

MDEStat Meeting

March 13, 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.

Attachment A: Table 1: Maryland Counties' Stormwater Programs

Jurisdiction	MS4 Phase I Permit Issued	MS4 Permit Cycle	Total Impervious Area to be treated (Acres)	Impervious Area Treated (Acres)	Percent Restored	Planned Restoration (Acres)	Percent Planned Restoration	Total to be Restored within MS4 Permit Cycle**	Target Restoration Goal, Current MS4 Permit Cycle	MS4 Reporting Month	Date of Last Triennial Review	Date of Last Triennial Review that Rated Program "Acceptable"
Alleghany County	NA	NA	*	*	*	*	*	NA	NA	NA	June 1993	October 1990
Anne Arundel County	2004	3	45,172	1,016	2%	9,289	21%	23%	20%	November	May 1996	May 1996
Baltimore City	2005	3	23,373	2,185	9%	1,321	6%	15%	20%	January	July 1995	April 1987
Baltimore County	2005	3	31,090	3,939	13%	6,827	22%	35%	20%	June	September 1994	September 1994
Calvert County	NA	NA	*	*	*	*	*	NA	NA	NA	October 1996	October 1996
Caroline County	NA	NA	*	*	*	*	*	NA	NA	NA	April 1994	Never
Carroll County	2005	3	11,344	408	4%	244	2%	6%	20%	July	October 1992	October 1992
Cecil County	NA	NA	*	*	*	*	*	NA	NA	NA	April 2005	April 2005
Charles County	2002	2	2,607	67	3%	679	26%	29%	10%	July	April 2006	April 2006
Dorchester County	NA	NA	*	*	*	*	*	NA	NA	NA	March 1994	March 1994
Frederick County	2002	2	6,725	57	1%	830	12%	13%	10%	March	October 1990	Never
Garrett County	NA	NA	*	*	*	*	*	NA	NA	NA	February 1997	February 1997
Harford County	2004	3	8,308	196	2%	445	5%	8%	20%	November	May 1995	Never
Howard County	2005	3	18,751	1,751	9%	2,031	11%	20%	20%	June	June 1997	June 1997
Kent County	NA	NA	*	*	*	*	*	NA	NA	NA	January 1994	January 1994
Montgomery County	2001	2	26,945	2,933	11%			11%	10%	July	August 1997	August 1997
Prince Georges County	2004	3	35,712	5	0%	1,073	3%	3%	20%	October	March 1996	March 1996
Queen Anne's County	NA	NA	*	*	*	*	*	NA	NA	NA	October 1994	October 1994
St. Mary's County	NA	NA	*	*	*	*	*	NA	NA	NA	September 1996	Never
Somerset County	NA	NA	*	*	*	*	*	NA	NA	NA	March 1995	Never
Talbot County	NA	NA	*	*	*	*	*	NA	NA	NA	October 1994	Never
Washington County	NA	NA	*	*	*	*	*	NA	NA	NA	November 2004	November 2004
Wicomico County	NA	NA	*	*	*	*	*	NA	NA	NA	November 1993	Never
Worcester County	NA	NA	*	*	*	*	*	NA	NA	NA	May 2004	May 2004
Total			210,027	12,557	6%	22,739	11%	17%				

* Regarding the impervious surface area information for local jurisdictions not under an NPDES municipal stormwater permit, WMA's Sediment, Stormwater, and Dam Safety Program does not have this information or the resources to collect this information. Information on developed lands as of a certain date was requested by DNR as part of local Tributary Strategies, but to date has not received the information from the localities. MDP has separated developed lands acres for each Trib and County as part of September 2006 task, but the information has not been verified by localities (part of the DNR request). Therefore WMA would need the assistance of SSA's GIS folks and MDP folks to tease out of Maryland Property View the impervious cover information for the local jurisdictions not under NPDES municipal stormwater permit, if it is even possible. WMA's Sediment, Stormwater, and Dam Safety Program is in the process of developing GIS tracking systems that will assist in the tracking of impervious surface areas, treated and untreated for State and federal construction projects as well as our Phase 1 NPDES municipal stormwater permittees, but will not address local jurisdictions without permit coverage.

** Phase 1 MS4 permits require 10% restoration within each five-year permit cycle. Counties in the third cycle are expected to be implementing restoration for the next 10% by the end of the cycle.

