

# *MDEStat Meeting*

*January 3, 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.

# WMA Vacancies

Program/ Division	Vacancy Date	Class/ 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	Applicants Contacted	Applicant Respsn. Deadline	Interviews Completed	Selection Pkg. To OHR	Selection Package Recvd & Approved by OFF	Appoint-ment Start Date	Comments	
Wetlands/ Nontidal	01/10/06	Nat. Res Planner III/15	11/14/05	DNR	01/10/06	02/01/06	04/04/06	DNR (1 year delay ?)	R 05/16/07 A 05/17/07	P09/24/07 C10/22/07	NA	NA	11/26/07	EDC 12/14/07			Poor applicant pool, had to re-advertise numerous times	
Wastewater/ Industrial	03/01/06	PH Engineer III/17	06/08/07	07/21/07	08/13/07	09/25/07	10/03/07	11/26/07										Delay in submitting exception & obtaining interview questions
Compliance/ Eastern	06/30/06	PH Engineer III/17	07/26/06	DNR	08/31/06	10/03/06	11/28/06	DNR	R DNR A 03/21/07	P11/25/07 C12/14/07								Poor applicant pool, recruitment problems
Water Supply/ Source Prot.	08/15/06	Water Res. Eng. III/17	04/24/07	DNR	05/17/07	07/11/07	07/27/07	09/25/07	R 10/05/07 A 10/09/07	P10/23/07 C11/13/07	11/30/07	NA	EDC 12/18/07					Reorganization within Program delays
Water Supply SDWA Impl.	09/28/06	PH Engineer III/17	09/11/06	DNR	09/28/06	12/14/06	01/12/07	EDC?										Poor applicant pool, re-advertised 5 times
Water Supply/ Eng. & Tech.	09/28/06	PH Engineer III/17	09/11/06	DNR	09/28/06	12/06/07	EDC?											Poor applicant pool - Class being studied
Wastewater/ Pretreatment	11/21/06	PH Engineer III/17	11/29/06	DNR	01/04/07	02/27/07	03/26/07	DNR	R 04/04/07 A 04/11/07	NA	04/26/07	05/11/07	08/10/07	12/10/07				Delay in scheduling interviews by administration & hard to fill position 2 declines
Water Supply/ Water Policy	11/27/06	Env. Prog. Mgr 1/19	11/21/06	DNR	01/04/07	03/14/07	04/09/07	10/19/07	R 10/22/07 A 10/25/07	P05/15/07 C06/11/07	08/09/07	08/27/07	11/07/07	12/03/07	R 12/06/07 A 12/10/07	01/09/08		Admin. delay in submitting interview questions & interviews
Compliance/ Resource Plan	01/31/07	Env. Prog. Mgr. I/19	02/12/07	DNR	04/17/07	04/25/07	DNR	DNR	R 06/07/07 A 06/12/07	P05/15/07 C06/11/07	09/20/07	10/05/07	10/31/07	EDC 12/13/07				1 <sup>st</sup> & 2 <sup>nd</sup> & 3 <sup>rd</sup> candidates declines, waiting for 4th candidate
Wetlands/ Nontidal	02/27/07	PH Engineer V/19	02/28/07	DNR	04/17/07			EDC 12/24/07										WMA had difficulty filling this position and now plans to reclass an existing employee into this PIN. This class study was initiated by OHR on ____.

# WMA Vacancies (Continued)

Program/Division	Vacancy Date	Class/Grade	Exceptions 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	Announcement Posted/ Closed	Applicants Contacted	Applicant Respsns. Dead-line	Interviews Completed	Selection Pkg. To OHR	Selection Package Recvd & Approved by OFP	Appoinment Start Date	Comments
Water Supply/ Eng. & Tech.	05/07/07	OS III/10	05/17/07	07/21/07	08/13/07	09/19/07	10/03/07	10/12/07	R 10/12/07 A 10/18/07	NA	11/15/07	12/03/07	EDC?				
Wastewater/ Delegated	05/22/07	Sanitarian VI/17	05/24/07	07/21/07	08/13/07	07/23/07	08/08/07	DNR	R 09/19/07 A 09/19/07	P10/12/07 C10/26/07	NA	NA	11/28/07	EDC?			HRC awaiting Selection Package
Water Supply/ Water Policy	05/31/07	Nat. Res. Planner III/15	05/24/07	06/26/07	07/18/07	07/09/07	08/17/07	08/16/07	R 08/16/07 A 08/21/07	NA	08/28/07	09/11/07	10/30/07	11/20/07	R 11/30/07 A 11/30/07		Offer made, awaiting applicant response
Operational Services/ Admin. Serv.	06/04/07	Agcy. Grans Spec. Tr./12	06/04/07	07/21/07		07/16/07	07/27/07	DNR	R 09/06/07 A 09/10/07								
Compliance/ Central	06/05/07	Env. Comp. Series/13	09/27/07			10/01/07	10/04/07	10/04/07	R 10/04/07 A 10/05/07	NA	10/01/07	10/15/07	11/09/07	EDC?			Pending DBM hiring freeze
Wetlands & Waterways Nontidal	06/19/07	Nat. Res. Planner V/18	07/16/07	08/22/07	09/06/07	11/20/07	EDC?										Class being Studied
Wetlands & Waterways Nontidal	06/30/07	OS III/10	05/02/07	06/26/07	07/18/07	10/09/09	11/15/07	10/10/07	R 10/10/07 A 10/15/07	NA							Possible PIN Swamp with ARMA
Compliance/ Enforcement	06/30/07	Sanitarian II/13	05/24/07	06/26/07	07/18/07	08/07/07	08/17/07	10/10/07	R 10/11/07 A 10/12/07	NA	NA	NA	11/09/07	12/03/07	R 12/04/07 A 12/04/07		Offer made, awaiting applicant response
Compliance/ Central	06/30/07	Env. Comp. Series/13	05/24/07	06/26/07	07/18/07	08/07/07	08/28/07	10/04/07	R 10/04/07 A 10/05/07	NA	10/01/07	10/15/07	11/09/07	12/03/07	R 12/05/07 A 12/05/07		Offer made, awaiting applicant response
Water Supply/ Source Prot.	07/01/07	Geologist III/16	09/28/07			EDC?											
Water Supply/ Source Prot.	07/01/07	Geologist III/16	09/28/07			EDC?											
Water Supply/ Eng. & Tech.	07/17/07	PH Engineer III/17	08/09/07	08/22/07	09/06/07	09/20/07	10/02/07	DNR	R 11/01/07 A 11/02/07	NA	11/20/07	12/07/07	EDC?				HRC reviewing applications



