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# MDEStat Meeting

## September 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: WMA Capital Programs Balances and Recent Encumbrances

WMA Capital Program (all amounts are in \$millions)	Cash Balance as of 6/30/08 (applies only to programs receiving non-bond funds)	Unexpended Appropriated Balance as of 6/30/08	Amount Encumbered in July 2008
Enhanced Nutrient Removal	TBD	121.9	0
Biological Nutrient Removal	NA	29.1	0
Septic System Upgrades	18.4	14.2	0.16
Supplemental Assistance	NA	11.1	0
BRF CSO/SSO	TBD	8.5	0
Water Supply	NA	6.8	0
Small Creeks and Estuaries Program	NA	2.3	0
Stormwater	NA	1.8	0
Flood	NA	0.5	0
Totals		196.2	0.16

## *Table 2: Projects Previously Incorrectly Listed as Complete*

Project Name	Program	Corrected Status	Encumbered Balance	Date by Which Funds Will be Used or De-obligated
Secretary I/I Reduction	Supplemental	UC	\$161,582	12/31/2009
Smith Island Env. Rest.	Stormwater	P	\$45,213	12/31/2011
Smith Island Restoration	SCERP	P	\$230,000 – 00 \$100,000 – 01	12/31/2011
Redwood Ct. Stream Restoration	SCERP	DNC	\$21,2000	12/31/2010
Capital Hts. Stream Restoration	SCERP	DNC	\$9,312	12/31/2009
Woodbridge Stream Restoration	SCERP	UD	\$30,000	12/31/2011
Alta Vista Stream Restoration	SCERP	AAC	\$68,484	12/31/2008
Jonestown WS	Water Supply	F	\$979 – 03 \$471,750 – 04 \$139,771 – 05 \$300,000 - 06	12/31/2014

## Table 3: MES I&I Study and MCET Rate Study

MES I&I	MCET
Phase I was completed on 7/12/2005.	Completed on 1/29/2008. The project is awaiting administrative closeout. The remaining amount will be diverted to the I&I study as the legislation requires \$1 million to be used for both studies.
Phase II started in summer 2007.	
1/28/2009 is the contractual completion date for Phase II. However, based on the progress, at least one year extension will be needed.	

# Table 4: WMA Enforcement SOP Implementation Status as of August 12, 2008

	Ground Water Disch. Permit	NPDES	Storm Water	Pre- treat- ment	E&S Control	Coal Mining	Non- Coal Mining	Oil & Gas	WSP Comm. & Non Transient Non- Comm.	WSP Tran- sient Non- Comm.	Water Supply & Sew- erage	Water- Way Const- ruction Dam Safety	Drink- ing Water Certi- fications	Water Approp & use	Wetland & Water- Ways Non- Tidal	Wetland - Tidal
1. Total number of sites/facilities with significant violations found prior to May 12 that have not yet been referred to OAG as of 8/12/08.	1	12	1	0	18	6	3	0	107	56	0	5	0	0	9	6
2. Number of facilities with significant violations, 10/1/07 to 3/30/08	3	21	3	1	29	6	1	0	331	147*	0	2	3	0	13	16
3. Of the number in Line 2 above, number of facilities for which the case was referred to OAG within 90 days of violation	0	2	1	1	6	0	1	0	0	0	0	1	0	0	6	11

**\*Third quarter only.** Information not available for second quarter. The transient non-community water systems are partially delegated to the County health departments. Reports from the counties are generally received after the deadlines that are required by MDE's enforcement reports. MDE delegated the transient program to 20 out of 23 counties. Montgomery, Prince George's and Wicomico counties are directly implemented by the Water Supply Program.

