MDE enforcement report	\$19,388	\$27,775	\$8,100
Expenditures			
- MDE program expenditures	\$801,448.93	\$938,067.58	\$1,019,249.10
- stockpile cleanups	\$4,480.00	\$182,911.57	\$7,370.00
- MDE indirect costs	\$257,602.84	\$382,240.28	\$422,733.97
- MES projects and administration	\$65,075.00	\$733,270.95	\$931,167.95
- outstanding encumbrance payments	\$1,077,580.32	\$459,553.03	\$1,101,069.48
Total Expenditures	\$2,206,187.09	\$2,696,043.41	\$3,481,590.50
Outstanding Encumbrances	\$4,529,758.27	\$4,845,114.30	\$6,704,714.10
Year-End Balance	\$4,903,325.45	\$5,711,261.33	\$4,841,151.37

Table 6: Oil Disaster Containment Cleanup and Contingency Fund

	FY05	FY06	FY07
Beginning Fund Balance	\$191,291.03	\$41,130.41	\$1,252,175.15
Receipts			
- transfer fees	\$2,484,648.97	\$4,460,221.21	\$4,576,643.03
- oil spill cost recovery	\$136,662.36	\$109,371.60	\$185,221.03
- UST installer fees	\$17,500.00	\$47,750.00	\$54,550.00
- fines & penalties	\$108,511.83	\$174,461.98	\$107,124.31
- revenue adjustment	(\$902.52)	\$490.69	(\$28,181.36)
- transfer authorized by section 2, chapter 604 acts 2000 (environment article 4-411)	\$300,000.00	NA	NA
- miscellaneous/accounting change	24,210.98	NA	NA
- interest income	\$155,807.47	\$301,323.46	\$358,760.94
Total Receipts	\$3,246,097.05	\$5,093,518.94	\$5,254,117.95
Total Funds Available (bal. + rcts.)	\$3,437,388.08	\$5,134,749.35	\$6,738,940.37
Total OCP penalties per annual MDE enforcement report	\$195,414	\$131,312	\$107,324
- oil aboveground facilities	\$13,650	\$24,245	\$30,495
- oil pollution remediation	\$175,021	\$85,604	\$54,233
- oil UST systems	\$6,743	\$21,463	8 \$22,596

Table 6: Oil Disaster Containment Cleanup and Contingency Fund (Con't)

	FY05	FY06	FY07
Expenditures			
- salaries and wages	\$1,963,113.90	\$2,275,135.65	\$2,976,784.22
- technical and special fees	\$2,441.61	\$19,534.28	\$16,391.53
- communications	\$34,874.67	\$61,156.28	\$40,693.32
- travel	\$23,729.51	\$9,100.46	\$2,183.42
- utilities	\$1,029.85	\$0.00	\$0.00
- motor vehicle operations and maintenance	\$165,617.59	\$226,083.58	\$228,019.32
- contractual services	\$225,911.14	\$384,949.72	\$340,423.10
- supplies and materials	\$185,101.37	\$116,238.33	\$197,942.36
- equipment	\$133,101.37	\$169,284.96	\$133,524.40
- grants	\$262,357.00	\$66,968.00	\$33,484.00
- fixed charges	\$9,295.56	\$5,470.31	\$5,634.78
- other	\$388,929.90	\$548,652.67	\$49,356.12
Total Expenditures	\$3,396,257.67	\$3,882,574.20	\$4,524,436.57
Year-End Balance	\$41,130.51	\$1,252,175.15	\$2,214,503.80

Table 7: Was Vacancy Summary

	12/18/07	1/15/08	2/19/08	4/9/08
Total positions vacant	28*	30*	24*	25*
Vacancies with exceptions approved by DBM	14	12	5	16
Positions vacant more than 4 months	21	21	14	17
Positions vacant more than 6 months	12	14	10	12

*Three of these are in OAG.

