

MDEStat Meeting

April 1, 2008



SSA Vacancies as of 3/27/08

PIN	Program/ Division	Vacancy Date	Classification/ Grade/	Except- ions to OB	Excep. To DBM	Excep. Apprvd by DBM	MS 22 to OHR	MS 22 Apprvd by OHR	Interv. Qests to OHR	Interview Questions Recvd & Approved by OFP	Announ- cement Posted/ Closed	Notes
078546	TMDL Tec. Dev./Sediment & Toxics	1/31/07	Water Resource Engineer/18	1/23/07	DNR	5/9/07	6/22/07	12/14/07	12/13/07	R 12/17/07 A 12/20/07	P 2/11/08 C 3/3/08	Interviews scheduled 3/28/08
C5021	WQ Prot. & Rest./TMDL Implem. Div	6/6/07	Env. Specialist I/12	10/10/07			EDC 3/28/08		3/28/08			** Funding issue
081059	TMDL Tech. Dev./Tech Review	6/19/07	NR Planner II/14	10/10/07			9/19/07	10/2/07	10/5/07	R 10/5/07 A10/9/07		***
018282	Water Quality Prot. & Rest/TMDL	7/1/07	Env. Program Mgr. I/19	8/13/07			09/18/07	10/5/07	10/26/07	R 10/29/07 A 10/31/07		***
078547	Env'l Assessment & Standard/Data Mgmt. Div.	7/4/07	DP Programmer Analyst/18	8/13/07			2/8/08	EDC 4/28/08	2/8/08			**** Class being studied
C5010	Env'l Assessment & Standard/WQ Standards	8/29/07	Env. Specialist I/12				10/12/07	10/26/07	EDC 4/1/08			** Funding issue. May recruit in July.
C5025	TMDL Tech Dev./TMDL Dev.	9/12/07	PHE I/13									** Funding issue. May recruit in July.
C5026	TMDL Tech Dev./TMDL Dev.	9/12/07	PHE I/13									** Funding issue. May recruit in July.
060439	TMDL Tech. Dev./Nutrient Bacteria	10/31/07	NR Planner IV/17	1/31/08			2/21/08	EDC 4/28/08	2/21/08			**** Class being studied
076253	Field Services Prgm./Tech. Study	11/16/07	NR Planner I/12	12/19/07	3/5/08	3/18/08	2/27/08	3/7/08	2/27/08	R 3/10/08 A 3/14/08	P 3/21/08 C 4/8/08	Closing date pending

4/4/2008

SSA Vacancies as of 3/27/08

PIN	Program/ Division	Vacancy Date	Classification/ 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
018317	Field Services Prgm./Shellfish	12/1/07	NR Planner I/12	12/19/07	3/5/08	3/18/08	2/27/08	3/7/08	2/27/08	R 3/10/08 A 3/14/08	P 3/21/08 C 4/8/08	Closing date pending
C7017	Field Services Prgm./Shellfish	12/19/07	NR Planner I/12	12/19/07			2/21/08	3/7/08	2/27/08	R 3/10/08 A 3/14/08		***
C5016	TMDL Tech. Dev./ Nutrient Bacteria	1/30/08	PH Engineer I/13									** Funding issue. May recruit in July.
048656	Operation Services/Contract	2/13/08	Agency Buyer Spec./12	3/3/08			EDC 4/1/08		EDC 4/1/08			*3/13/08
075383	Field Services Prgm./TMDL Imp. Div.	2/29/08	NR Planner I/12	2/15/08			3/11/08	3/19/08	3/11/08	R 3/19/08 A 3/24/08		***
075399	WQ Prot. & Rest./ TMDL Imp. Div.	3/3/08	NR Planner V/18	2/29/08			3/11/08	3/19/08	EDC 4/1/08			*3/5/08
014490	Env'l Assessment & Standard/ Dredging	3/6/08	NR Planner I/12	2/15/08			3/28/08					*3/7/08

Key

Yellow highlighting: date seems late or item seems overdue.

* HRC requested MS 22, exception, or interview questions from administration on this date and has not received.