**Table 5: Nontidal Wetlands Compensation Fund FY04-FY08**

	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>
<b>Nontidal Wetlands Compensation Fund</b>					
Revenue	\$351,361	\$649,964	\$503,928	\$704,313	\$317,350
expenditures (actual, not including encumbrances)	\$201,678	\$315,536	\$491,037	\$293,411	\$271,929
number of completed projects	3	6	3	3**	5
number of acres created, restored or enhanced	97.8	28.1	0.86	73	30.3
linear feet of stream restored	0	0	1,700	0	0
number of acres required to be placed in easements through the regulatory program <sup>(1)</sup>	Unknown	Unknown	Unknown	Unknown	Unknown
end-of-period balance *	\$2,067,993	\$2,157,709	\$2,482,959	\$2,855,340	2,846,208
<b>Tidal Wetlands Compensation Fund</b>					
Revenue	\$150,270	\$302,292	\$401,855	\$888,300	\$521,382
expenditures (actual, not including encumbrances)	\$235,000	\$310,150	\$132,803	\$494,933	\$260,016
number of completed projects	0	2	0	3	2
number of acres created, restored or enhanced	0	To be determined	0	0.69	0.18
end-of-period balance *	\$403,716	\$509,755	\$873,632	\$1,459,961	1,791,068

\* Also includes accrued revenue and encumbrances.

\*\* Reflects conclusion of multi-year projects to enhance Delmarva Bays and other Nontidal Wetlands of Special State Concern.

*Table 6: Active Projects\* Funded Through the Tidal and Nontidal Wetlands Funds*

Project Name	Size in Acres	Year First Funds Encumbered	Total Funds Encumbered	Expected Completion Date
<b>Nontidal Wetlands</b>				
Dunn Swamp	20.0	2007 – FY2007	\$ 66,315.	April 2008
Mudford Farm	10.3	2008 – FY2008	\$110,659.	April 2008
Benito Lake	20.0	2008 – FY2009	\$308,411.	November 2008
<b>Tidal Wetlands</b>				
Little Blackwater Hydrology Study	N/A	2008 – FY2008	\$ 75,000.	September 30, 2008
DNR Phragmites Eradication	To Be Determined	2008– FY2008	\$ 24,507.50	December 31, 2008
Old Trinity Church	0.6	2008 – FY2009	\$ 50,000.	January 31, 2009

Please include all projects with encumbered but unexpended balances.

## Table 7: Wetlands MFR Data

MFR Performance Measure (data are annual, not cumulative, unless otherwise noted)	FY 2006 Actual	FY2007 Actual	FY2008 Actual
Wetland acreage established through mitigation required by regulatory program	175.0894	42.5488	122.3205
Wetland acreage lost through activities authorized by regulatory program (volume of permits)	123.1043	28.2178	90.7332
Acres of Maryland's total wetland resource base (tidal and non-tidal) gained/lost through regulatory program	51.9852	14.3310	31.5873
Cumulative acres of wetlands created, restored, or enhanced in Maryland's Chesapeake Bay watershed (calendar year)	72,673	92,908	123,577
Cumulative statewide acreage of wetlands created, restored, or enhanced other than those required for mitigation under the regulatory program (calendar year)	74,718	94,944	124,899

Note: Agencies involved in wetland creation, restoration, or enhancement outside of regulatory programs do not report total acreage until end of federal fiscal year. Figures would be available for MDEStat/BayStat by the beginning of the following year

# Table 8: WMA Vacancy Summary

	12/19/07	1/31/08	3/5/08	4/17/08	5/22/08	6/26/08	8/1/08	9/11/08
Total positions vacant	38	34	27	27	28	30	48*	46*
Vacancies with exceptions approved by DBM	24	19	11	13	16	18	30	29
Positions vacant more than 4 months	27	25	19	20	22	21	23	17
Positions vacant more than 6 months	22	21	12	18	17	19	21	12

\*15 of these positions are the BPW positions obtained 6/25/08.

