

MDEStat Meeting

May 27, 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 2: Laboratory Certification Applications Pending

	January	March	April 30
number of annual renewal applications from laboratories pending review	60	48	70*

*Table 3: Backlogged and At-Risk-of-Delay WSP
Laboratory Inspections as of April 30, 2008*

Timeframe	Microbiological	Chemistry*
Due prior to 2008	3	14
Due quarter ending March 2008	3	4
Due quarter ending June 2008	4	3
Due quarter ending Sept. 2008	5	3
Due quarter ending Dec. 2008	4	4
Total	14	24

Table 5: SSO/CSO MFR Performance Measure

MFR Performance Measure	FY 2006 Actual	FY 2007 Actual	FY 2008 Estimate	FY 2009 Estimate
Number of collection systems with significant ¹ or chronic SSOs	31	25	30	30
Number of collection systems with significant or chronic SSOs with compliance orders in place ³	11	12	14	22
Number of combined collection systems ²¹	8	7	6	6
Number of collection systems with CSOs	8	7	6	6
Number of collection systems with CSOs with compliance orders in place	8	7	6	6
Total number of overflows (SSOs +CSOs)	1,518	1,380	1,000	1,000
Total number of gallons (SSOs + CSOs)	372,550,306	300,191,479	300,000,000	300,000,000
Number of CSOs meeting 9 minimum controls	8	7	6	6
Number of systems required to submit LTCPs	8	7	6	6
Number of systems with approved LTCPs in place	8	7	6	6
Number of CSOs with LTCP with completion dates	8	7	6	6
Number of CSO formal enforcement actions completed this year	1 (Westernport)	0	0	0
Number of SSO formal enforcement actions completed this year	3	1	2	N/A
Net change in the number of gallons of sewage overflows (+/-) compared to 03-05 average level (521.8 million) in millions	(149.2)	(221.7)	(221.7)	(221.7)
Percentage change from 03-05 average	29% decrease	42% decrease	42% decrease	42% decrease

1 “ Significant” means any SSO greater than 10,000 gallons or chronic overflows the Department has determined poses a threat to public health or the environment.

²¹ FY2006- Baltimore City, Salisbury, LaVale, Cumberland, Frostburg, Allegany County, Cambridge, Westernport

FY2007 - Salisbury, LaVale, Cumberland, Frostburg, Allegany County, Cambridge, Westernport

FY2008 - LaVale, Cumberland, Frostburg, Allegany County, Cambridge, Westernport

FY2009- LaVale, Cumberland, Frostburg, Allegany County, Cambridge, Westernport

3 FY 2006 – Thurmont, Talbot Co. Reg. II, Accident, Hagerstown, Anne Arundel Co., WSSC, Emmitsburg, Rising Sun, Elkton, LaPlata, Perryville.

FY 2007 – Add Allegany County – Bedford Rd.

FY 2008 – Add APG(Edgewood), Campus Hills

FY 2009- Anticipate adding at least Salisbury, Howard County, Frederick County, Charles Co., Harford Co., Carroll Co., Washington Co., Piney Orchard under new Enforcement initiative.

Table 6: Overflow Penalties

Size of overflow	Settlement or administrative consent order amount per overflow event per day	Unilateral administrative amount per overflow event per day	Negotiated judicial order amount per overflow event per day	Judicial case that is litigated per overflow event per day
100 gallons or less	\$50	\$100	\$200	\$400
101 gallons to 999 gallons	\$100	\$200	\$400	\$1,000
1,000 gallons to 9,999 gallons	\$1,000	\$2,000	\$3,000	\$5,000
10,000 gallons to 99,999 gallons	\$2,000	\$3,000	\$4,000	\$10,000
100,000 gallons to 999,999 gallons	\$6,000 (settlement based on judicial penalty authority)	These will be handled judicially if they do not settle	\$6,000	\$10,000
1,000,000 gallons or more	\$8,000 (settlement based on judicial penalty authority)	These will be handled judicially if they do not settle	\$8,000	\$10,000