** Funding Issues

*** Awaiting Exception Approval from DBM

****MS 22 being reviewed by Classifications Unit

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

4/4/2008

Table 1: SSA Vacancy Summary

	3/25/08 Status
Total positions vacant	17
Positions on budget hold until July	4*
Vacancies with exceptions approved by DBM	3
Vacancies with exceptions pending at MDE Budget Office	10
Positions vacant more than 4 months	11
Positions vacant more than 6 months	8
Positions vacant more than 12 months	1

* All four are contractual. Three are PHE Is.

4/4/2008

Table 2: MFR Shellfish Data

Performance Measure (Data are annual, not cumulative, and are rounded up to the nearest whole number)	CY05 Actual	CY06 Actual	CY07 Actual	CY08 Estimate
Percent of required sampling achieved	81%	81%	81%	81%
Number of new monitoring stations established for the aquaculture industry	13	8	21	30
Mean bacteria concentration by year of all shellfish monitoring stations sampled	38	33	33	33
Percentage of total harvesting acres that are approved or conditionally approved	94%	94%	94%	94%

Table 3: MFR Fish Kills Data

	CY05 Actual	CY 2006 Actual	CY 2007 Estimate	CY 2008 Estimate
Number of fish kill investigations performed	87	68	95	95
Percentage of fish kill reports investigated for which a causal factor can be identified	90%	94%	90%	90%
Number of investigated fish kills where the cause is pollution	5	10	10	10
Percent of investigated fish kills where the cause is pollution	6%	15%	6%	7%

Shellfish Program

- Federal authority is US FDA not EPA.
 - Program development and guidance body is ISSC
 - Program is embodied in NSSP Model Ordinance
- Only concern is human health; economic factors are not considered.
- Risk control and reduction are the basis for the program and require State authority/regulation.
- Only federal enforcement mechanism is restriction of interstate commerce in shellfish.

Risk Control and Reduction

- Several components of the shellfish program:
 - MDE: Classifies waters through monitoring and shoreline surveys
 - DNR/Nat.Res. Police: Enforcement of harvest water restrictions
 - DHMH: Post-harvest controls (shellstock shipper's license, food controls, HACCP), recalls and lab
- Annual on-site FDA audits
- Must show that authority to enforce model ordinance is available.

Related non-FDA programs

- MDE/BPW –
 - Wetlands permit and water column license.
 - NPDES permit for aquaculture
- MDA – Seafood marketing and industry support; interagency coordination
- DNR – Aquaculture license and harvest limits and sanctuaries (fisheries component)

Classification of Shellfish Waters

- Three main components conducted by MDE:
 - Shoreline Sanitary Surveys (field office)
 - Water sampling for fecal coliform (field office) and
 - Data analysis, classification and notification (HQ)