## Table 9: WMA Vacancies as of 9/10/08

PIN	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. Quets to OHR	Interview Questions Recvd & Approved by OFP	Announcement Posted/Closed	Notes
C-4020	Wastewater/Industrial	03/01/06	PH Engineer III/17	06/08/07	07/21/07	08/13/07	09/25/07	10/03/07	11/21/07	R01/03/08 A01/09/08	Multiple past postings. Reposted 5/6/08 – OC	7 4, 5, 6, 10, 12, 13, 14, 17 Selection made
C-4032	Water Supply/Eng. & Tech.	09/28/06	PH Engineer III/17	09/11/06	DNR	09/28/06	12/06/07	12/14/07	12/13/07	R12/17/07 A12/20/07	Multiple past postings. Reposted 5/6/08 on Careerbuilder.	6, 9, 7, 5, 6, 12, 14  Declined position, re-advertising
048661	Wetlands/Nontidal	02/27/07	Water Resource Engineer/19	02/28/07 resub. 3/13/08	DNR resub. 4/17/08	04/17/07 Approv. 5/14/08	01/08/08 resub. 3/31/08	4/18/08	3/22/08	R 4/24/08 A 4/25/08	P EDC 6/30/08	17 3, 10, 12 Pending org. discussions due to ASR
C-4034B (50%)	Mining /Bureau of Mine	NA	OS III/10	6/19/08	6/23/08	8/4/08	NA	NA	NA	NA	NA	7, 11, 12, 14 Selection made
064000	Compliance/Central	06/05/07	Env. Comp. Series/13	09/27/07	5/28/08		10/01/07	10/04/07	10/04/07	R 10/04/07 A 10/05/07	P 3/19/08 C O/C <b>Applicant response deadline 8/5/08</b>	11, 10, 12, 13
C-4039	Water Supply/Source Prot.	07/01/07	Geologist III/16	8/22/07	5/28/08		EDC 5/23/08 2 <sup>nd</sup> EDC 6/30/08		EDC 5/23/08 2 <sup>nd</sup> EDC 6/30/08			12, 1
055542	Water Supply/Eng. & Tech.	7/17/07	PH Engineer III/17	8/09/07	8/22/07	9/06/07	9/20/07	10/02/07	DNR	R 11/1/07 A 11/2/07	R 11/1/07 A 11/2/07  Reposted 4/15/08 C 5/2/08	17, 4, 9, 7, 19, 3, 5, 6, 12 Holding by admin.

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051718	Wetlands/ Nontidal	9/11/07	Water Res. Engineer IV/18 Changed to: WRE IV Hyrdology	9/13/07	9/25/07	2/5/08	2/11/08 resub. 7/15/08	3/21/08 7/17/08	2/11/08 resub. 7/15/08	R 3/24/08 A 3/24/08 R 7/22/08 A 7/23/08	P3/26/08 C 4/18/08	17, 4, 6, 3, 11, 12, 14 Holding by admin.
018285	Wastewater/ Indust. Surf. Discharge	9/11/07	Prog. Mgr. II/20  Class changed to: Water Res. Eng. V/19	3/10/08	4/17/08	5/14/08	1/16/08 resub. 5/19/08 resub. 6/5	7/28/08	EDC 6/12/08 2 <sup>nd</sup> EDC 7/3/08 3 <sup>rd</sup> EDC 7/28/08			17, 14, 10, 12, 13 Pending org. discussions due to ASR
046633	Sediment & Stormwater/ Plan Review	9/19/07	Water Res. Engineer V/18	12/6/06	DNR	1/4/07	2/27/08	3/21/08	1/9/08	R 2/12/08 A 2/13/08	P 1/14/08 C 2/8/08  reposted 5/23/08 Closing 6/20/08	8, 7, 9, 7, 9, 7, 19, 12, 14  Start date 9/24/08
047533	Water Supply/ Water Policy	10/09/07	Nat. Res. Planner IV/17 Class changed to WRE III/17	10/29/07 resub. 3/5/08	4/17/08	5/14/08	7/11/07 resub. 01/28/08 resub. 6/24/08	7/27/07 resub. 9/25/07 resub. 6/24/08	7/25/07 resub. 10/5/07	R 10/5/07 A 10/9/07	P10/23/07 C11/13/07  reposted 7/30/08	17, 3, 9, 10, 12, Holding by admin.
C 4027	Wetlands & Waterways Nontidal	10/09/07	Nat. Res. Planner III/15	10/15/07	3/5/08	3/18/08	2/20/08	2/21/08	2/12/08	R 2/25/08 A 2/27/08	P 3/20/08 C 4/14/08 Reposted 5/22/08 C 6/30/08	6, 9, 7, 19, 3, 5, 10 declined re- advertising

