



Department of the Environment

# ANNUAL ENFORCEMENT AND COMPLIANCE REPORT



## Fiscal Year 2013

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**SECTION ONE**  
**REPORT BASIS AND SUMMARY**  
**INFORMATION**

# **ANNUAL ENFORCEMENT AND COMPLIANCE REPORT FISCAL YEAR 2013**

## **Statutory Authority and Scope**

Environment Article §1-301(d) enacted in 1997 (see Appendix C for full text) requires the Maryland Department of the Environment (MDE) to report annual performance results for specific regulatory programs and the penalty dollars collected and deposited into several funds. This report is intended to fulfill that statutory requirement. In addition to the required information, this report also includes MDE's other enforcement programs, additional information about each program, and additional data about the activities and facilities that are subject to regulation under the Environment Article.

## **Organization of the Report**

Section One includes an overall, Department-wide summary of the FY 2013 results. A table in Section One compares the historical annual Department-wide performance measures from FY 1998 – 2013. Two graphs also illustrate trends for enforcement actions and penalties obtained for these years.

Section Two presents program-specific information concerning enforcement and compliance activities for the reported programs. Related materials appear as appendices in Section Three.

## EXECUTIVE SUMMARY

The Maryland Department of the Environment's (MDE's) seventeenth Enforcement and Compliance Report, for Fiscal Year 2013 (July 2012-June 2013), reports data from MDE's enforcement and compliance programs and from the Environmental Crimes Unit of the Office of the Attorney General. This document has been prepared in accordance with the requirements of §1-301(d) of the Environment Article.

Maintaining a consistent baseline of enforcement is necessary to ensure compliance with state laws, regulations, and permits that protect public health and the environment. MDE is committed to taking timely actions for violations, and the "MDEStat" data-driven management oversight process tracks enforcement activity. MDE routinely shares information with the public about enforcement activities to maximize the deterrence value of each enforcement action.

During FY 2013, MDE provided regulatory oversight for 160,233 regulated entities in 31 different enforcement areas. This is a small increase from last year's 158,161. MDE inspected over 39,000 sites, which is 9.2% fewer sites in FY 2013 than in FY 2012, and performed over 118,000 inspections, audits, and spot checks, which is 2.6% fewer than in FY 2012. Much of this decrease is due to changes in the number of third-party inspections by the Lead Poisoning Prevention Program and changes in how the Oil Control Program tracks audits. The number of enforcement actions decreased by 14.2% over FY 2012. Most of the decrease can be attributed to a change in the way the Lead Poisoning Prevention Program tracks their enforcement actions. In previous years, some types of enforcement actions were counted in two different categories, resulting in an over-count of these actions.

This year, penalties collected from environmental violators totaled \$5,878,392. This is an increase from last year's total of \$3,622,330. There were two large settlements in water that account for most of this increase.

MDE had a decrease of 2.8% in the inspector workforce this year. Reductions in general State and federal budgets combined with increasing health care and other costs increasingly constrain MDE's ability to fill vacant positions.

The significant increases in MDE enforcement activity since 2007 have created a much larger workload for attorneys assigned to MDE by the Office of the Attorney General. Two contract attorneys were hired in late CY 2011 specifically to handle backlogged cases and they have made considerable progress in reducing the backlog. As of July 2013, 132 cases were backlogged, as compared to 170 cases in CY 2012 and 282 in CY 2011. The Office of the Attorney General works closely with MDE's enforcement programs to prioritize cases.

Please refer to MDE's website (<http://www.mde.state.md.us>) for the latest information on enforcement actions and other compliance activities.

# MDE PERFORMANCE MEASURES EXECUTIVE SUMMARY

	2012 Totals	2013 Totals
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	8,369	8,405
Number of Permits/Licenses in Effect at Fiscal Year End	92,271	92,537
<u>OTHER REGULATED SITES/FACILITIES</u>		
Total Sites	158,161	160,223
<u>INSPECTIONS</u>		
Number of Sites Inspected	43,448	39,458
Number of Sites Audited But Not Inspected	6,701	7,568
Number of Inspections, Audits, Spot Checks	122,046	118,836
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	21,121	18,200
Number of Enforcement Actions Taken	2,655	2280
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$3,622,330	\$5,878,392
Supplemental Environmental Projects	9 (\$8,435,000)	4 (\$140,000)

## ENFORCEMENT WORKFORCE

	Compensation*		Workforce			
			Inspectors**		FTE Vacancies***	
	FY 2012	FY 2013	FY 2012	FY 2013	FY 2012	FY 2013
Air/Radiation	\$3,937,866	\$3,885,895	48.0	48.0	1.6	2.0
Land	\$4,867,993	\$4,546,160	69.0	68.0	8.5	7.2
Water	\$3,385,290	\$3,410,947	47.2	44.6	2.2	3.0
<b>Total</b>	<b>\$12,191,149</b>	<b>\$11,843,002</b>	<b>164.2</b>	<b>160.6</b>	<b>12.3</b>	<b>12.2</b>

\* "Compensation" includes wages plus fringe benefits. The numbers do not include any operating expenses such as vehicles, travel, gasoline, supplies, or other related employment expenses.

\*\* "Inspectors" represent the number of enforcement field inspectors budgeted for the fiscal year. These numbers do not include any administrative, management, or clerical staff associated with enforcement and compliance programs. This represents total budgeted positions, not the actual number of inspectors currently on staff.

\*\*\* "FTE (full-time equivalent) vacancies" represent the number of full-time-equivalent positions that were vacant during the fiscal year.



## SECTION 1-301(d) PENALTY SUMMARY

TOTAL AMOUNT OF MONEY DEPOSITED AS A RESULT OF ENFORCEMENT ACTIONS AS REQUIRED BY SECTION 1-301(d)*	FY 2012	FY 2013
<b>Clean Air Fund (includes Air Quality and Asbestos)</b>	\$523,509	\$366,182
<b>Clean Water Fund (includes Water and Land Management)</b>	\$2,053,030	\$4,569,427
<b>Hazardous Substance Control Fund</b>	\$50,100	\$41,800
<b>Non-tidal Wetland Compensation Fund</b>	\$15,982	\$36,527
<b>Oil Disaster Containment Clean Up and Contingency Fund</b>	\$139,040	\$278,175
<b>Recovered from Responsible Parties (under §7-221)**</b>	\$159,369	\$146,643
<b>Sewage Sludge Utilization Fund (This fund is now included in the Clean Water Fund)</b>	0	0
<b>Total</b>	<b>\$2,941,030</b>	<b>\$5,438,754</b>

\* Includes only those funds required to be reported by the Environment Article, Section 1-301(d). Other penalties are reported by individual programs that total a higher amount since they are deposited into funds not required to be reported by 1-301(d). The Department total is \$5,878,392.

\*\* The number reported is strictly the total amount of money, as a result of enforcement, recovered by the Department from responsible parties in accordance with §7-221 of the Environment Article as called for in the statute.

Please note this reflects penalties collected during the fiscal year, not penalties assessed.

# MDE PERFORMANCE MEASURES ANNUAL SUMMARY

## FY 1998 - 2005

MDE Performance Measure	1998	1999	2000	2001	2002	2003	2004	2005
<b>PERMITTED SITES/FACILITIES</b>								
Number of Permits/Licenses Issued	8,972	8,350	9,710	9,573	9,671	11,988	11,264	10,799
Number of Permits/Licenses in Effect at Fiscal Year End	54,668	56,024	57,253	62,679	62,882	69,831	75,729	73,155
<b>OTHER REGULATED SITES/FACILITIES</b>								
Other Sites	89,863	95,892	100,244	105,085	191,177	197,529	204,873	222,673
<b>INSPECTIONS *</b>								
Number of Sites Inspected	31,026	30,352	28,626	39,050	37,850	33,048	43,434	43,722
Number of Inspections, Audits, Spot Checks	81,372	83,899	90,488	103,782	108,043	98,550	106,845	103,586
<b>ENFORCEMENT ACTIONS</b>								
Number of Compliance Assistance Actions Rendered	15,837	14,709	15,831	15,032	16,523	14,120	18,646	10,953
Number of Enforcement Actions Taken	1,134	1,391	977	1,542	1,541	2,311	1,856	1,395
<b>PENALTIES</b>								
Amount of Penalties Obtained (\$)**	1,145,731	1,206,629	2,093,526	1,334,499	1,523,890	2,321,563	1,781,526	1,631,054

\* Inspections:

Number of Sites Inspected: The number of individual sites physically visited and inspected for compliance.

Number of Inspections, Audits, Spot Checks: The total numbers of sites evaluated for compliance, including on-site inspections, record reviews, audits, and spot-check activities.

Each individual site can be inspected by several programs or by one program more than once, so the former is always less than the latter.

\*\* Amount of Penalties Obtained: The total dollar amount of penalty revenue collected during the fiscal year. Note that penalties can be collected in the fiscal year after the violation for which they are assessed. This reflects the amount of revenue obtained ("collected") in the fiscal year as a result of all enforcement actions regardless of which fund they are deposited into.

# MDE PERFORMANCE MEASURES ANNUAL SUMMARY

## FY 2006 - 2013

MDE Performance Measure	2006	2007	2008	2009	2010	2011	2012	2013
<b>PERMITTED SITES/FACILITIES</b>								
Number of Permits/Licenses Issued	10,737	10,455	11,463	10,043	8,982	9,089	8,369	8,405
Number of Permits/Licenses in Effect at Fiscal Year End	77,721	77,041	100,206	92,960	93,323	92,195	92,271	92,537
<b>OTHER REGULATED SITES/FACILITIES</b>								
Other Sites	239,612	253,715	257,744	117,421	158,112	158,058	158,161	160,223
<b>INSPECTIONS *</b>								
Number of Sites Inspected	55,294	47,723	44,161	44,587	45,332	52,561	43,448	39,458
Number of Inspections, Audits, Spot Checks	115,977	107,496	122,389	122,079	124,045	129,213	122,046	118,836
<b>ENFORCEMENT ACTIONS</b>								
Number of Compliance Assistance Actions Rendered	11,067	10,158	11,443	14,412	21,352	21,323	21,121	18,200
Number of Enforcement Actions Taken	1,946	2,004**	2,704**	2,901	3,099	2,564	2,655	2,280
<b>PENALTIES</b>								
Amount of Penalties Obtained (\$)**	2,803,685	2,248,131	3,970,275	6,516,601	5,099,340	3,486,141	3,622,330	5,878,392

\* Inspections:

Number of Sites Inspected: The number of individual sites physically visited and inspected for compliance.

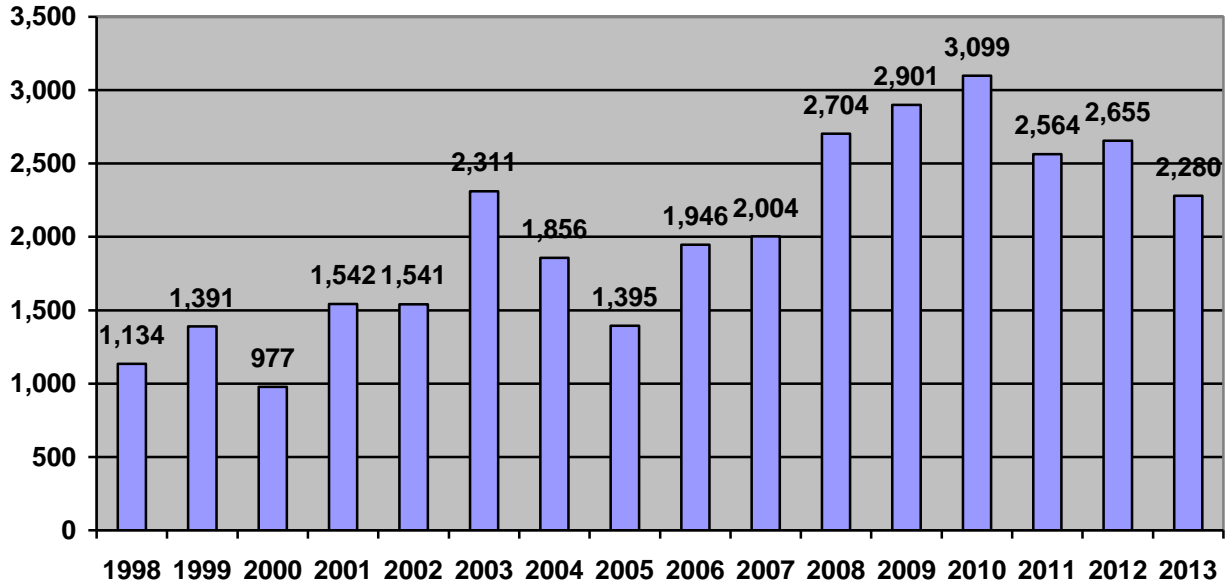
Number of Inspections, Audits, Spot Checks: The total numbers of sites evaluated for compliance, including on-site inspections, record reviews, audits, and spot-check activities.