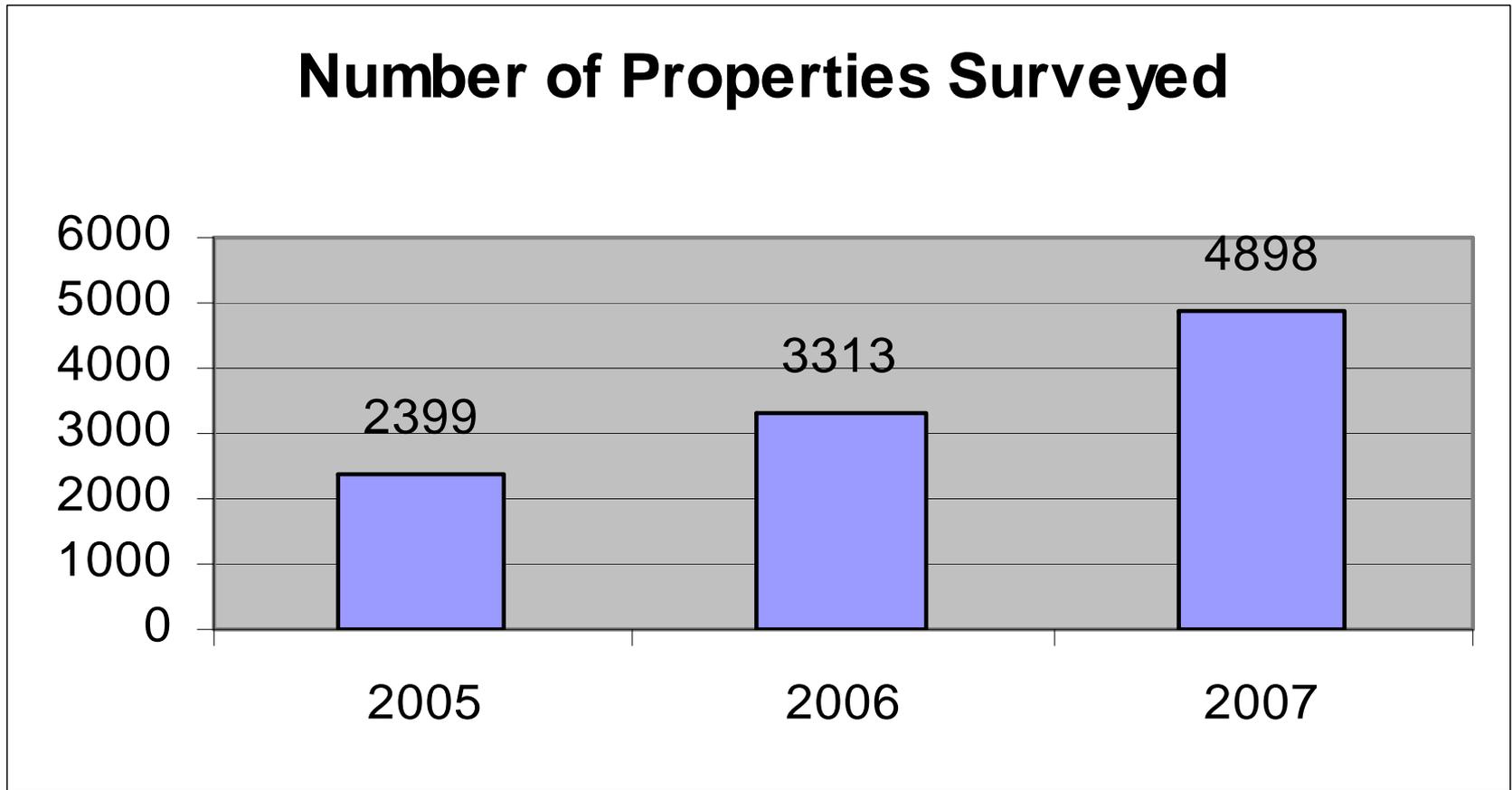
Shoreline (Sanitary) Surveys

- Critical component for classifying shellfish waters.
- Detailed field investigation of possible sources of bacteria to shellfish waters.
- Try to visit each property:
 - Dye test waste lines at all waterfront homes
 - May even enter homes and to identify failures.
- Field digital data collection

Shoreline (Sanitary) Surveys

- Shoreline divided into 183 survey units; the number of homes in each can vary from 20-1200 (average approx. 200)
- Five year rotation; in 2007 conducted 41 surveys and visited 4,898 properties.
- Controls/reduces risk by finding and removing potential sources of risk.
- Findings reported to local health departments for correction.