Table 8: WAS VACANCIES with DBM approval as of April 10, 2008

PIN	Program/Division	Last Name & 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 OFF	Annoucement Posted/ Closed	Notes
015557	Attorneys	Wallace 1/2/07	Paralegal/12	12/12/07	2/20/08	3/18/08	NA	NA	NA	NA	P DNR C 4/8/08	scheduling interviews
058915	Attorneys	Brooks 01/16/07	Asst. Attorney General VI/22	6/04/07	6/26/07	7/18/07	NA	NA	NA	NA	NA	hired, start date 5/8/08
C-6009	Recycling/Ops	Vacant -C 03/05/07	Admin. Specialist I/10	3/06/07	DNR	5/09/07	1/24/08	3/4/08	EDC 9/1		P 3/20/08 C 4/4/08	3/21 HRC requested interview questions
055587	Solid Waste	Kestler 5/09/07	OS I/8	6/20/07	7/21/07	7/30/07	8/01/07 then resub'd 01/14/08 ²	denied 8/21/07 approved 1/14/08	1/23/08	R 1/25/08 A 1/25/08	P 1/23/08 C 2/8/08	2/26/08 interviews completed, 4/2/08 selection pkg. sent to OHR ³
058892	Lead/Lead Enforcement	Warburton 07/04/07	Env. Comp. Spec. IV/16	8/08/07	8/22/07	9/06/07	7/25/07	7/27/07	12/03/07	R 12/04/07 A 12/05/07	P 1/09/08 C 2/04/08	Interviews scheduled for 4/9/08 ⁴
083383	Land Restoration/CHS	Tefera 8/28/07	Geologist III/16	10/31/07	3/5/08	3/18/08	11/16/07	11/19/07	1/24/08	R 1/29/08 A 1/29/08		Draft announcement sent to OHR on 3/27. EDC for review is 4/15 ⁵
062857	Oil Control/ Compliance	Emanuel 9/7/07	Env. Comp. Spec. III/15	10/30/07	3/5/08	3/18/08	11/27/07	11/29/07	1/22/08	R 1/31/08 A 2/1/08	P 3/19/08 C O/C	Closing date pending
063984	Solid Waste/ Design & Cert.	Tucker 9/18/07	PHE III/17	10/30/07	3/5/08	3/18/08	11/8/07	11/19/07	2/25/08	R 3/3/08 A 3/5/08	P 3/28/08 C 4/14/08	Closing date pending
018413	Recycling/Ops	Proctor 10/1/07	Administrator II/17	10/30/07	3/6/08	3/18/08	1/29/07	3/7/08	2/15/07	3/12 Admin. met with class unit and may change classification; will decided by end of April ⁶		
056422	Lead/Lead Enforcement	Armingner 11/20/07	Env. Comp. Spec. IV/16	12/13/07	3/5/08	3/18/08	12/10/07	12/18/07	1/24/08	R 1/25/08 A 1/25/08	P 3/27/08 C 4/11/08	Closing date pending
047879	Hazardous Waste/ Enforcement	Miloscia 11/30/07	PHE III/17	1/17/08	3/5/08	3/18/08	1/3/08	1/16/08	1/17/08	R 1/25/08 A 1/25/08	P 3/21/08 C 4/7/08	Closing date pending
014533	Oil Control/ Compliance	Chilcote 11/30/07	Env. Comp. Spec. III/15	12/13/07	3/5/08	3/18/08	12/6/07	12/18/07	1/22/08	R 1/31/08 A 2/1/08	P 3/19/08 C O/C	Scheduling interviews
014625	Hazardous Waste/ Enforcement	Lang 12/19/07	PHE III/17	1/17/08	3/5/08	3/18/08	1/3/08	1/16/08	1/17/08	R 1/25/08 A 1/25/08		Applicants were contacted 3/21 and asked to respond by 4/7. ⁷
062860	Oil Control/ Compliance	Roe 12/31/07	Env. Comp. Spec. III/15	1/17/08	3/5/08	3/18/08	1/30/08	1/30/08	1/22/08	R 1/31/08 A 2/1/08	P 3/19/08 C O/C	Scheduling interviews
068360	Oil Control/ Compliance	Ryan 1/16/08	Env. Comp. Spec. III/15	2/4/08	3/5/08	3/18/08	1/30/08	1/30/08	1/22/08	R 1/31/08 A 2/1/08	P 3/19/08 C O/C	Scheduling interviews

Key

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 O/C: open and continuous

¹ What is the reason for the delay on these questions?

² Why did the revised MS22 take 4.5 months?

³ Why did the selection package take over a month?

⁴ Please explain the times required to submit interview questions, post the announcement, and schedule interviews.

⁵ Why does OHR's review of the announcement take nearly three weeks?

⁶ Position has been vacant since October. Why is this issue still unresolved?

⁷ When will interviews be held?

Table 9: Lead Poisoning Prevention Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of affected properties registered	119,512	122,841	123,240
No. of sites inspected	1,955 by MDE 25,548 by 3 rd -party inspectors 27,503 total	800 (by MDE?)	775 (by MDE?)
coverage rate	23%	0.07% (MDE only?)	0.06% (MDE only?)
Number of sites inspected with significant violations	483	141	143
No. of enforcement actions excluding compliance assistance	596	226	220
Amount of penalties obtained	\$690,916	\$166,119	\$132,265

Table 10: Hazardous Waste Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of generators, transporters, and permitted facilities	11,950	10,103	10,096
No. of sites inspected	163	51	27
coverage rate	1.4%	0.05%	0.05%
Number of sites inspected with significant violations	31	8	4
No. of enforcement actions excluding compliance assistance	34	8	29
Amount of penalties obtained	\$108,964	\$2,500	\$8,000

*Table 11: Oil Control Aboveground Facilities
Enforcement Summary*

	FY07	FY08 Q1	FY08 Q2
No. of permits/licenses in effect	1122	1354	1291
No. of sites inspected	401	79	91
coverage rate	17%	12%	15%
Number of sites inspected with significant violations	58	54	16
No. of enforcement actions excluding compliance assistance	59	54	16
Amount of penalties obtained	\$30,495	\$3,250	\$1,164.35