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C-7018	WQIP/Capital Program	10/12/07	OS III/10	10/10/07	5/28/08		2/11/08	3/5/08	Using prev. approv. qests.	NA		11, 10, 12
053939	Compliance/ Enforcement	2/12/08	Sanitarian IV Reg./15	2/25/08	4/17/08	6/3/08	3/25/08	4/2/08	3/12/08	R 5/5/08 A 5/6/08	Response deadline 7/2/08	6, 9, 7, 19, 11, 10 declined, re-advertising
C4026	Wetlands & Waterways/ Nontidal	4/8/08	Natural Res. Planner III/15	7/2/08	7/8/08	8/20/08	?		?			11, 12, 13, 14
018260	Wastewater/ Industrial & Gen. Permits	4/22/08	Natural Res. Planner III/15	4/23/08	6/23/08		6/5/08	6/10/08	DNR	Using previous approved questions	P 7/1/08 C O/C	11
063294	Wetlands & Waterways/ Nontidal	5/6/08	Natural Res. Planner IV/17 Changed to: NRP I/12	7/2/08	7/8/08		NA	NA	NA	NA	NA	11  contractual conversion
055550	Ops servs/ Admin. Serv.	5/31/08	Admin. III/18 Changed to: Fiscal Service Admin.	3/27/08	5/6/08	6/12/08	4/14/08	?	?	Note: New class has to be sent to DBM for approval, EDC on getting it to DBM 9/19/08		15, 14, 11
014147	Compliance/ Central	6/3/08	Env. Comp. Spec. III/15	6/19/08	6/23/08		7/24/08	7/28/08	?			11, 14
065128	Compliance/ Central	6/3/08	Env. Comp. Spec. IV/16 Changed to Env. Comp. Spec. III/15	6/19/08	6/23/08		7/24/08	7/28/08	?			11, 14
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048649	WQIP/ Bay Rest.Fund	6/3/08	Program Mgr. II/20	PRF? Meeting on 9/11/08 to discuss								17, 20 Pending org. discussions due to ASR
058899	Nontidal/ Wetlands	6/18/08	Natural Res. Planner III/15	6/19/08	6/23/08		?		?			11, 12, 14
087244	Compliance/ Eastern	6/25/08	Env. Comp. Spec. I/12	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	O/C	8, 7 Appointment pending
087245	Compliance/ Eastern	6/25/08	Env. Comp. Spec. I/12	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 9/4/08	7 Selection made
087246	Compliance/ Central	6/25/08	Env. Comp. Spec. I/12	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	O/C	7 Selection made
087247	Compliance/ Central	6/25/08	Env. Comp. Spec. I/12	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
087248	Compliance/ Western	6/25/08	Env. Comp. Spec. I/12	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
087249	Compliance/ Western	6/25/08	Env. Comp. Spec. I/12	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	

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087250	Wetlands & Waterways/ Nontidal	6/25/08	NRP III/15	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
087251	Wetlands & Waterways/ Nontidal	6/25/08	NRP III/15	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
087252	Wetlands & Waterways/ Nontidal	6/25/08	NRP III/15	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
087253	Wetlands & Waterways/ Tidal	6/25/08	NRP III/15	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
087254	Wetlands & Waterways/ Tidal	6/25/08	NRP III/15	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
087255	Wetlands & Waterways/ Tidal	6/25/08	NRP III/15	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
087256	Wetlands & Waterways/ Nontidal	6/25/08	WRE II Env/16	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
087257	Wetlands & Waterways/ Nontidal	6/25/08	WRE II Env/16	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	