Each individual site can be inspected by several programs or by one program more than once, so the former is always less than the latter.

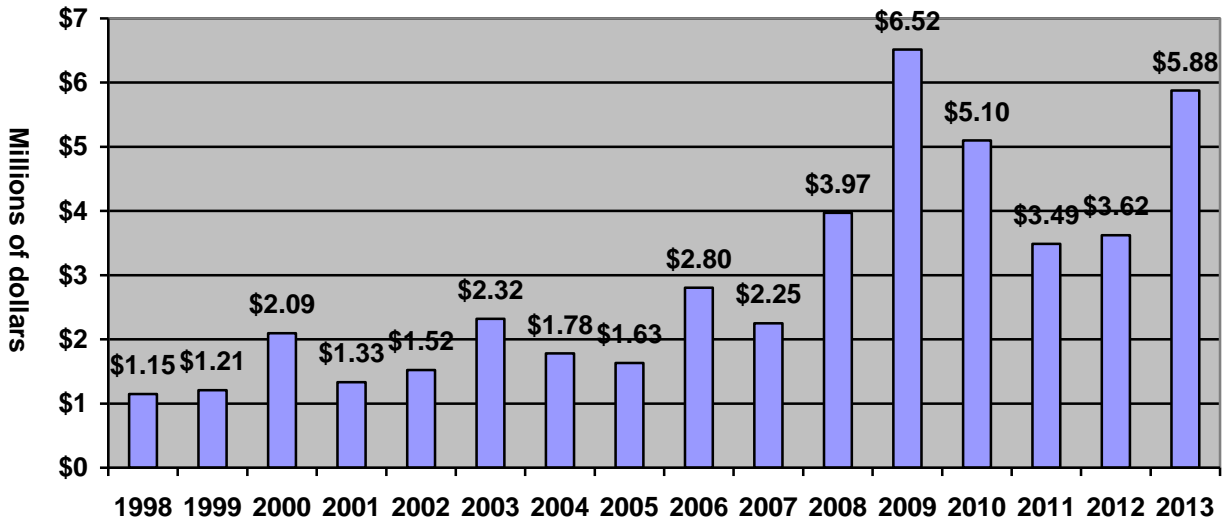
\*\* These two numbers were corrected; they were previously reported as 2,011 and 2,699 respectively.

\*\*\* Amount of Penalties Obtained: The total dollar amount of penalty revenue collected during the fiscal year. Note that penalties can be collected in the fiscal year after the violation for which they are assessed. This reflects the amount of revenue obtained ("collected") in the fiscal year as a result of all enforcement actions regardless of which fund they are deposited into.

### MDE Enforcement Actions Taken 1998-2013



### MDE Penalty Amounts (\$) Collected 1998-2013



# **MDE'S ENFORCEMENT AND COMPLIANCE PROCESS and SERVICES TO PERMITTEES AND BUSINESSES**

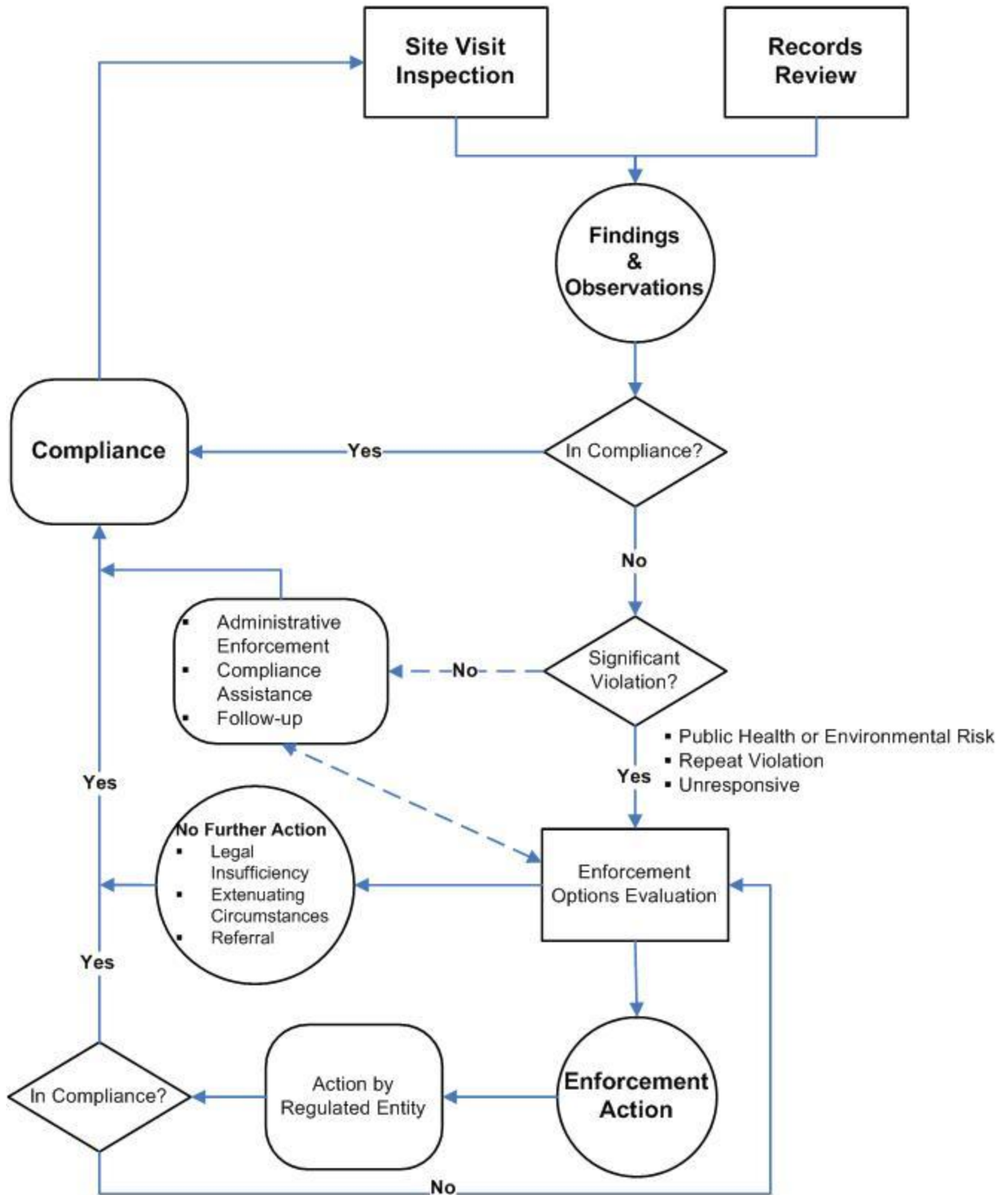
## **The Enforcement and Compliance Process**

MDE's air, water and land enforcement and compliance processes are authorized in different parts of the law and were established separately over a period of years. As a result, similar terminology may have technically different meanings for different programs. Despite technical differences, most enforcement programs share certain common functions that allow a year-to-year comparison. Most programs have inspection, monitoring, evaluation, and enforcement components.

Many programs also implement federal rules and regulations in addition to State requirements. In addition, the same individual, company, or facility may fall under the jurisdiction of several different environmental enforcement programs at the federal, state or local level.

If a minor violation such as a record-keeping or reporting error is discovered, a program may use discretion to allow the violator to correct the problem without imposing a penalty. In such cases, compliance assistance may be the most efficient method to achieve compliance with such requirements. Compliance assistance is a process that does not involve the use of a formal enforcement action and is explained in more detail on page 14. If an inspection reveals a significant violation, or if minor violations continue to recur and become a significant problem, then more serious legal actions are warranted. Such action may take the form of penalties, corrective orders, the filing of injunctions, and in some cases, criminal sanctions.

# MDE ENFORCEMENT PROCESS



## **Supplemental Environmental Projects (SEPs)**

MDE's approach to enforcement includes the use of Supplemental Environmental Projects (SEPs). SEPs are projects specifically undertaken to improve the environment by parties who are subject to penalty actions. Under certain limited circumstances, the value of the SEP is allowed by MDE to offset a portion of the penalty.

The federal Environmental Protection Agency encourages the use of SEPs for several reasons. First, SEPs add value to enforcement settlements because SEP dollars are spent directly on environmental projects. Second, SEPs require violators to go above and beyond technical compliance with minimum legal standards and thereby reach a higher level of environmental stewardship. Finally, and probably most importantly, SEPs are intended to achieve improvements to the environment that could not be accomplished with traditional penalties. Traditional penalties serve to punish current violations and deter future violations. SEPs accomplish those traditional purposes and provide a form of community service that improves the environment where the violation occurred.

MDE entered into four SEPs during FY 2013 with a total value of \$140,000. These SEPs were in the Air and Radiation Management Administration, the Land Management Administration, and the Water Management Administration and involved the replacement of lead-contaminated windows, the installation of electric vehicle charging stations, and a stream restoration.

Administration	Number of SEPs		Total Value of SEPs	
	2012	2013	2012	2013
Air and Radiation Management Administration	0	1	\$0	\$60,000
Land Management Administration	9	2	\$8,435,000	\$20,000
Water Management Administration	0	1	\$0	\$60,000
<b>TOTALS</b>	<b>9</b>	<b>4</b>	<b>\$8,435,000</b>	<b>\$140,000</b>

Details about these SEPs can be found in Appendix G.

## **Contacts or Consultations with Businesses**

Environment Article section 1-301(d) requires this report to “*include information on the type and number of contacts or consultations with businesses concerning compliance with State environmental laws.*” This section identifies the two types of contacts MDE has with businesses to help them come into compliance: compliance assistance and other consultations.

### **Compliance Assistance**

One specific form of contact between businesses and MDE’s enforcement and compliance inspectors is counted in the programs’ performance measures tables under the category of “*compliance assistance.*” As an element of MDE’s enforcement process, an inspector renders a tangible act of compliance assistance when the inspector:

- (a) Documents a specific past or current violation which the regulated entity corrects in the absence of a formal enforcement action; or
- (b) Documents a specific action or actions which the regulated entity has the option of undertaking to prevent the likelihood of potential future violations, which action or actions the regulated entity undertakes voluntarily in such manner and within such time period as deemed acceptable by MDE in the absence of a formal enforcement action.

For either (a) or (b), the MDE inspector must document the manner in which the regulated entity voluntarily achieved compliance. This definition of "compliance assistance" requires the action to be measurable, and objectively verifiable by a third party. This documents MDE’s activities to keep facilities in compliance without the use of formal enforcement actions.

### **Consultations with Businesses**

MDE provides other forms of compliance information to businesses and other regulated entities. These include making guidance documents available, providing forms, and publishing information about new or updated requirements on MDE’s website. MDE also works with businesses before they apply for permits to explain what permits will be required for a proposed activity and the application process for the required permits. Possible compliance requirements such as sampling, reporting, and record-keeping may also be explained.

The Department’s website (<http://www.mde.state.md.us>) provides additional information that businesses may use to determine compliance with environmental requirements:

- The Guide to Environmental Permits and Approvals provides detailed information about each of MDE’s permit programs.