***Table 2: WMA General Permits
(in order by expiration date)***

General Permit	Program Admini-stering	Permit Issue Date	Expiration Date	Administratively Extended Upon Expiration	
				To Existing	New
Animal Feedlot (96AF)	WWP	December 18, 1996	December 17, 2001	Y	N
surface coal mines?			February 23, 2005		
Mineral Mine (00MM)	WWP	October 17, 2000	October 16, 2005	Y	N
Marina (02MA)	WWP	January 3, 2002	January 2, 2007	Y	N
SW - Industrial (02SW)	WWP	December 1, 2002	November 30, 2007	Y	Y
SW – Construction	CP	March 1, 2003	February 28, 2008	Y	N
Municipal Stormwater	SSDS	April 14, 2003	April 14, 2008	Y	Y
State and Federal Agency storm drains	SSDS	November 12, 2004	November 12, 2009	Y	Y
Coal Mine (06CM)	WWP	July 1, 2005	June 30, 2010	Y	N
Tank (06HT)	WWP	February 17, 2006	February 16, 2011	Y	N
Seafood (06SE)	WWP	August 1, 2006	July 31, 2011	Y	N
Swimming Pool (07SI)	WWP	May 14, 2007	May 13, 2012	Y	Y

Table 3: Groundwater Discharge Permit Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	230	229	228
No. of sites inspected	972	8*	12*
coverage rate	17%	30%	32%
Number of sites inspected with significant violations	23	0	2
No. of enforcement actions excluding compliance assistance	13	4	8
Amount of penalties obtained	\$18,200	\$7,400	\$1,054,000

*DMR reviews not included in total site inspections

Table 4: NPDES Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	4432	9752	9936
No. of sites inspected	3939	495	341
coverage rate	89%	14%	10%
Number of sites inspected with significant violations	114	17	10
No. of enforcement actions excluding compliance assistance	134	29	12
Amount of penalties obtained	\$488,149	\$274,009	\$95,995

Table 5: Pretreatment Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	4	4	4
POTWs and significant industrial users	198	218	218
No. of sites inspected	31	5	10
coverage rate	14%*	3%*	5%*
Number of sites inspected with significant violations	0	0	
No. of enforcement actions excluding compliance assistance	6	0	0
Amount of penalties obtained	\$0	\$0	\$0

*Coverage rate is defined as the number of sites inspected divided by the sum of permits/licenses in effect, POTWs, and significant users. However, the Program is responsible for inspecting only the permittees, the POTWs, and only some of the industrial users, and is required by statute to provide a 100% coverage rate of those. This fiscal year, the program met that requirement.

***Table 6: Erosion and Sediment Control
Enforcement Summary***

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	18227	12836	15673
No. of sites inspected	3234	767	574
coverage rate	18%	4%	4%
Number of sites inspected with significant violations	37	12	16
No. of enforcement actions excluding compliance assistance	55	12	18
Amount of penalties obtained	\$268,408	\$42,425	\$109,218

Table 7: Coal Mining Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	79	75	Not available
No. of sites inspected	89	69	4
coverage rate	100%	100%	Not available
Number of sites inspected with significant violations	8	2	0
No. of enforcement actions excluding compliance assistance	26	4	0
Amount of penalties obtained	\$95,534	\$3,050	\$2,900

Table 8: Non-Coal Mining Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	589	324	326
No. of sites inspected	163	23	16
coverage rate	28%	7%	5%
Number of sites inspected with significant violations	0	0	0
No. of enforcement actions excluding compliance assistance	0	1	0
Amount of penalties obtained	\$0	\$0	\$0

Table 9: Oil and Gas Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	99	99	Not available
No. of sites inspected	0	0	58
coverage rate	0	5%	Not available
Number of sites inspected with significant violations	0	0	0
No. of enforcement actions excluding compliance assistance	0	0	0
Amount of penalties obtained	\$0	\$0	\$0

***Table 10: WSP Community and Non-transient
Non-Community Enforcement Summary***

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	3161	3161	3285
No. of sites inspected	718	185	163
coverage rate	67%	17%	15%
Number of sites inspected with significant violations	171	132	137
No. of enforcement actions excluding compliance assistance	333	102	114
Amount of penalties obtained	\$0	\$0	\$0

Table 11: WSP Transient Non-Community Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	0	0	0
No. of sites inspected	522	83	43
coverage rate	21%	Not available	Not available
Number of sites inspected with significant violations	201	Not available	Not available
No. of enforcement actions excluding compliance assistance	320	55	21
Amount of penalties obtained	\$0	\$0	\$0

Table 12: Water Supply and Sewerage Construction Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	752	760	759
No. of sites inspected	170	41	37
coverage rate	23%	5%	5%
Number of sites inspected with significant violations	0	0	0
No. of enforcement actions excluding compliance assistance	0	0	0
Amount of penalties obtained	\$0	\$0	\$0