# *Table 1: WMA and Water Supply Program Vacancies*

	WMA	WSP
Total positions vacant	34	10
Positions vacant over 4 months	25	9
Positions vacant over 6 months	21	8
Positions vacant over 12 months	8	4

## *Table 2: Causes of Delays in Vacancies Open Before 7/1/07*

Cause of Delay	Number of Positions Obviously Affected
Budget Office submitted exception request to DBM more than 30 days after receiving it <a href="#">[1]</a>	100% of cases for which we have data
Administration submitted interview questions to OHR more than 30 days after position vacated	100% of cases for which we have data
Administration submitted interview questions to OHR more than 30 days after HRC requested them	11
Administration submitted MS 22 to OHR more than 30 days after position vacated	17
Administration submitted MS 22 to OHR more than 30 days after HRC requested it	14
Administration submitted exception request to Budget Office more than 30 days after position was vacant	6 <a href="#">[2]</a>
Very little or no interest from qualified candidates	7
At least one candidate declined offer <a href="#">[3]</a>	4
Administration submitted selection package to OHR more than 30 days after interviews completed	4
OHR approved MS 22 more than 30 days after receiving it	4
Administration scheduled interviews more than 30 days after OHR provides available applicants	4
Reorganization of staff and program priorities	3
OFP approved interview questions more than 3 business days after receiving them	2
DBM approved hiring exception more than 45 days after receiving it	1

## *Table 3: Water Supply Enforcement Summary*

In FY07:	Community and Non-Transient Non-Community Water Systems	Transient Non-Community Water Systems
No. of sites/facilities inspected	718	522
Coverage rate	100%	79%
No. sites/fac. inspected with sign. violations	171	201
No. of enf. actions excluding compliance assistance	333	320
Was program's definition of significant noncompliance consistent with the definition in the new MDE procedure (p.2)? If no, pls explain.	Yes	Yes
Regarding when to initiate administrative and civil actions, please compare the program's policy to the new MDE procedure.	Yes	Yes
Approximately what percentage of the time did program meet the timelines specified in section IV of MDE procedure? (Please provide best estimate of program manager.)	90%	"Not tracked; program is delegated to the county health departments."

# *Table 4: New Drinking Water Regulations – System Compliance, December 2007*

Drinking Water Standard	State Regulatory Deadline	Systems in Noncompliance	Systems with Exemption Agreements	Target Dates for Compliance
Arsenic MCL (10 ppb) *1060 svstems	01/23/2006	19 systems: 14 community, 5 nontransient	12 systems: 8 community, 4 nontransient	Exemptions- December 2008 Other – not determined
Stage 1 Disinfection Byproduct – Total Trihalomethanes MCL *1060 svstems	12/31/2007	2 community systems	Not applicable	Not determined
Stage 1 Disinfection Byproduct – Haloacetic Acids MCL *1060 svstems	12/31/2007	2 community systems	Not applicable	Not determined
Radionuclides Rule – Gross Alpha MCL *490 svstems	12/31/2007	2 community systems	Not applicable	December 2008
Radionuclides Rule – Combined Radiums MCL *490 svstems	12/31/2007	2 community systems	Not applicable	December 2008
Surface Water Treatment Technique (GWUDI) *76 svstems	Varies with each system	7 systems: 2 community, 5 transient (delegated)+ 10 TNC (deadline 2008)	Not applicable	Community – 2008; Transient – not determined
Long Tern 2 Surface Water Treatment Rule * 76 svstems	2007	TBD		State regulations have not been adopted.
Stage 2 Disinfection Byproduct Rule *1060 svstems	2007	TBD		State regulations have not been adopted.
Groundwater Rule *3573 svstems	2009	TBD		State regulations have not been adopted.