- MDE has made a number of permit applications and instructions for completion available online. MDE is also working to enable businesses to submit their permit applications via the Internet.
- MDE has created an Enforcement Webpage where you can find information concerning enforcement programs and current enforcement actions  
<http://www.mde.state.md.us/AboutMDE/DepartmentalReports/Pages/AboutMDE/enfcomp.aspx>

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**SECTION TWO**  
**ADMINISTRATION DETAILS**

# MEASURING ENFORCEMENT AND COMPLIANCE

MDE has been measuring, in a consistent fashion, the performance of its enforcement and compliance activities since 1998. This report standardizes the accomplishments of enforcement and compliance programs using metrics for the 31 enforcement areas that are the subject of this report.

Enforcement actions are taken by MDE's three media administrations:

**Air:** This includes air pollution and radiation programs.

**Land:** This includes oil control, solid and hazardous waste management, sewage sludge utilization, animal feeding operations, scrap tire recycling, lead poisoning prevention, natural wood waste recycling, coal and mineral mining, oil and gas exploration and production, and hazardous substance clean-up programs.

**Water:** This includes drinking water, tidal and non-tidal wetlands, wastewater discharges, water appropriation, waterway and floodplain construction, dam safety, stormwater management and sediment and erosion control programs.

## **Organization of Section Two**

This section is divided by administration and by enforcement area/program. First, an overall administration executive summary describes the enforcement and compliance efforts during this fiscal year, followed by key performance measures for that administration. Next, the sections for each enforcement area/program include the purpose of the program, its underlying authority, its enforcement process, summary of the program's successes/challenges, the performance measures table, and three charts comparing the past three fiscal years' data on inspection coverage; number of inspections, audits, and spot checks; and number of enforcement actions.

## **PERFORMANCE MEASURES TABLE**

This key table presents an accounting of each program's activity. Definitions of each measure appear below. An example of the table with the lines numbered to correspond to the following definitions follows this list of definitions.

1. *Permitted Sites/Facilities and Other Regulated Sites/Facilities: These are measures of the MDE or Program workload.*

Lines 2, 3, and 5-8: Identify the total universe of facilities over which the program has regulatory responsibility.

Line 2: Shows the number of new permits or permit renewals issued during the year.

Line 3: Shows the total number of permits that were in effect at fiscal year end.

Lines 5-8: Used by those programs that have regulatory responsibility for sites, facilities, and other entities that are not required to obtain a formal permit, but still fall under MDE's regulatory oversight.

9. *Inspections and Audits: This is a measure of output.*

Lines 10-12: Present numbers of sites evaluated for compliance. Inspections are defined as physical visits to the site to determine compliance, whether the visit involves walking around the site or a record review at the site. An audit is a review of records or self-monitoring reports performed off-site at MDE offices. These measures are reported separately to illustrate that many important regulatory oversight activities occur off-site.

Lines 13-15: Present numbers of inspections, audits and spot checks performed. The number of inspections is often substantially higher than the number of sites (comparing lines 12 and 15) because some sites are inspected more than one time during the year, depending on the degree of risk that regulated entity poses to the public. Also, some individual sites are sufficiently large or diverse to warrant having different portions of the site, or different pieces of equipment, inspected separately.

16. *Compliance Profile: This is a measure of the results accomplished.*

Lines 17-19: The Compliance Profile is a snapshot of the overall compliance status of the facilities inspected during the fiscal year.

Line 17: Identifies how many of the inspected sites were found with significant violations, providing a key element used to determine the inspection compliance rate (percentage) shown on line 18. If a site was found

to have a significant violation, it was counted as being out of compliance, even if the site was brought back into compliance later in the year.

Line 18: The percentage of inspected sites with significant violations. Line 17 divided by Line 10 times 100.

Line 19: The enforcement “inspection coverage rate” measure. The “inspection coverage rate” is defined as the ratio of sites inspected divided by the total number of sites or regulated entities in that program’s universe. “Sites” may include other than a single physical location since many programs have regulatory oversight responsibility for things other than facilities.

20. *Significant Violations: This is a measure of what was found.*

Lines 21 – 24 record the total number and nature of the significant violations the program identified during the fiscal year. The specific definition of what constitutes a **significant** violation is determined by individual programs that have unique statutory and regulatory threshold requirements. MDE’s general definition of a significant violation is any violation that requires MDE to take some form of remedial or enforcement action to bring the facility into compliance. MDE’s Penalty Policy further clarifies this definition and can be found in Appendix E.

Line 21: Indicates how many significant violations resulted in an environmental or health impact.

Line 22: Counts how many significant violations were technical/preventative in nature. The distinction here is based on evidence or proof that MDE must present to establish the violation in a contested case.

- Cases that include evidence of actual physical damage to the environment or to a human being, such as samples, photographs, or direct observations, are counted as having an environmental or health impact.
- Cases in which documentary evidence, such as falsified discharge monitoring reports, lack of permits or failure to maintain records, are counted as technical/preventative on line 22.
- The distinction between physical and technical violations is made to avoid the misperception that all violations involve pollution or immediately endanger human health.
- Either environmental/health violations or technical/preventative violations can be considered significant or non-significant depending on the circumstances of the violations.

Line 23: Accounts for the number of significant violations carried over from last year.

Line 24: The sum of lines 21 through 23, the total number of significant violations the program attempted to resolve during the fiscal year.

*25. Disposition of Significant Violations: What is the status?*

Lines 26 and 27: Answer the question of how many enforcement responses were concluded for significant violations in the fiscal year and how many are going to be carried over to next year.

- Resolved means that (1) an enforcement action or compliance assistance has been taken, and (2) the violator either has completed any required corrective action or has an executed agreement to take the corrective action and has begun bringing the site back into compliance.
- An ongoing enforcement response is one that is still in process and the site or violator has not taken adequate steps to correct the violation. Cases remain ongoing if the violator does not respond to MDE's initial violation notification; hearings have been scheduled and not yet held; or the hearing is complete and the violator has chosen to appeal the order. "Ongoing" enforcement responses are those not yet finished.

*28. Enforcement Actions and Penalties: What are the tools MDE uses to bring about compliance?*

Lines 29 – 36: MDE has a number of different enforcement tools that can be used to achieve compliance.

Line 29: Captures how often the program used **compliance assistance**.

- Compliance assistance is rendered when written documentation states that the correction has been made or commenced. This number does not necessarily correspond to the number of significant violations found because potential problems, which have not yet become violations, when corrected and documented, are counted as compliance assistance.
- This tool allows MDE to bring facilities into compliance without the necessity of resorting to formal enforcement actions. It is often implemented in less time and may reduce the environmental consequences of the violation.

Lines 30 through 32: Cover specific types of enforcement actions required to be reported under Environment Article Section 1-301(d). These are broken down into administrative and civil/judicial.

Line 33: The number of penalty actions and other enforcement actions not specifically designated above. These actions are primarily penalty actions, but they also include various forms of remedial requirements that do not fit the descriptions of the actions named in the statute.

Line 34: How often the program referred a matter to the Environmental Crimes Unit of the Attorney General's Office for possible criminal prosecution. These are not counted as resolved until there is a completed criminal case or the Crimes Unit has declined to take a criminal action, returned the case to the program and the program has taken an alternative form of enforcement.

Line 36: Discloses the amount of administrative or civil penalties obtained. This means monies collected during the fiscal year. The penalties recorded here may have been imposed in prior years, but are collected in whole or in part during the reporting year.



# SAMPLE FY 2013 PERFORMANCE MEASURES CHART

Performance Measure	TOTAL
<b>1. PERMITTED SITES/FACILITIES</b>	
2. Number of permits/licenses issued	
3. Number of permits/licenses in effect at fiscal year end	
<b>4. OTHER REGULATED SITES/FACILITIES</b>	
5. (other sites)	
6. (other sites)	
7. (other sites)	
8. (other sites)	
<b>9. INSPECTIONS</b>	
10. Number of sites inspected ("inspected" defined as at the site)	
11. Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	
12. Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	
13. Number of inspections, spot checks (captures number of compliance activities at sites)	
14. Number of audits (captures number of reviews of file/submittals for compliance)	
15. Number of inspections, audits, spot checks (sum of the two measures above, same as #12 on the prior charts)	
<b>16. COMPLIANCE PROFILE</b>	
17. Number of inspected sites/facilities with significant violations	
18. Percentage of inspected sites/facilities with significant violations	
19. Inspection coverage rate (number of sites inspected/coverage universe)	
<b>20. SIGNIFICANT VIOLATIONS</b>	
21. Number of significant violations involving environmental or health impact	
22. Number of significant violations based on technical/preventative deficiencies	
23. Number of significant violations carried over awaiting disposition from previous fiscal year	
24. Total number of significant violations (sum of the three measures above)	
<b>25. DISPOSITION OF SIGNIFICANT VIOLATIONS</b>	
26. Resolved	
27. Ongoing	
<b>28. ENFORCEMENT ACTIONS</b>	
29. Number of compliance assistance rendered	
	Administrative      Civil/Judicial      TOTAL
30. Number of show cause, remedial, corrective actions issued	
31. Number of stop work orders	
32. Number of injunctions obtained	
33. Number of penalty and other enforcement actions	
34. Number of referrals to Attorney General for possible criminal action	
<b>35. PENALTIES</b>	
36. Amount of administrative or civil penalties obtained (\$ collected in FY)	

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**AIR AND RADIATION MANAGEMENT  
ADMINISTRATION**

# **Air and Radiation Management Administration**

## **Executive Summary**

The Air and Radiation Management Administration (ARMA) conducts enforcement and compliance activities in three programmatic areas: air quality, asbestos, and radiation.

The Air Quality Compliance Program devotes a significant portion of its capacity to ensuring compliance at approximately 600 high-impact sources. In addition to on-site inspections, the Program reviews report submittals, stack test results, sampling results, and continuous monitoring summaries to assess compliance at regulated facilities.

The low-impact facilities category is one in which only a small percentage of sources are inspected. This is due to the large numbers of these sources and the relatively low impact of any particular violation. This category includes sources such as paint spray booths, dry cleaners, emergency generators, and gas stations.

The Air Quality Compliance Program received over 400 air quality complaints in FY 2013. The Program responds to all complaints by telephone and based on the nature of the complaint, identifies and places priority on those that require a field inspection. Some complaint situations may need multiple follow-up inspections to address the concerns of the complainants and to ensure compliance with air quality requirements.

In the Asbestos Division, contractors intending to abate asbestos are required to notify MDE. MDE inspects as many of these projects as possible, generally focusing on the more substantial projects. Some demolition projects are also inspected. The number of asbestos notifications received in FY 2013 was 2,831. The division continues to meet the requirement to inspect at least one removal project by each contractor.

The Radiological Health Program (RHP) regulates both electronic sources of radiation and materials that are radioactive to prevent the general public from receiving any unnecessary exposure to radiation. Also, RHP is the primary State responder to public hazards involving radioactive materials, such as transportation incidents or a nuclear utility accident.

For FY 2013, the Radioactive Materials Licensing and Compliance Division continues to focus on continued implementation, through the licensing and inspection process, of increased security controls for those licensees with sufficient quantities and types of radioactive materials that, if stolen, would pose a national threat; the evaluation of the radiation safety and engineering aspects of a complex sealed source medical device prior to allowing the use and sale of the device across the nation; Maryland's implementation of the National Source Tracking System; training of state and local personnel to assure statewide preparedness for a nuclear utility accident, and assistance in statewide implementation of a preventive radiological nuclear detection.

A main focus for the Radiation Machines Division for FY 2013 was fully implementing the requirement for x-ray machine owners to conduct maintenance on a prescribed regular basis.

**Air and Radiation Management Administration  
Performance Measures Executive Summary**

	<u>2012 Totals</u>	<u>2013 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	1,441	1,473
Number of Permits/Licenses in Effect at Fiscal Year End	30,382	30,471
<u>OTHER REGULATED SITES/FACILITIES</u>		
Other Regulated Sites	3,743	3,763
<u>INSPECTIONS</u>		
Number of Sites Inspected	4,127	3,892
Number of Sites Audited but Not Inspected	963	894
Number of Inspections, Audits, Spot Checks	9,871	11,024
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	175	239
Number of Enforcement Actions Taken *	152	127
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$646,882	\$421,750

\* The total of enforcement actions for each program as listed in the chart for each.