Number of Properties Surveyed



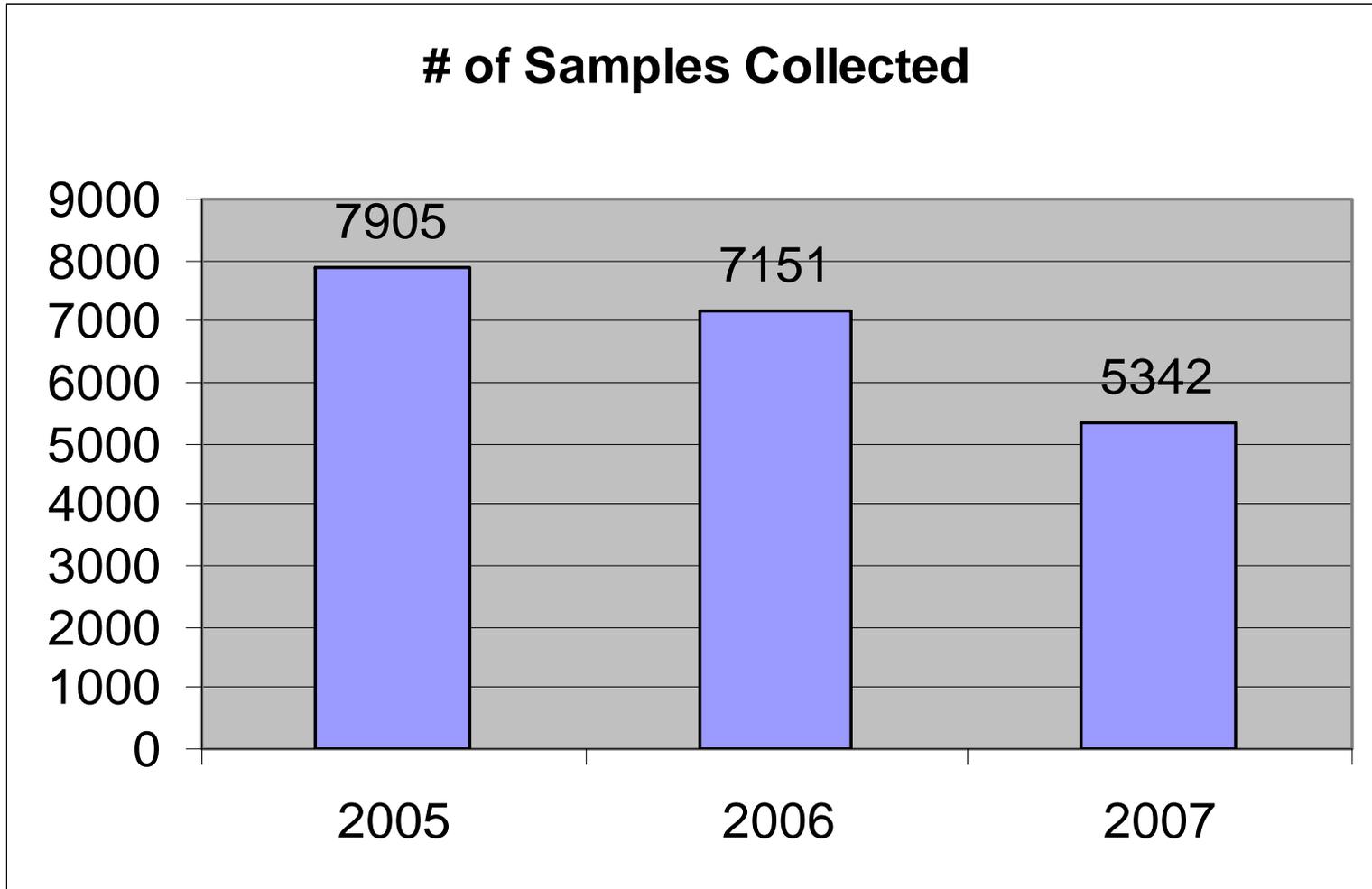
Classification and Sampling

- Harvest water classification
 - Four classifications:
 - Approved – can harvest directly
 - Conditionally approved – Cannot harvest within 72 hours after 1 inch rainfall
 - Restricted (closed) – Cannot harvest directly; may relay to clean waters and harvest later.
 - Prohibited – no harvest under any conditions; includes safety zones.