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087258	Wetlands & Waterways/ Nontidal	6/25/08	WRE II Env/16	7/7/08	7/8/08	7/25/08	7/10/08	7/17/08	7/15/08	R 7/21/08 A 7/22/08	Applicant response deadline 8/26/08	
051723	Wastewater/ Onsite Systems	6/29/08	Geologist Supervisor/ 20	PRF?								20, 13
013486	Bureau of Mines/ Mining	6/30/08	OS III/10	6/19/08	7/08/08	8/20/08	7/21/08	8/4/08	8/22/08	R 9/3/08 A ?		11, 12, 14
063282	Bureau of Mines/Mining	6/30/08	Regulatory & Compliance Engineer/17	8/12/08								12, 14
047700	Compliance/ Eastern	6/30/08	Env. Comp. Spec III/15	6/19/08	6/23/08	7/30/08	8/4/08		?			14, 12
051149	Wetlands & Waterways/ Program Mgr.	6/30/08	Admin. Aide/ 11	6/19/08	6/23/08							
C-4035	Wetlands/ Waterways	6/30/08	Admin. Aide/ 11	8/21/08	??		??		??			
C-4030	Wetlands/ Waterways	??	Chemist III/16 Changed to OS III/10	8/22/08	8/29/08		??		??			
078540	Compliance/ Central	8/12/08	Environ. Complaince III/15	9/3/08								

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047542	Water Supply/ SDWA	8/26/08	OS III/10 Changed to Chemist III/16	9/30/08								
015835	Water Supply/ SDWA	8/31/08	Regulatory & Compliance Engineer/17	PRF?								

# Table 12: BRF-Funded Septic System Upgrades

	07/07-09/07	10/07-12/07	01/08-03/08	04/08-06/08	FY08 Totals	July	August
total expenditures	\$77,508	\$353,874	\$456,814	\$1,933,636	<b>\$2,821,832</b>	\$65,806	\$581,198
revenues	\$51,701	\$5,271,071	\$1,823,554	\$848,531	<b>\$7,994,857</b>	\$77,141	
new installations (Counties and MDE)	35	52	95	93	<b>275</b>	34	30
new installations - Critical Area (Counties and MDE)	23	27	74	38	<b>162</b>		
new installations - Grant Counties	24	40	89	73	<b>226</b>	25	12
new installations - Anne Arundel Co.	14	12	9	9	<b>44</b>	7	0
new installations - Calvert Co.	0	0	19	5	<b>24</b>	6	3
new installations - Caroline Co.	0	1	4	5	<b>10</b>	3	1
new installations - Charles Co.	0	3	6	10	<b>19</b>	3	4
new installations - Frederick Co.	5	0	3	6	<b>14</b>	1	0
new installations - Kent Co	1	5	2	5	<b>13</b>	0	0
new installations - Talbot Co.	1	6	26	16	<b>49</b>	5	4
new installations - Worcester Co.	0	0	7	1	<b>8</b>	0	0
new installations - Wicomico Co.	3	13	13	16	<b>45</b>	0	0
new installations - Queen Anne's Co. (Corsica River Project)	0	0	0	0	<b>0</b>	0	0
new installations - MDE direct	11	12	6	20	<b>49</b>	9	18
expenditures - MDE direct	\$72,308	\$192,398	\$45,288	\$166,956	<b>\$476,950</b>	\$117,110	\$200,419
new grants awarded to counties (\$)	\$0	\$0	\$0	\$0	<b>0</b>	\$0	\$0
# of counties enrolled this period	0	0	4	0	<b>4</b>	0	0
total number of counties enrolled to date (cumulative)	10	10	10	14	<b>14</b>	14	14
end of period fund balance (\$)							