# Ambient Air Quality Control

## PURPOSE

There are approximately 12,000 stationary sources of air emissions registered in Maryland. The Air Quality Compliance Program is responsible for ensuring that these sources comply with applicable air pollution control requirements. Approximately 200 of these sources emit more than 95% of all the pollutants emitted from stationary sources. These 200 high-emitting sources and an additional 400 or so priority sources receive a high level of scrutiny. The additional priority sources are selected due to concerns regarding potential emissions, toxic air pollutant emissions, potential for nuisance impact, impact on the general welfare, or the potential for significant risk to public health or the environment. This group of approximately 600 sources includes facilities such as power plants, large industrial operations, manufacturing plants, asphalt plants, and incinerators. This group varies slightly in number from year to year due to start-up of new sources, shut-down of existing sources, or sources reducing emissions or using less toxic materials to the point where they are no longer considered priority sources and thus do not demand close scrutiny. The remainder of the 12,000 sources are generally smaller in terms of their emissions or their impacts and are considered to be of lesser risk to public health or the environment. Examples of these smaller sources include dry cleaning operations, gas stations, charbroilers, small boilers, paint spray booths, and degreasing machines. For this reason, performance measures information is presented in two categories, *High-Impact Air Emission Facilities* and *Low-Impact Air Emission Facilities*.

## AUTHORITY

FEDERAL: Clean Air Act, Title I, Section 110

STATE: Environment Article, Title 2; COMAR 26.11

## PROCESS

In inspecting facilities, a major focus is given to those approximately 600 sources described above that are considered a potential significant risk to public health or the environment. Often, multiple inspections are performed at these sources over the course of a year. Inspections are both announced and unannounced, depending on the nature and purpose of the inspection. Attention is given to smaller, lower-risk sources through special initiatives that may focus on inspecting all sources within a particular source category, spot checks of a percentage of sources in a category where the category contains a large number of small sources, and the education of trade groups and equipment operators and owners.

## SUCCESSES/CHALLENGES

Ensuring compliance at high-impact sources continues to consume a large portion of the Air Quality Compliance Program's resources, and this focused attention contributes to the high compliance rate for this category. In addition to on-site inspections, the Program reviews compliance certifications, report submittals, stack test results, sampling results, and continuous monitoring summaries to assess compliance at regulated facilities. Challenges include addressing the growing list of air quality requirements at these large facilities with existing staff. Success has been achieved by identifying non-compliant facilities and ensuring a return to compliance.

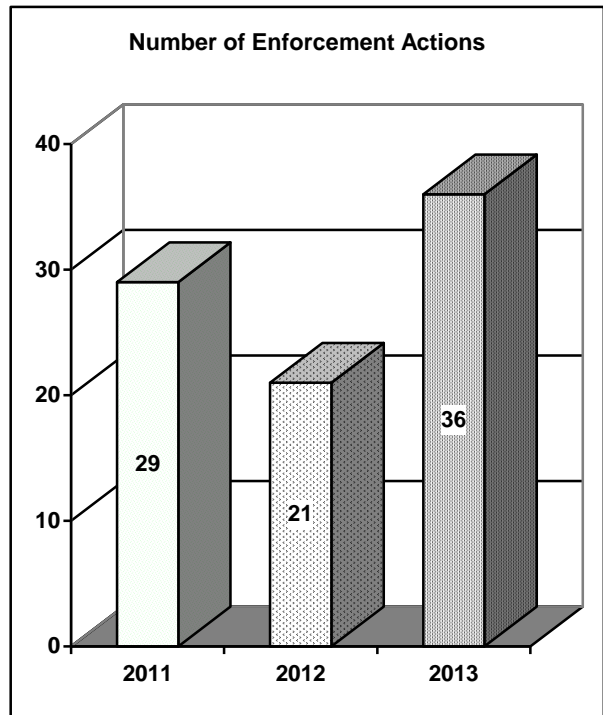
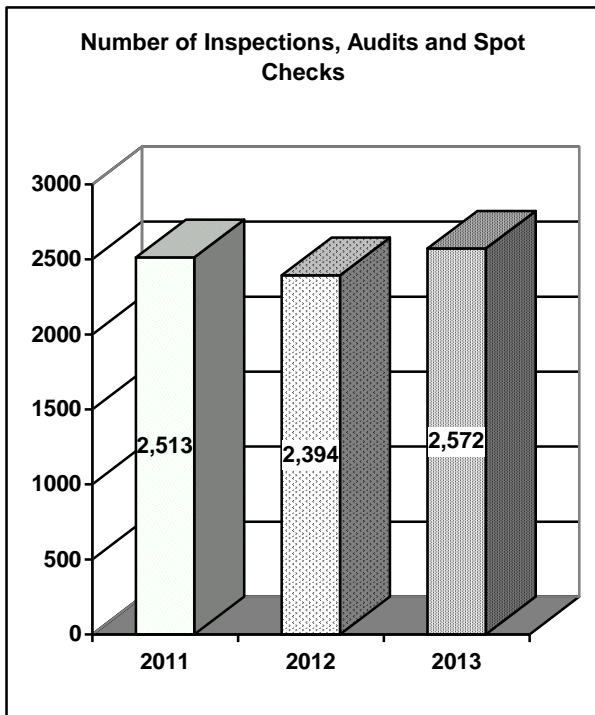
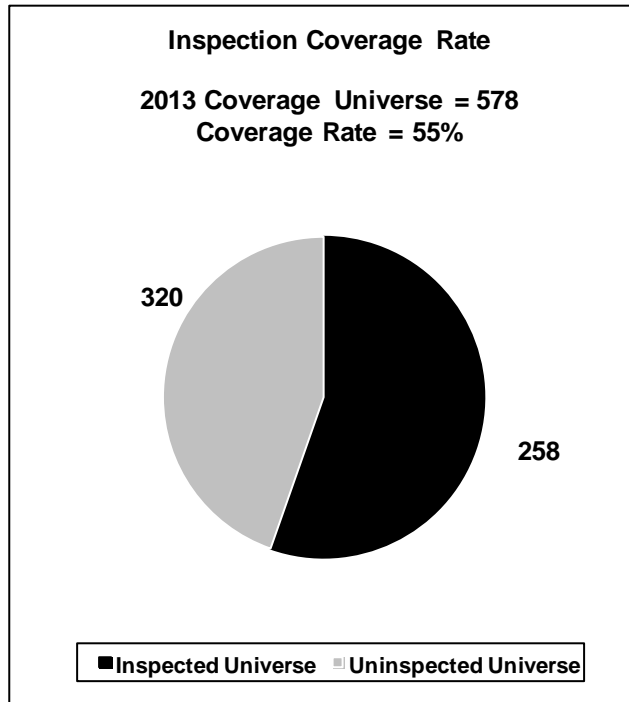
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## Ambient Air Quality Control High-Impact Facilities

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of sites/facilities	578		
Number of permits/licenses issued	237		
Number of permits/licenses in effect at fiscal year end	3,898		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	320		
Number of sites audited but not inspected	169		
Number of sites evaluated for compliance	489		
Number of inspections, spot checks (captures number of compliance activities at sites)	887		
Number of audits (captures number of reviews of file/submittals for compliance)	1,685		
Number of inspections, audits, spot checks	2,572		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	14		
Percentage of inspected sites/facilities with significant violations	4%		
Inspection coverage rate (number of sites inspected/coverage universe)	55%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	11		
Number of significant violations based on technical/preventative deficiencies	16		
Number of significant violations carried over awaiting disposition from previous fiscal year	21		
Total number of significant violations	48		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	20		
Ongoing	28		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	50		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	3	0	3
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	12	21	33
Number of referrals to Attorney General for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$306,000		



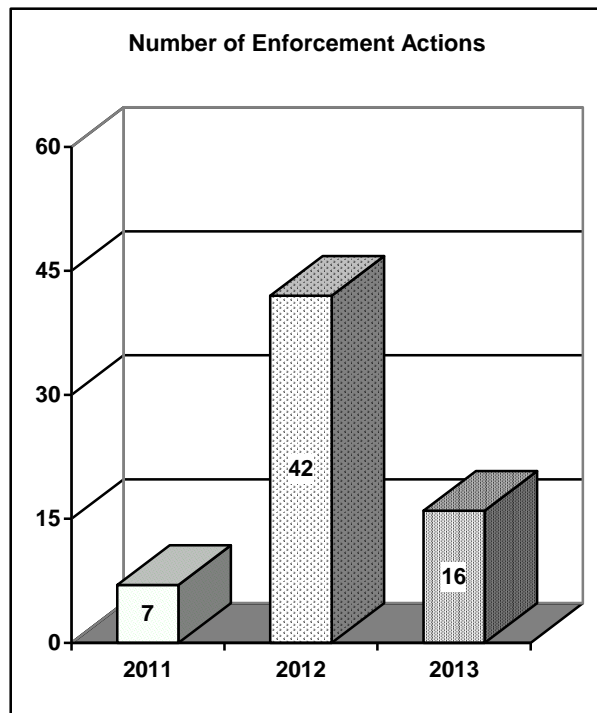
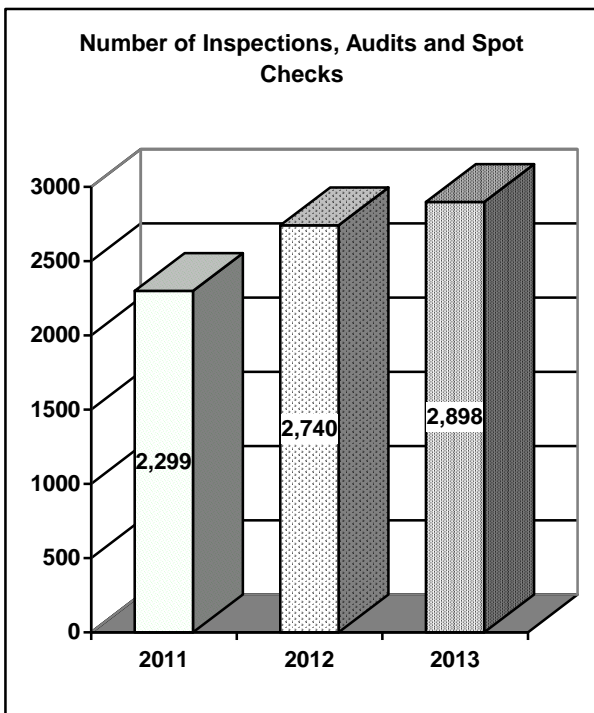
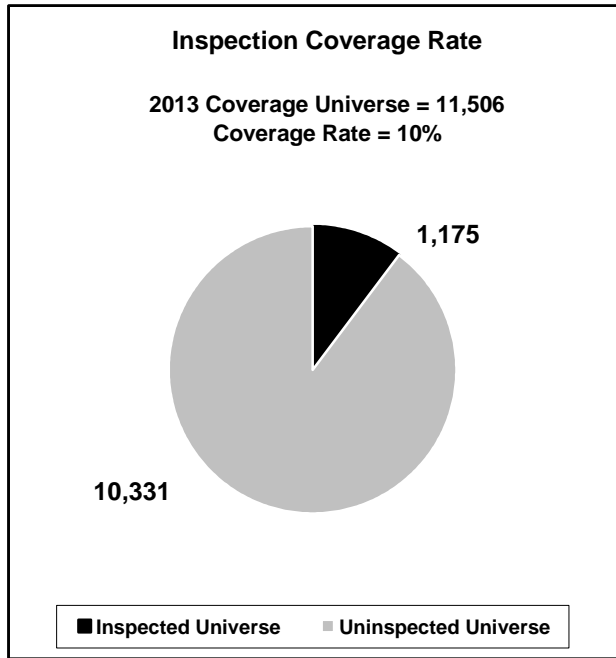
# Ambient Air Quality Control High-Impact Facilities