Table 13: Waterway Construction/Dam Safety Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	474	488	496
No. of sites inspected	75	70	51
coverage rate	16%	14%	10%
Number of sites inspected with significant violations	6	3	0
No. of enforcement actions excluding compliance assistance	10	2	0
Amount of penalties obtained	\$0	\$0	\$0

Table 14: Wetlands and Waterways – Non-tidal and Floodplain Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	4545	4281	4507
No. of sites inspected	1728	473	356
coverage rate	38%	10%	8%
Number of sites inspected with significant violations	23	8	8
No. of enforcement actions excluding compliance assistance	32	7	7
Amount of penalties obtained	\$1200	\$3500	\$0

Table 15: Wetlands – Tidal Enforcement Summary

	FY07	FY08 Q1	FY08 Q2
No. of permits/Licenses in effect	7846	8627	8774
No. of sites inspected	511	228	241
coverage rate	7%	4%	3%
Number of sites inspected with significant violations	7	3	3
No. of enforcement actions excluding compliance assistance	3	1	3
Amount of penalties obtained	\$19,250	\$0	\$22,668

Table 16: WMA Vacancy Summary

	12/19/07	1/31/08	3/5/08
Total positions vacant	38	34	27
Vacancies with exceptions approved by DBM	24	19	11
Positions vacant more than 4 months	27	25	19
Positions vacant more than 6 months	22	21	12

Table 17: WMA VACANCIES over six months old, excluding WSP, as of 3/12/08

PIN	Program/Division	Vacancy Date	Class/Grade	Except-ion to OB	Excep. to DBM	Excep. Apprvd by DBM	MS 22 to OHR	MS 22 Apprvd by OHR	Interv. Quests to OHR	Questns Rev'd by OFF	Annc-ment Posted/ Closed	Notes
C-4020	Wastewater/ Program Support & Administration	03/01/06	PH Engineer III/17	06/08/07	07/21/07	08/13/07	09/25/07	10/03/07	11/21/07	R 1/03/08 A 1/09/08		Recruitment posting closed 2/4 with no qualified applicants. Re-advertising above base in Craigslist and other local newspapers, and will remain open until filled.
048670	Compliance/ Resource Plan	01/31/07	Env. Prog. Mgr. I/19	02/12/07	DNR	04/17/07	04/25/07	5/4/07	DNR	R 06/07/07 A 06/12/07	P 5/15/07 C 6/11/07	New hire started 3/12/08.
048661	Wetlands/ Nontidal	02/27/07	Water Res. Engineer Hydrology/ 19 (new class title on 3/1/08)	EDC 3/12/08			EDC 3/17/08		EDC 3/17/08			Management Cap. Position used to reclassify a SS PIN to MS. PIN is now being reclassified from MS to SS. New Floodplain Section Head position.
C-4034	Operational Services/ Admin. Serv.	06/04/07	Agcy. Grants Spec. Tr./12	06/04/07	07/21/07		07/16/07	07/27/07	DNR	R 09/06/07 A 09/10/07		A filled position transferred to this function. Contractual authorization is being removed and will be reallocated within MDE by Budget Director.
064000	Compliance/ Central	06/05/07	Env. Comp. Spec/13	09/27/07			10/01/07	10/04/07	10/04/07	R 10/04/07 A 10/05/07		Interviews were completed 11/9/07. Pending Hiring Exception Approval.
065118	Wetlands & Waterways Nontidal	06/19/07	Nat. Res. Planner V/18	07/16/07	08/22/07	09/06/07	11/20/07	12/14/07	01/16/08	R 01/28/08 A 01/29/08	P 1/18/08 C 2/04/08	Interviews will be completed by 3/25.
058904	Compliance/ Eastern	08/17/07	Env. Comp. Series/13	DNR	DNR	08/27/07	10/02/07	10/26/07	DNR	R DNR A 10/30/06	P 2/28/08 C 3/21/08	General Eligible List has been exhausted for ECS I/II/III levels for applicants willing to work on the Eastern Shore. Trying a position-specific recruitment.
048668	WQIP	09/11/07	Program Mgr. IV/22	09/13/07	09/25/07	2/5/08	10/17/07	01/22/08	DNR	R 2/7/08 A 2/12/08	P 3/3/08 C 3/26/08	Job announcement currently posted.
018285	Wastewater/ Industrial Surf. Disc. Permits	09/11/07	Water Res. Engineer V/19	3/10/08			EDC 3/24/08	EDC 3/24/08				PIN was on loan to Water Supply Program for Deputy PM; now being reclassified from MS to SS. – Div. Chief position.
051718	Wetlands/ Nontidal	09/11/07	Water Res. Engineer IV/17	09/13/07	09/25/07	2/5/08	2/11/08	EDC 3/21/08	2/11/08			Class being studied.

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