Table 7: WMA Vacancy Summary

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

Table 8: WMA VACANCIES as of 5/22/08

PIN	Program/ Division	Vacancy Date	Class/ 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	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	4, 5, 6, 10, 12, 13, 14, 17
C-4031	Water Supply SDWA Impl.	09/28/06	PH Engineer III/17	09/11/06	DNR	09/28/06	12/14/06	01/12/07	02/01/07	R02/05/07 A02/09/07	Multiple past postings. Reposted 5/6/08	5, 6, 12, 14 Interviews scheduled for 5/23/08
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.	5, 6, 12, 14 Interviews scheduled for 5/23
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 approval	01/08/08 resub. 3/31/08	4/18/08	3/22/08	R 4/24/08 A 4/25/08		10, 12, 17
C-4034	Operational Services/ Admin. Serv.	06/04/07	Agcy. Grants Spec. Tr./12 Changed class to: Admin. III/18	06/04/07 resub. 4/9/08	07/21/07 Resub 5/6/08		07/16/07	07/27/07	DNR	R 09/06/07 A 09/10/07		10
064000	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	P 3/19/08 C O/C	10, 12, 13

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053041	Compliance/ Enforcement	06/30/07	Santarian 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	DBM list Request list: P 3/18/08 C 4/4/08	7, 9, 10, 12, 14
C-4039	Water Supply/ Source Prot.	07/01/07	Geologist III/16	EDC 5/23/08			EDC 5/23/08		EDC 5/23/08			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	3, 5, 6, 12 Interviews Completed 5/16/08
058904	Compliance/ Eastern	8/17/07	Env. Comp. Series III/15 Changed class to: Env. Com. Series I/13	DNR	DNR	08/27/07	10/02/07	10/26/07	DNR	R DNR A 10/30/07	P 2/27/08 C 3/21/08	6, 12 Interviews scheduled for 5/23/08
051718	Wetlands/ Nontidal	9/11/07	Water Res. Engineer IV/18	9/13/07	9/25/07	2/5/08	2/11/08	3/21/08	2/11/08	R 3/24/08 A 3/24/08	P3/26/08 C 4/18/08	3, 11, 12, 14 Interviews completed 5/21/08
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		EDC 6/12/08			10, 12, 13, 14

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048668	WQIP	09/11/07	Program Mgr. IV/22	9/13/07	9/25/07	2/5/08	10/17/07	1/22/08	DNR	R 2/7/08 A 2/12/08	P 3/3/08 C 3/26/08	7, 11 Hired, start date 6/4/08
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	9, 12, 14
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		7/11/07 resub. 01/28/08	7/27/07	7/25/07	R 10/5/07 A 10/9/07	P10/23/07 C11/13/07	10, 12, 17 Interviews completed 1/25/08
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	5, 10
C-7018	WQIP/Capital Program	10/12/07	OS III/10	10/10/07			2/11/08	3/5/07	2/7/08	R 2/7/08 A 2/7/08		10, 12, 14
055579	Compliance/ Enforcement	11/30/07	Sanitarian II Reg./13	10/18/07	4/17/08		3/25/08	5/2/08	3/12/08	R 5/5/08 A 5/6/08		10, 12, 14
014127	Water Supply/ Water Policy	12/18/07	Nat. Res. Planner V/18	2/7/08	4/17/08	5/14/08	2/6/08	2/8/08	3/11/08	R 3/12/08 A 3/14/08		10, 12, 13, 14

Table 8: WMA VACANCIES as of 5/22/08

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

Codes: 1-Budget/funding holds, 2-Admin. has not responded to Notice of Vacancy letter sent by HRC within 10 working days, 3-Testing or developing test for position specific requirements, 4-Testing or developing test to produce new eligibility list, 5-Position was advertised, but received no qualified applicants, 6-Insufficient applicant continue recruitment, 7-Selection made, 8-Appointment pending, 9-Applicant declined position, 10-Office of Budget did not submit hiring exception to DBM within 15 days of receipt, 11-DBM did not approve hiring exception within 30 days of receipt, 12-Admin. did not submit MS-22 within 30 days of vacancy, 13-Admin. did not submit hiring exception within 30 days of vacancy, 14-Admin did not submit interview questions within 30 days of vacancy, 15-OHR did not approve MS-22 within 45 days of receipt, 16-OPF did not approve interview questions within 10 days of receipt, 17-Hold pending organizational decisions, 18 key codes don't apply, 19 in process of interviewing