## Ambient Air Quality Control Low-Impact Facilities

Performance Measure	TOTAL
<b>PERMITTED SITES/FACILITIES</b>	
Number of sites/facilities	11,506
Number of permits/licenses issued	380
Number of permits/licenses in effect at fiscal year end	20,855
<b>INSPECTIONS</b>	
Number of sites inspected ("inspected" defined as at the site)	1,175
Number of sites audited but not inspected	725
Number of sites evaluated for compliance	1,900
Number of inspections, spot checks (captures number of compliance activities at sites)	1,410
Number of audits (captures number of reviews of file/submittals for compliance)	1,488
Number of inspections, audits, spot checks	2,898
<b>COMPLIANCE PROFILE</b>	
Number of inspected sites/facilities with significant violations	22
Percentage of inspected sites/facilities with significant violations	2%
Inspection coverage rate (number of sites inspected/coverage universe)	10%
<b>SIGNIFICANT VIOLATIONS</b>	
Number of significant violations involving environmental or health impact	0
Number of significant violations based on technical/preventative deficiencies	23
Number of significant violations carried over awaiting disposition from previous fiscal year	7
Total number of significant violations (sum of the three measures above)	30
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>	
Resolved	22
Ongoing	8
<b>ENFORCEMENT ACTIONS</b>	
Number of compliance assistance rendered	75
	Administrative      Civil/Judicial      Total
Number of show cause, remedial, corrective actions issued	0                      0                      0
Number of stop work orders	0                      0                      0
Number of injunctions obtained	0                      0                      0
Number of penalty and other enforcement actions	13                      3                      16
Number of referrals to Attorney General for possible criminal action	0
<b>PENALTIES</b>	
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$26,050

# Ambient Air Quality Control Low-Impact Facilities



# Air Quality Complaints

## **PURPOSE**

In addition to the almost 12,000 registered or permitted sources of air emissions in Maryland, there are numerous potential sources of air pollution that are not required to be registered or permitted by the Department. Examples include some composting operations, construction sites, open burning activities, hot-tar roofing operations, material storage piles, welding and burning activities, and certain portable operations of short duration. These sites or activities can create nuisance conditions such as odors or fugitive dust. The Air Quality Compliance Program responds to complaints regarding nuisance odors and dust from both permitted and non-permitted operations. After investigation, some complaints reveal no basis for potential harm to the environment or public health, but will be addressed to reduce nuisance conditions to neighbors or communities.

## **AUTHORITY**

STATE: Environment Article, Title 2; COMAR 26.11

## **PROCESS**

Complaints are addressed in a number of ways. A complaint situation may be of sufficient severity to warrant an immediate site visit. Complaints arising from severe nuisance situations generally result in the Department receiving multiple and separate complaints for a single situation. A complaint situation can also be a sporadic occurrence, which may lead to increased surveillance of a site in an attempt to verify the existence of a problem, which may lead to a formal inspection. Some complaints, particularly where only an explanation of what is allowed is needed, can be resolved through phone contact or letters. If the complaint investigation reveals a violation at a permitted site, the violation and subsequent enforcement action is counted under the ambient air quality control program's performance measures chart.

Only those violations that occur at non-permitted sites are counted here. Most violations in this category are related to open burning activities or the creation of off-site nuisances caused by odors or dust from sites. Violations such as these rarely result in actual harm, but have the potential to cause harm to the environment or public health, and on this basis are included in this report. Nearly all violations in this program are resolved without the need to take enforcement action, as they generally relate to short-lived activities, are quickly corrected (often at the time of inspection), do not reoccur, and result in no actual harm to public health or the environment.

## **SUCSESSES /CHALLENGES**

The Air Quality Compliance Program received over 400 complaints in FY 2013. The Program responds to all complaints by telephone, prioritizing those that merit a field inspection. Some complaint situations needed multiple follow-up inspections to ensure compliance with air quality requirements. Based on their nature, some complaints at non-permitted sites need follow-up enforcement action to achieve compliance.

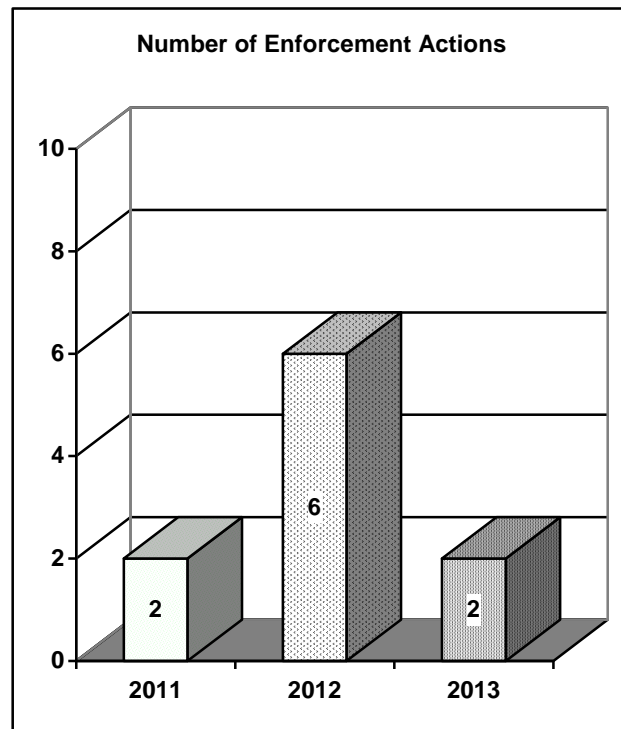
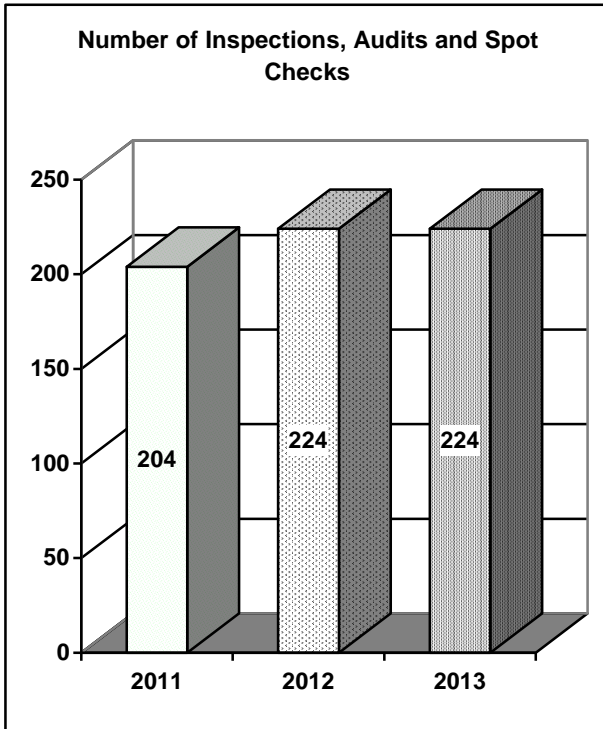
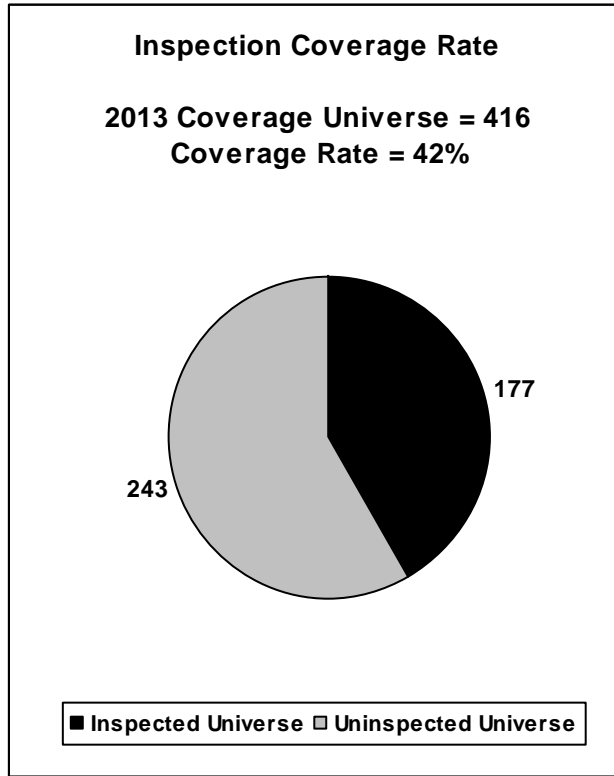
Many complaints are successfully resolved by the Program leading to improved quality of life for Maryland citizens. However some complaint situations can be challenging due to the sporadic nature of the problem, leading to difficulty in locating the source.

## Air Quality Complaints

Performance Measure	TOTAL
<b>PERMITTED SITES/FACILITIES</b>	
Number of sites/facilities	N/A
Number of permits/licenses issued	N/A
Number of permits/licenses in effect at fiscal year end	N/A
<b>OTHER REGULATED SITES/FACILITIES</b>	
Complaints received at all sites	416
Complaints received at unregistered/unpermitted sites	321
<b>INSPECTIONS</b>	
Number of unregistered/unpermitted sites inspected ("inspected" defined as at the site)	121
Number of inspections, spot checks at unregistered/unpermitted sites (captures number of compliance activities at sites)	224
Number of initial complaint inspections at all sites*	177
<b>COMPLIANCE PROFILE</b>	
Number of inspected sites/facilities with significant violations	1
Percentage of inspected sites/facilities with significant violations	1%
Inspection coverage rate (number of sites inspected/coverage universe)	42%
<b>SIGNIFICANT VIOLATIONS</b>	
Number of significant violations involving environmental or health impact	0
Number of significant violations based on technical/preventative deficiencies	1
Number of significant violations carried over awaiting disposition from previous fiscal year	4
Total number of significant violations (sum of the three measures above)	5
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>	
Resolved	3
Ongoing	2
<b>ENFORCEMENT ACTIONS</b>	
Number of compliance assistance rendered	10
	Administrative      Civil/Judicial      Total
Number of show cause, remedial, corrective actions issued	0                      0                      0
Number of stop work orders	0                      0                      0
Number of injunctions obtained	0                      0                      0
Number of penalty and other enforcement actions	1                      1                      2
Number of referrals to Attorney General for possible criminal action	
<b>PENALTIES</b>	
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$3,550

\*This line includes responses to complaints at permitted sites and unregistered/unpermitted sites and is used to calculate the coverage rate for complaints. The inspections and any enforcement actions at any permitted sites are captured in the sections for registered sources.

# Air Quality Complaints



# Asbestos

## **PURPOSE**

The Air Quality Compliance Program's Asbestos Division manages the licensing of asbestos removal contractors and oversees their efforts when removing or encapsulating asbestos to ensure that asbestos is handled in a manner that is protective of human health. Any project that involves demolition or the removal of more than 240 linear feet or more than 160 square feet of asbestos-containing material is subject to federal standards under EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) program. All projects are subject to additional requirements under state laws and regulations. Projects can range from something as small as a single pipe wrapping to a major removal project at a power plant or other large facility.

## **AUTHORITY**

FEDERAL: Clean Air Act, Title 1, Section 112

STATE: Environment Article, Title 6, Subtitle 4; COMAR 26.11.21

## **PROCESS**

Removing or encapsulating asbestos is required to be done by a contractor licensed by MDE. The contractor is required to notify the Department of the location of the activity and the approximate amount of asbestos-containing material to be removed or encapsulated prior to undertaking the work. From the information contained in the notification, the Department will determine whether the project is required to meet federal safety standards. Approximately 25% to 30% of all asbestos projects undertaken are subject to federal program requirements. Projects subject to such requirements are considered a priority and an inspection will generally take place. Priority is also given to inspecting contractors with poor performance records, projects in close proximity to other priority projects (for inspection efficiency) and projects for which complaints have been lodged. The focus of an inspection is on determining whether a contractor is adhering to the standards designed to protect workers and the public from exposure to asbestos. Some sites, such as demolition sites, where no notification has occurred but where asbestos may be encountered, are also inspected.