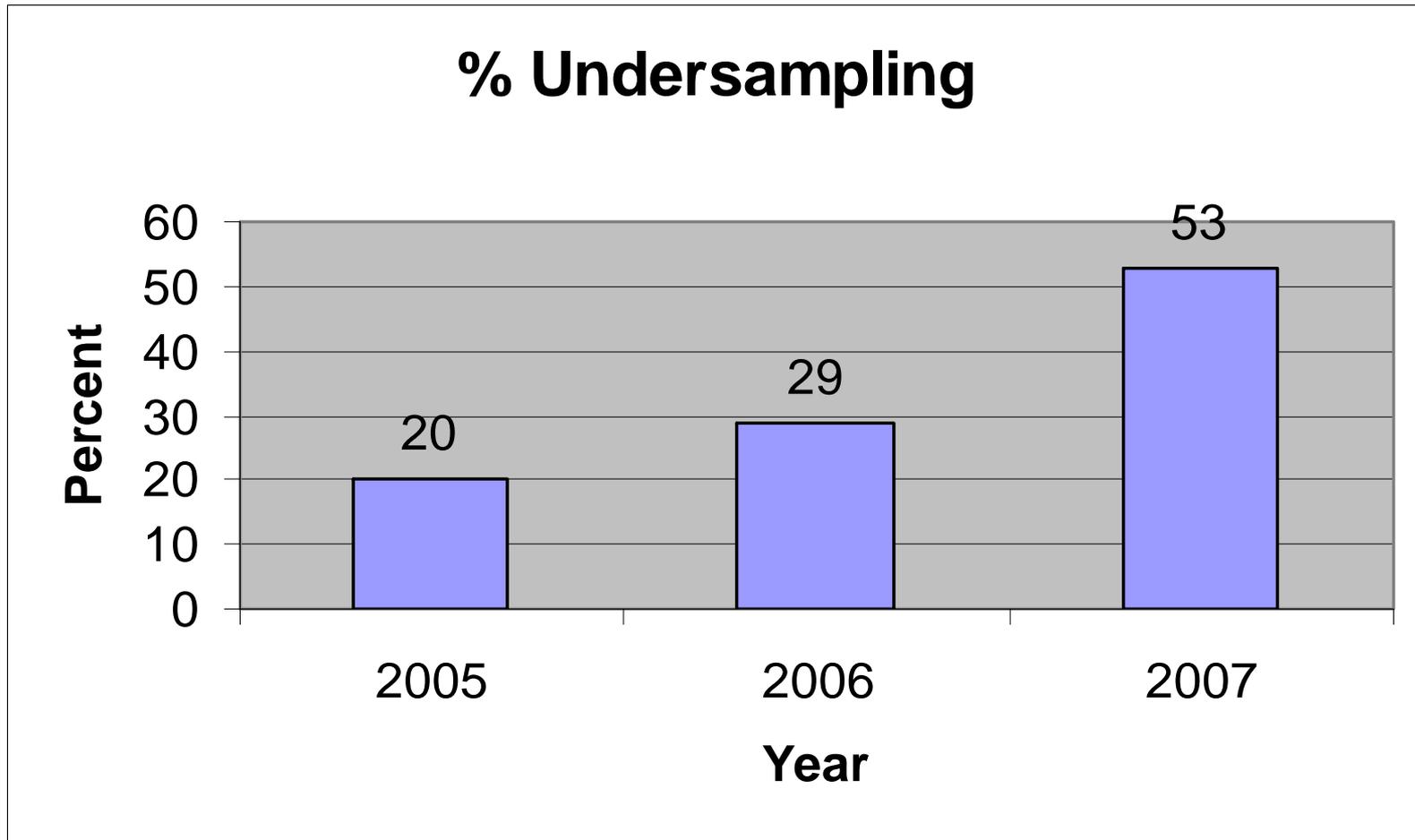
Monitoring

- Required monitoring rates
 - Approved (NSSP): 6/year (meeting this)
 - Conditional (NSSP): 12/year
 - Restricted (State): 24/year
 - If NSSP sampling is not met, area should be closed.
 - Currently saved by 5 year averaging.
 - Since 2005 have established 19 new sites for aquaculture