Table 12: Oil Pollution Remediation Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of sites with groundwtr or soil impact	1947	1897	1749
No. of sites inspected	504	126	103
coverage rate	26%	7%	6%
Number of sites inspected with significant violations	30	6	4
No. of enforcement actions excluding compliance assistance	30	6	4
Amount of penalties obtained	\$54,233	\$6,000	\$6,869

Table 13: Oil Control Underground Storage Tank Systems Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of registered UST sites	5813	5840	5994
No. of sites inspected	908*	341*	548*
coverage rate	16%	17%	11%
Number of sites inspected with significant violations	58	40	30
No. of enforcement actions excluding compliance assistance	81	40	30
Amount of penalties obtained	\$22,596	\$19,774.50	\$22,075

*Includes third party inspections

Table 14: Refuse Disposal Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permitted facilities	73	74	75
No. of sites inspected	255**	101**	106**
coverage rate	100%	76%	72%
Number of sites inspected with significant violations	24	6	5
No. of enforcement actions excluding compliance assistance	30	12	6
Amount of penalties obtained	\$26,936	\$0	\$0

** Includes un-permitted dumping, citizen complaints and other similar waste issues

Table 15: Scrap Tire Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/licenses in effect plus number of stockpiles to be cleaned up	3224	2600	2200
No. of sites inspected	502	150	122
coverage rate	16%	5%	4%
Number of sites inspected with significant violations	5	1	0
No. of enforcement actions excluding compliance assistance	100	103	131
Amount of penalties obtained	\$8,100	\$0	\$0

Table 16: Sewage Sludge Utilization Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/licenses in effect	690	697	669
No. of sites inspected	217	87	66
coverage rate	31%	12%	8%
Number of sites inspected with significant violations	5	2	3
No. of enforcement actions excluding compliance assistance	8	4	4
Amount of penalties obtained	\$0	\$0	\$0

Table 17: Natural Wood Waste Recycling Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/licenses in effect plus number of unpermitted sites discovered and inspected	38	31	30
No. of sites inspected	38	19	22
coverage rate	100%	50%	60%
Number of sites inspected with significant violations	3	1	2
No. of enforcement actions excluding compliance assistance	5	1	2
Amount of penalties obtained	\$0	\$0	\$0

Table 18: MDE LEGISLATIVE AUDIT REPORT ISSUED JANUARY 2008 - WAS Follow-up Items

FINDING NUMBER	REPEAT	FINDING	RECOMMENDATION	CORRECTIVE ACTIONS
1	No	MDE did not fully disclose to the General Assembly's budget committees significant EEMS development and implementation issues, which could ultimately affect the usefulness of the system, and did not obtain Board of Public Works (BPW) approval for contract scope modifications, as required.	To the extent programs are not included in EEMS, alternative procedures should be implemented to provide adequate controls over the programs' permit and enforcement functions.	Continue to ensure adequate controls are adequate over the permit and enforcement functions.
3	No	Guidelines were not in place to help ensure consistent determination and imposition of penalties for violations of environmental laws.	MDE should develop guidelines for penalties, including requirements related to the consistent determination and imposition of penalties as well as the reduction of penalties. Also, MDE should identify significant reductions previously made to assessed penalties and verify the propriety of these reductions.	Partially agreed. Maintain adequate written documentation supporting the reduction of penalty fees in Administration program files.
6	No	MDE did not adequately monitor activities in certain special fund programs to ensure compliance with applicable State laws and regulations.	MDE should adequately monitor special fund programs to ensure compliance with applicable State laws and regulations. Specifically, MDE should establish procedures to identify and pursue property owners who fail to register lead paint properties and pay the annual registration fee. Also MDE should investigate the 2,600 property owners and take appropriate action to ensure the owners register any required properties and pay any registration fees owed to MDE. Furthermore, the MDE should record needed revisions to property owner information in the property database timely. Finally, MDE should maintain documentation supporting its calculation of underground oil storage tank reimbursement payments, only pay for costs that are eligible under State regulations, and recover the payments for ineligible costs.	Conduct first cleaning pass through of database by February 2008. Cleanup entire database by November 2008. Thereafter, maintain database on a current basis. Investigate the feasibility of contracting a service to "clean" and provide an accurate and correct version of the renewal database and a list of property owners to pursue for compliance. Pursue compliance once list of property owners is obtained. Document future calculation of underground oil storage tank reimbursement payments. Present change in law to allow payment of storage tanks to AELC by February 2008.
13	Yes	Procedures and controls over the processing of purchasing and disbursement transactions were inadequate.	MDE should fully document the basis for contract settlements with vendors. Furthermore, MDE should require grantees and contractors to provide adequate documentation, such as time sheets, to support the propriety of amounts billed, or perform periodic audits of grantee and contractor records to verify the propriety of the billed labor charges.	Document basis for future contract settlements with vendors and maintain for audit purposes. Review documentation supporting future grant/contract/MOU payments, on a test basis, to verify the propriety of the amounts billed.