## **INSPECTION COVERAGE RATE**

The inspection coverage rate is computed as the number of sites inspected divided by the number of notifications received. Note that the Division receives notifications for any amount of asbestos that is disturbed. This will include notifications for one to two feet of removal in which the project will last for maybe two hours, to notification for thousands of linear and square feet, in which the project may last up to twelve months. State law governs the notification process for small projects, and requires only that the contractor notify the Department before the project begins. The larger projects are governed by federal requirements, and the contractor is required to notify at least ten days prior to beginning the project. It is more likely that an inspection will take place at a site where removal will last a day or more. The Division is required by state law to annually inspect at



least one asbestos removal project by each contractor. The Division meets this requirement.

### **SUCSESSES/CHALLENGES**

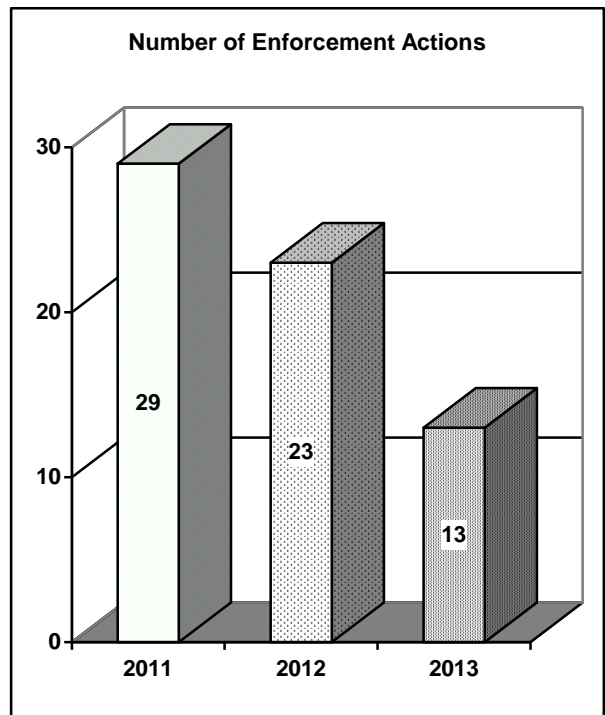
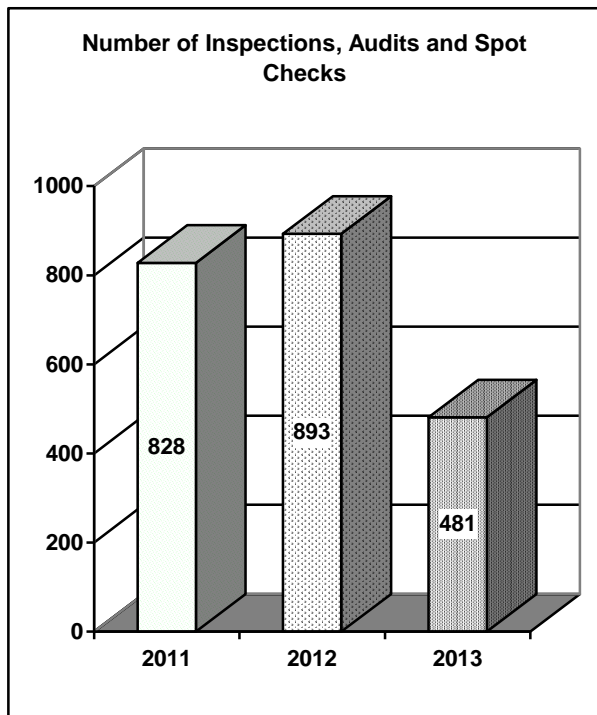
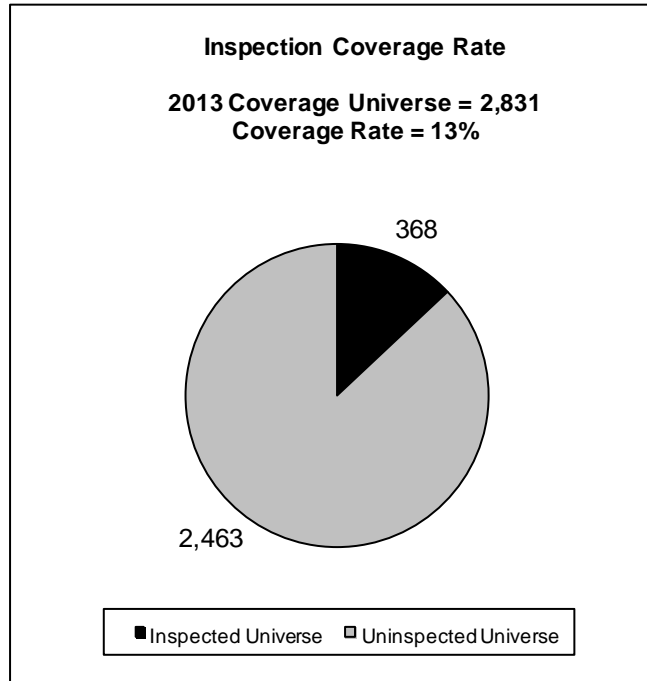
Contractors intending to abate asbestos are required to notify MDE. MDE inspects as many of these projects as possible, generally focusing on the more substantial projects. In FY 2013, the Asbestos Division inspected about 13% of sites that provided notification to MDE.

The number of sites inspected and the number of inspections dropped significantly this year. The primary causes of this were staff vacancies and the need to train new inspection staff. Also, a new law requiring development of a more-robust testing protocol for licensing of asbestos workers consumed significant staff resources.

# Asbestos

Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/licenses issued (Asbestos Contractor Licenses)	145																								
Number of permits/licenses in effect at fiscal year end	127																								
<b>OTHER REGULATED SITES/FACILITIES</b>																									
Number of asbestos notifications received	2,831																								
<b>INSPECTIONS</b>																									
Number of sites inspected (“inspected” defined as at the site)	368																								
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0																								
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	368																								
Number of inspections, spot checks (captures number of compliance activities at sites)	481																								
Number of audits (captures number of reviews of file/submittals for compliance)	0																								
Number of inspections, audits, spot checks (sum of the two measures above)	481																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	15																								
Percentage of inspected sites/facilities with significant violations	4%																								
Inspection coverage rate (number of sites inspected/coverage universe)	13%																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	15																								
Number of significant violations based on technical/preventative deficiencies	0																								
Number of significant violations carried over awaiting disposition from previous fiscal year	13																								
Total number of significant violations (sum of the three measures above)	28																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	18																								
Ongoing	10																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	13																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Administrative</th> <th style="width: 25%;">Civil/Judicial</th> <th style="width: 10%;">Total</th> </tr> </thead> <tbody> <tr> <td>Number of show cause, remedial, corrective actions issued</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of stop work orders</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of injunctions obtained</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of penalty and other enforcement actions</td> <td style="text-align: center;">13</td> <td style="text-align: center;">0</td> <td style="text-align: center;">13</td> </tr> <tr> <td>Number of referrals to Attorney General for possible criminal action</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Administrative	Civil/Judicial	Total	Number of show cause, remedial, corrective actions issued	0	0	0	Number of stop work orders	0	0	0	Number of injunctions obtained	0	0	0	Number of penalty and other enforcement actions	13	0	13	Number of referrals to Attorney General for possible criminal action			
	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	0	0	0																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	13	0	13																						
Number of referrals to Attorney General for possible criminal action																									
Number of show cause, remedial, corrective actions issued	0	0	0																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	13	0	13																						
Number of referrals to Attorney General for possible criminal action																									
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$17,500																								

# Asbestos



# Radiation Machines Division

## PURPOSE

The Radiation Machines Division (RMD) regulates manufactured electronic sources of radiation to minimize the amount of unnecessary radiation exposure received by the general public. These electronic radiation sources include dental and veterinary x-ray machines, mammography (breast imaging) machines, diagnostic and therapeutic radiation machines, and other electronic radiation devices such as security screening devices used in research or industry.

State regulations, which derive in part from U.S. Food and Drug Administration (FDA) statutory and regulatory directives and guidelines, require that all radiation exposures be "As Low As Reasonably Achievable" (ALARA). Radiation exposure can cause adverse health effects, with risk that varies depending upon the amount of radiation received, frequency of radiation exposures, and radio-sensitivity of body parts. Although the medical benefits of radiologic diagnostic and therapeutic treatment procedures far outweigh potential risks of sustained biological damage, evidence suggests that cells in the human body can be damaged by numerous small exposures over time, and that these multiple exposures have a cumulative health effect that may be as detrimental as receiving a single large exposure. There continues to be a growing awareness in the health community that human health impacts from radiation machine procedures are on the rise due to the increased use of this machine. To some degree, x-ray imaging has replaced procedures that do not require radiation, such as ultrasound or magnetic resonance, causing the general public to increase their level of radiation exposure.

## AUTHORITY

FEDERAL: Radiation Control for Health and Safety Act of 1968, 21CFR1000;  
Mammography Quality Standards Act; 21CFR900

STATE: Environment Article, Title 8 "Radiation";  
COMAR 26.12. Radiation Management

## PROCESS

The RMD ensures all radiation machine facilities are inspected on cycles required by statute, regulation, administrative policy, or contract. Note that while mammography inspection reports are provided to the FDA for follow-up enforcement actions, the FDA's response actions are not included in this report.

Dental, veterinary, and mammography facilities are required to renew the radiation machine facility registration of the x-ray equipment every two years. Facilities with x-ray machines subject to certification are required to renew the radiation machine facility registration on the same schedule as the certification inspection frequency presented in the chart below.

## **SUCSESSES/CHALLENGES**

Medical facilities continue to have a high rate of compliance. A contributing factor to the increased compliance is believed to be the regulatory requirement that all radiation machines be maintained according to manufacturer specifications. All radiation machine facilities are now required to have preventive maintenance performed on their radiation machines at the interval recommended by the manufacturer for each machine. If an interval is not specified, the maintenance must be performed every 12 months. For a radiation machine, the potential consequence of failure to perform recommended maintenance is greater radiation exposure than clinically necessary to patients and occupational workers. In January 2013, the RHP started issuing a Notice of Violation (NOV) to any facility that failed to maintain a radiation machine. Follow-up enforcement action is being taken, as warranted.

In July 2012, the RMD initiated a numbering system as an identifier of radiation machine tubes within the State of Maryland in order to better track every radiation machine in the State. The RMD has replaced the old Paradox database system with a new database that houses all of the radiation machines information in one location, making it a more efficient system. The new database has reduced the length of the time for letters to be generated, since the database can automatically produce the letter with the inputted information.

The number of enforcement actions against dental facilities continued to decrease significantly in FY 2013 not because of improved compliance but rather due to a change in state law that took effect on June 1, 2010. The change provides that if dental facilities correct violations of regulatory requirements within twenty working days of an inspection, the Department is prevented from assessing a financial penalty for those violations found at the time of the inspection, unless they are deemed to present a serious and probable danger to the patients or employees of a dental facility. This statutory restriction significantly limits the Department's ability to aggressively pursue improved compliance. The dental compliance rate continues to be well below the average for other regulated entities across the Department.

Whenever a misadministration or an overexposure at a registered facility occurs, the RMD attends a series of radiation safety meetings held by the facility. These meetings are mandated by a Departmental Order and provide a forum to address public health concerns and improve radiation safety procedures.

The chart on page 44 shows the types of facilities regulated and the frequency at which they are inspected. For clarity, please note that the words machine and tube are used interchangeably.

Facility Type	Registered X-ray Tubes*	Inspection Frequency
High Energy & Particle Accelerators	2 facilities, 2 Certified Tubes	Annual
Medical (Therapy) Accelerators	41 facilities, 76 Certified Tubes	Annual
Hospitals	61 facilities, 1,244 Certified Tubes	Biennial
Physicians: Chiropractic, MD, GP, Podiatric	1,215 facilities, 1,837 Certified Tubes	Biennial
Industrial	309 facilities, 642 Certified Tubes	Triennial
Dental	2,825 facilities, 10,020 Tubes	Triennial
Veterinary	444 facilities, 629 Tubes	Triennial
Mammography	141 facilities, 199 tubes	Annual

\*Code of Maryland Regulations (COMAR) 26.12.03 states that "Radiation Machine" means a device that is capable of producing radiation. On any radiation-producing equipment with more than one x-ray tube, or other single point from which radiation may be emitted, each x-ray tube or radiation emission point is considered a separate radiation machine. "Tube" is defined in COMAR 26.12.01.01 as an x-ray tube or other single point from which radiation may be emitted.