Samples Collected



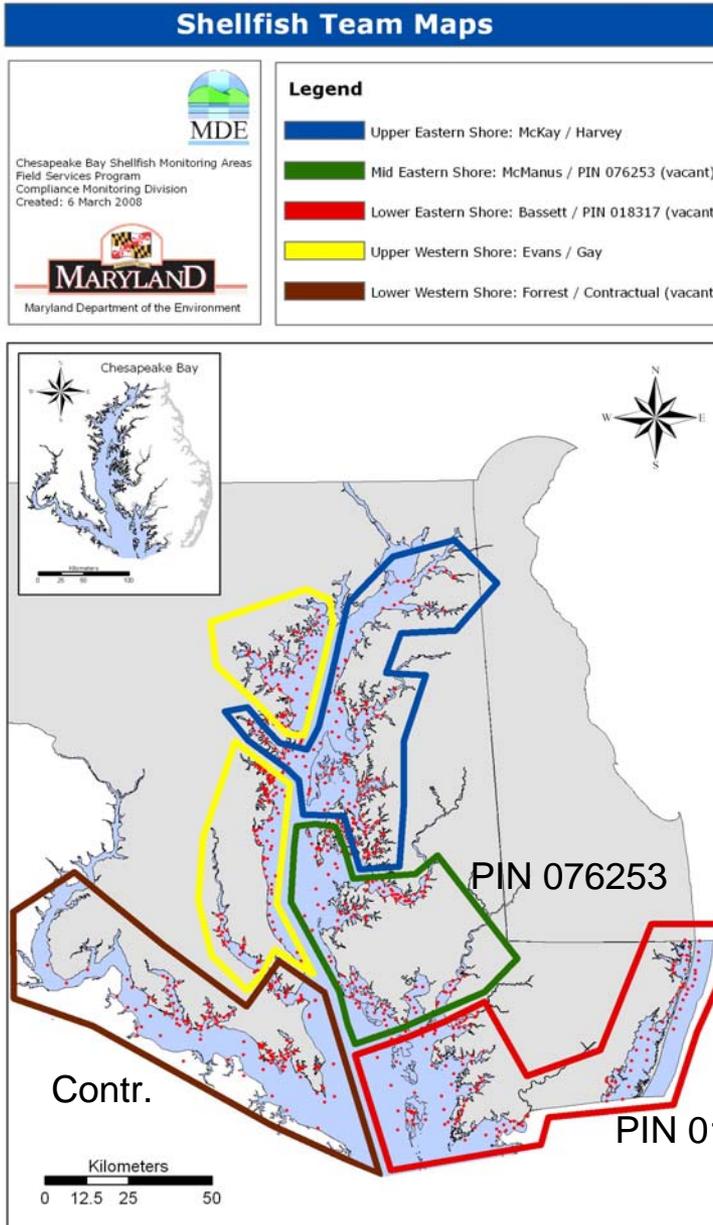
Percent Under Sampling



- **Under-sampling by 20-53% and increasing rapidly.**

Challenges

- Vacancies – personnel
- MS-22s being re-written for NRP series.
 - Wharton (Vacant 12/07; xcptn to DBM 3/8; MS-22 approved; questions submitted)
 - Haskins (Vacant 11/07; xcptn to DBM 3/8; MS-22 approved; questions submitted)
 - McManus (contr.) (Vacant 12/07; xcptn requested 12/07; MS-22 approved; questions submitted)



- Implications of two person teams w/ one position vacant.
 - Increased travel costs; other teams make up minimum effort
 - Managers make up sampling deficit
 - Smaller data base leads to more or longer closures

Potential Outsourcing

- Worked with MES
- Would cost \$1 million compared to current expenditures of \$417,360
- AND remove flexibility to do other things with boats and vehicles.
- Not viable option.

Impairments and TMDLs

- Restricted areas are considered impaired, administratively closed areas are not.
- 23 shellfish impairments (2008)
- 53 shellfish bacteria TMDLs approved
- Routinely restrict/approve some areas based on monitoring with press release and notification; other areas are longer term restrictions.

Relays

- DHMH provides resources for aquaculture relays
- Only 1 or 2 leased bottom relays per year
- Staff resources insignificant at this time

Challenges

- Need appropriate statutory authority/regulations for aquaculture.
 - Natural bottom harvest requirements not necessarily appropriate
 - Need efficient wetlands framework.
- New programmatic requirements from NSSP
 - Register oyster gardeners
 - Vibrio control plans