Table 9: Wetlands MFR Data

<ul style="list-style-type: none"> • MFR Performance Measure • (data are annual, not cumulative, unless otherwise noted) 	<ul style="list-style-type: none"> • FY 2006 Actual 	<ul style="list-style-type: none"> • FY2007 Actual 	<ul style="list-style-type: none"> • FY2008 Estimate
• Number of tidal wetland sites/facilities	• 7,458	• 7,846	• 7,500
• Number of non-tidal wetland sites/facilities	• 4,277	• 4,545	• 4,000
• Number of tidal wetland inspections conducted	• 1,057	• 1,050	• 1,000
• Number of non-tidal wetland & floodplain inspections conducted	• 3,101	• 3,043	• 3,000
• Number of tidal wetland sites/facilities with significant violations	• 42	• 3	• NA
• Number of tidal wetland enforcement actions initiated	• 4	• 3	• NA
• No. of non-tidal wetland sites/facilities with significant violations	• 22	• 10	• NA
• Number of non-tidal wetland & floodplain enforcement actions initiated	• 20	• 22	• NA
• Percent of inspected tidal sites/facilities in significant compliance	• 92%	• 100%	• NA
• Percent of inspected non-tidal & floodplain sites/facilities in significant compliance	• 99%	• 100%	• NA
• Wetland acreage established through mitigation required by regulatory program	• 175.0894	• 42.5488	• 50
• Wetland acreage lost through activities authorized by regulatory program (volume of permits)	• 123.1043	• 28.2178	• 30
• Acres of Maryland's total wetland resource base (tidal and non-tidal) gained/lost through regulatory program	• 51.9852	• 14.3310	• 20
• Cumulative acres of wetlands created, restored, or enhanced in Maryland's Chesapeake Bay watershed (calendar year)	• 72,673	• 95,059	• 95,000
• Cumulative statewide acreage of wetlands created, restored, or enhanced other than those required for mitigation under the regulatory program (calendar year)	• 74,718	• 95,059	• 90,000

*Table 10: Nontidal and Tidal Wetlands
Compensation Fund FY04 – FY 08 Q1 & Q2*

Name	FY04	FY05	FY06	FY07	FY08 Q1&2
Nontidal Wetlands Compensation Fund					
Revenue	\$351,361	\$649,964	\$503,928	\$704,313	\$178,820
expenditures (actual, not including encumbrances)	\$201,678	\$315,536	\$491,037	\$293,411	\$164,046
number of completed projects	3	6	3	3**	2**
number of acres created, restored or enhanced	97.8	28.1	0.86	73	56
linear feet of stream restored	0	0	1,700	0	0
number of acres required to be placed in easements through the regulatory program ^[1]	Unknown	Unknown	Unknown	Unknown	Unknown
end-of-period balance *	\$2,067,993	\$2,157,709	\$2,482,959	\$2,855,340	\$2,865,462
Tidal Wetlands Compensation Fund					
Revenue	\$150,270	\$302,292	\$401,855	\$888,300	\$163,922
expenditures (actual, not including encumbrances)	\$235,000	\$310,150	\$132,803	\$494,933	\$108,921
number of completed projects	0	2	0	3	2
number of acres created, restored or enhanced	0	To be determined	0	0.69	0.17
end-of-period balance *	\$403,716	\$509,755	\$873,632	\$1,459,961	\$1,538,053

^[1] The Program does not consistently track information on easements at this time. Consequently, reliable information on past acreage cannot be reported. The Program, however, can track this easement information, including verification of its recordation, in the future. Also, note that this metric is not applicable to tidal wetlands. The majority of projects authorized by MDE impact State wetlands, vegetated wetlands and submerged bottom owned by the State and held in trust for the citizens of Maryland. Similarly, the majority of mitigation projects would be conducted on State wetlands.