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## Radiation Machines

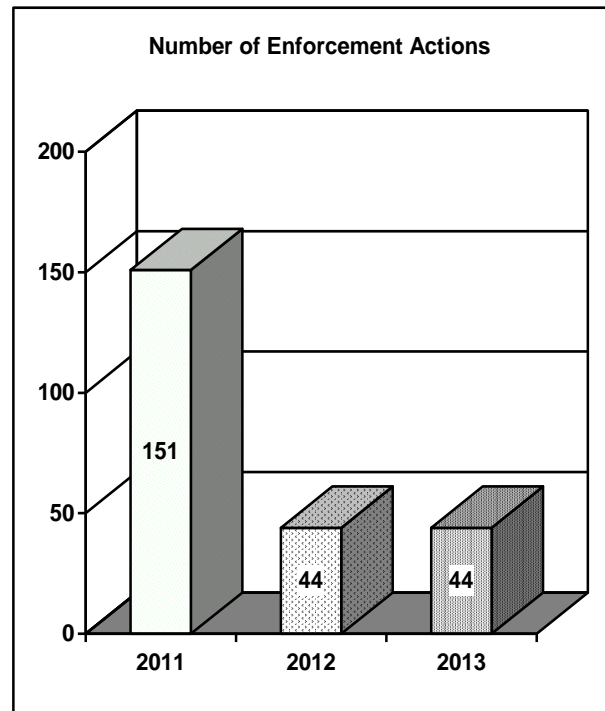
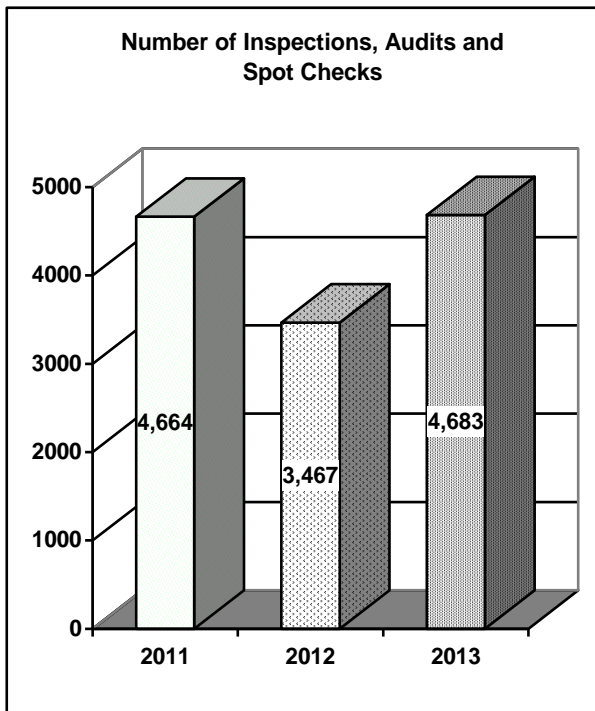
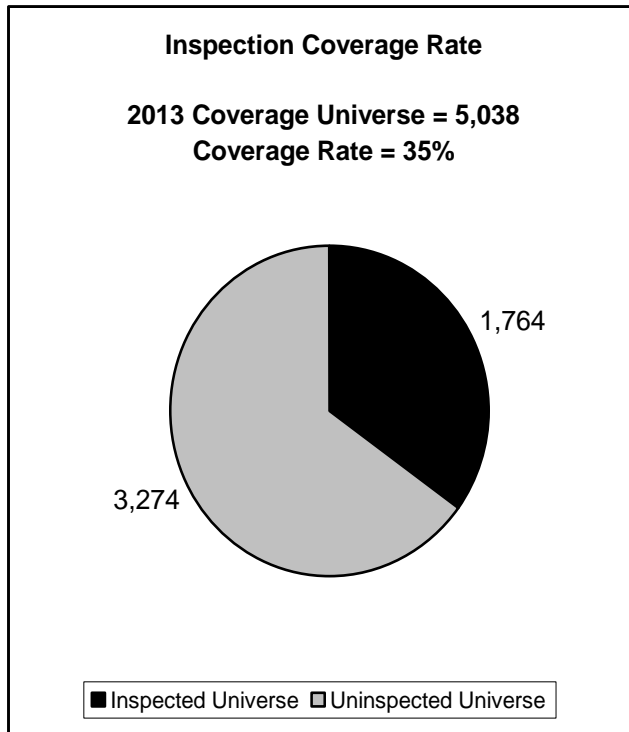
Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of new facility registrations issued	265		
Number of facility registrations in effect at fiscal year end	5,038		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of service companies registered at fiscal year end	239		
Number of licensed private inspectors at fiscal year end	72		
Number of plan review or area surveys reviewed at fiscal year end	153		
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)	1,764		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	1,764		
Number of inspections, spot checks (captures number of compliance activities at sites)	4,683		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above,)	4,683		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	407		
Percentage of inspected sites/facilities with significant violations	23%		
Inspection coverage rate (number of sites inspected/coverage universe) *	35%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	993		
Number of significant violations carried over awaiting disposition from previous fiscal year**	163		
Total number of significant violations (sum of the three measures above)	1156		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	1066		
Ongoing	90		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	6	0	6
Number of stop work orders	1	0	1
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	37	0	37
Number of referrals to Attorney General for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$36,182		

\* Coverage is computed as the number of sites inspected divided by the sum of the number of facility registrations, the number of registered service providers, and the number of licensed private inspectors. Plan reviews were not considered since each of those should be at sites that would be included as permitted sites.

\*\* Note this number was incorrectly reported as 166 in the line for ongoing violations in the FY 2012 report.



# Radiation Machines Division



# Radioactive Materials Licensing and Compliance

## PURPOSE

The Radioactive Materials Licensing and Compliance Division (RAMLCD) issues licenses to, and inspects, hospitals, cancer treatment and diagnostic imaging centers, private medical practices, construction, research and development firms, academic institutions, nuclear pharmacies, and manufacturers and distributors of sealed sources and devices (SS&D). Regulation of the use, handling, and control of both generally and specifically licensed radioisotopes is mandated to protect the health and safety of radiation workers and the general public as well as minimize environmental contamination. Facility radiation safety programs and authorized activities are evaluated during the licensing and inspection process to confirm a strong radiation safety culture and to establish compliance with Maryland ionizing radiation regulations in such areas as security of radioactive material; training of personnel; possession of adequate protective devices; and control of radiation hazards. The RAMLCD is also the primary State responder to public hazards involving radioactive material, such as transportation incidents or any other incidents involving loss of control of radioactive material in a Maryland jurisdiction. The RAMLCD also provides radiological technical input and coordination for statewide emergency preparedness in the areas of shipment of high level radioactive waste through Maryland; increased security of certain types of facilities possessing radioactive material; facilitation of training of local responders to radiation emergencies; and assistance in the evaluation, coordination, and implementation of policies and procedures for preventive radiological nuclear detection. RHP is also one of the primary State responders should there be a radiation incident at a fixed nuclear facility with potential impact to Maryland residents. The RAMLCD also evaluates new and modified devices containing sealed radiation sources submitted by Maryland companies for radiation safety and engineering reliability prior to the issuance of SS&D Certifications.

## AUTHORITY

FEDERAL: Atomic Energy Act of 1954, as amended;  
10 CFR (Nuclear Regulatory Commission) Parts 1-171

STATE: Environment Article, Title 8; "Radiation";  
COMAR 26.12. Radiation Management

## PROCESS

The RAMLCD issues licenses with a seven-year term for approximately 52 types of radioactive material use in accordance with established guidance. The RAMLCD inspects facilities for compliance with radiation regulations and adherence to license conditions and radiation safety procedures and practices. Inspections are performed over a one-to-four-day period by one inspector or a team of inspectors at a frequency based on the quantity, activity and toxicity of the radioisotope(s), the potential hazard resulting from its use, and the nature of the operation. Inspection frequency ranges from annual to every five years, with possible modification for licensees with a poor compliance history. When violations occur, corrective actions are required and are verified through several means, including possible follow-up inspections. RAMLCD also conducts investigations throughout Maryland in response to radioactive materials (RAM) incident reports, complaints, suspected violations, or unauthorized RAM use. The Division also oversees the decommissioning of previously-licensed RAM facilities, conducts safety evaluations on RAM sources and

devices, and performs pre-licensing visits to all applicants prior to the issuance of a license. Additionally, the RAMLCD performs inspections on at least 25% of the most hazardous radiation operations conducted in Maryland by out-of-state radioactive material licensees under reciprocal recognition of their licenses.

**SUCSESSES/CHALLENGES**

Successes in FY 2013 include the continued implementation of increased security controls for those licensees with sufficient quantities and types of radioactive materials, that if stolen would pose a national security threat; the evaluation of the radiation safety and engineering, and the device registration, of a complex sealed-source medical device prior to allowing the use and sale of the device across the nation; Maryland’s continued implementation of the National Source Tracking System; training of state and local personnel to assure statewide preparedness for a nuclear utility accident; serving on the States Preventive Radiological Nuclear Detection (PRND) Executive Committee and assisting in the implementation of policies and procedures for the State’s PRND activities and radiological response capabilities regarding a threat of malicious use of radioactive material.

Challenges include the further evaluation and implementation of increased security for radioactive material in Maryland; continued outreach and education of Maryland citizens regarding the actual hazards of ionizing radiation; further implementation of preventive radiological detection in Maryland; and the transition to a new license renewal process.

**INSPECTION COVERAGE RATE**

The following chart shows the inspection frequency, the number of licenses that are inspected at that frequency, and an example of the type of licenses:

Inspection Frequency	Number of Licenses	Examples of License Types
Annual	8	Academic & Medical Research Nuclear Pharmacies Gamma Knife (cancer therapy) Remote Afterloader (cancer therapy) Industrial Radiography
2 Years	48	Mobile Medical Vans
3 Years	117	Hospitals Brachytherapy (cancer therapy) Medical Offices
5 Years	380	Fill/Density Gauges Nuclear Pacemakers Diagnostic Nuclear Medicine

Notes for above table:

Licenses inspected in the annual, two-year and three-year inspection frequencies are the most complex and represent those types of radioactive material activities with the greatest radiation hazard to users and members of the general public.

Facility radioactive material inspections are resource-intensive. Onsite facility inspection times vary from half a day with one inspector for the five-year inspection frequency, to a four-day inspection with three inspectors for certain extremely complex annual inspections.

# Radioactive Materials

Performance Measure			TOTAL
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued			446
Number of permits/licenses in effect at fiscal year end			553
<b>OTHER REGULATED SITES/FACILITIES</b>			
Sources from other jurisdictions			52
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site) <sup>*</sup>			144
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)			0
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)			200 <sup>***</sup>
Number of inspections, spot checks (captures number of compliance activities at sites)			166
Number of audits (captures number of reviews of file/submittals for compliance)			0
Number of inspections, audits, spot checks (sum of the two measures above)			166
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations			8
Percentage of inspected sites/facilities with significant violations			6%
Inspection coverage rate (number of sites inspected/coverage universe) <sup>**</sup>			24%
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact			0
Number of significant violations based on technical/preventative deficiencies			32
Number of significant violations carried over awaiting disposition from previous fiscal year			0
Total number of significant violations (sum of the three measures above)			32
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved			11
Ongoing			21
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered			91
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	2
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	13 <sup>****</sup>	1	14
Number of referrals to Attorney General for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$32,468

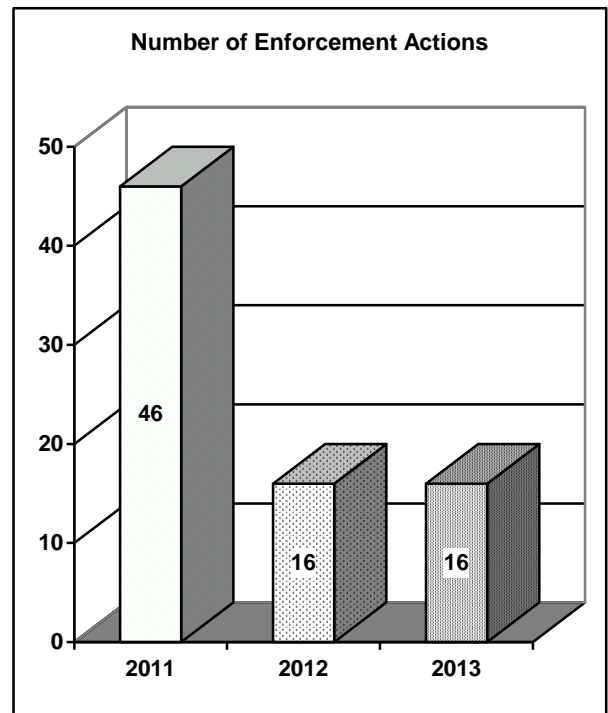
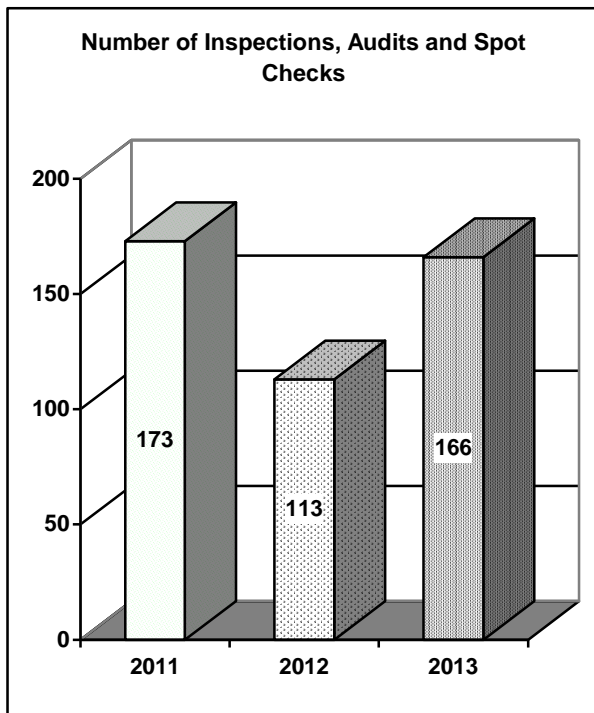
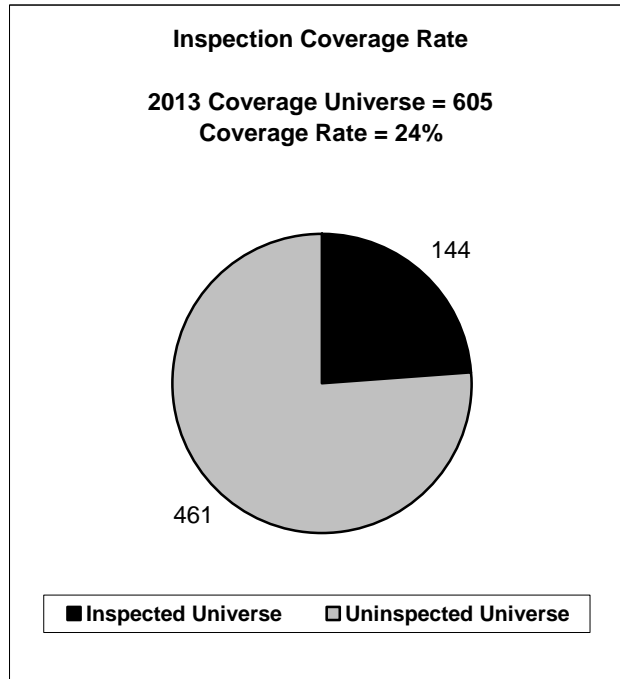
\* Number of licensees inspected at least once

\*\* Coverage is computed as the number of licenses inspected divided by the sum of the number of permits/licenses in effect plus the number of sources from other jurisdictions since each could be cause for inspection.

\*\*\*This value exceeds the sum of the two rows above due to radioactive material inspections sometimes being conducted at more than one site for a given source.

\*\*\*\*This number includes notices of violation issued for non-significant violations.

# Radioactive Materials



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# LAND MANAGEMENT ADMINISTRATION

# Land Management Administration

## Executive Summary

The Land Management Administration (LMA) is responsible for enforcing requirements related to underground storage tanks, lead paint, and solid and hazardous waste management at municipal landfills, military bases, large industrial complexes, and farms.

In FY 2013, LMA overall performed 3,280 fewer inspections; however, the number of audits increased by 563 as compared to FY 2012. The total number of inspections, audits and spot checks decreased by 1% in FY 2013. Permits issued in FY 2013 decreased by 291. There were a total of 9,014 permits in effect at the end of FY 2013, a decrease of 315 from FY 2012. Compliance assistance action decreased in FY 2013 by 2% from FY 2012; however, enforcement actions increased by 3% in FY 2013. The amount of administrative and civil penalties collected increased by \$148,092 in FY 2013.

Each year, the Department conducts hundreds of inspections of facilities where hazardous waste is generated, treated, stored, or otherwise managed. In FY 2013, the number of these inspections was the same as in FY 2012: 580.

In the Lead Poisoning Prevention Program, the percentage of children statewide with blood lead levels equal to or greater than 10 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) continued to decline, continuing a long trend. The total number of inspections, audits and spot checks decreased to 26,087 in FY 2013 from 29,520 in FY 2012. These inspections are largely driven by factors beyond MDE's control, such as turnover in the residential rental market. Many of the enforcement actions continue to result in multiple-property or global settlements.

During this reporting period, there was a decrease in identified oil-contaminated subsurface sites in the Oil Control Program (OCP) from 937 in FY 2012 to 914 in FY 2013, the eighth consecutive year of decrease. The number of above-ground oil storage facilities inspected increased to 428 in FY 2013 from 359 in FY 2012, and the number of inspections, audits, and spot checks decreased to 826 in FY 2013 from 917 in FY 2012. The number of underground storage tank sites inspected decreased to 1,062 in FY 2013 from 1,247 in FY 2012. Due to OCP's private third-party inspection program the number of inspections, audits, and spot checks increased in recent years from just 399 in FY 2006 to 5,378 in FY 2013. Enforcement actions increased to 172 in FY 2013 from 143 in FY 2012.

The Solid Waste Program is responsible for regulatory oversight of refuse disposal, scrap tires, sewage sludge utilization, and natural wood waste recycling activities. In the refuse disposal function, the inspection coverage rate for permitted facilities was maintained during FY 2013 at 100%. The Solid Waste Program's number of refuse disposal site inspections, audits and spot checks increased during FY 2013 to 1,370 from 1,210 in FY 2012 with visits to 265 sites.

The Program continued the cleanup of scrap tire stockpiles, with 56 stockpiles and approximately 387,855 scrap tires remaining to be cleaned up. New stockpiles are still discovered every year, and during FY 2013 a total of 46 new sites were discovered. A total of 56 stockpiles were cleaned up in FY 2013, resulting in removal of 21,362 scrap tires. The number of scrap tire site inspections conducted in FY 2013 increased to 508 from 416 in FY 2012. In addition, there were 1,700 audits of semi-annual scrap tire reports, an increase of



almost 1,000 over FY 2012. The number of scrap tire enforcement actions increased to 75 in FY 2013 from 16 in FY 2012.

The number of inspections for sewage sludge decreased to 132 during this reporting period. Enforcement actions in FY 2013 decreased to 4 including one enforcement action related to unpermitted land application of sewage sludge.

During FY 2013, 116 operators submitted Notices of Intent to be covered by either a Concentrated Animal Feeding Operation (CAFO) or a Maryland Animal Feeding Operation (MAFO) permit and 346 operations were fully registered under the General Discharge Permit. A total of 327 inspections were conducted at CAFO/MAFO sites and 12 enforcement actions were issued.

The Mining Program achieved 100 percent inspection rate for coal mining sites again in FY 2013. The inspection rate for non-coal mining sites increased in FY 2013 to 86% from 78% in FY 2012.

**Land Management Administration  
Performance Measures Executive Summary**

	<u>2012 Totals</u>	<u>2013 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/licenses Issued	2,401	2,127
Number of Permits/Licenses in Effect at Fiscal Year End	9,329	9,011
<u>OTHER REGULATED SITES/FACILITIES</u>		
Other Sites	150,272	152,317
<u>INSPECTIONS</u>		
Number of Sites Inspected	32,667	29,387
Number of Sites Audited but Not Inspected	2,482	3,045
Number of Inspections, Audits, Spot Checks	51,580	47,663
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	14,551	12,210
Number of Enforcement Actions Taken	1,440	1,152
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$1,095,590	\$1,245,373

# Land Restoration Program

## PURPOSE

The Land Restoration Program (LRP) protects public health and the environment by identifying sites that are, or potentially are, contaminated by controlled hazardous substances. Until 1997, Maryland placed sites where hazardous substances were released or possibly released on the State Master List (see Appendix I) and in the Disposal Site Registry. The sites were prioritized for remedial activities. Starting in 1997, newly identified sites have been recorded on the State Non-Master List. The Non-Master List sites can be found on the MDE's website at this link:

<http://www.mde.state.md.us/programs/Land/MarylandBrownfieldVCP/LRPSites/Pages/LRP.aspx>. Check the box for "Non-Master List" and click "Submit".

## AUTHORITY

FEDERAL: Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

STATE: Environment Article, Title 7, Subtitle 2; COMAR 26.14

## PROCESS

LRP conducts and/or oversees environmental assessment and cleanup projects in Maryland. The assessment activities include investigating and sampling sites to determine whether cleanup is necessary. If the identified contamination is determined to represent a risk to public health or the environment, remedial activities are conducted to address the sites contaminated by controlled hazardous substances. Assessments and cleanups are conducted based on available resources. The Disposal Site Registry includes all the sites for which the State performed a preliminary site assessment, determined hazardous waste is present, and shall use State funds to conduct remedial action as no viable responsible party has been identified. This list is updated annually. The Disposal Site Registry includes all the information and ranking set forth in Title 7-233(f)(2).

## SUCCESSSES/CHALLENGES

The State Master List contains 223 sites that have been identified statewide with known or potential contamination and another 211 sites that have been archived and transferred to the State Master List – Formerly Investigated Sites. The Non-Master List contains 90 sites that have been identified statewide with known or potential contamination and another 176 sites that have been archived and transferred to the Non-Master List – Formally Investigated Sites. MDE is working to merge the current inventory of sites into a single Brownfield Master Inventory List. Consistent with the requirements of the Controlled Hazardous Substance Act, MDE will combine sites on the State Master List, Non-Master List, and Voluntary Cleanup Program sites into a single list that will be published on the MDE website.

The LRP is continuing to work with EPA on seven active private National Priority List (NPL) sites and one site that is being managed under the EPA's Superfund Alternative Site Initiative, which allows the Responsible Party to implement a NPL-caliber remediation without NPL listing. The Program also addresses 10 Federal NPL sites, produced 15 federally-funded screening reports, and conducted two preliminary assessments, six combined preliminary assessment / site Investigations, one site investigation, three expanded site

investigations, three Formerly Used Defense Sites (FUDS) preliminary assessments and one FUDS site investigation during FY2013.

# Hazardous Waste

## **PURPOSE**

The Resource Conservation and Recovery Act (RCRA) established a system for controlling the disposition of hazardous waste from generation to disposal. LMA also partners with the U.S. Environmental Protection Agency in the review, issuance, and monitoring of Corrective Action Permits. LMA enforces all permits and regulated activities involving hazardous waste generators, transporters, and treatment, storage, and disposal (TSD) facilities through a program of inspections, monitoring, and enforcement actions, including the issuance of site complaints, notices of violation, consent orders and complaint and orders. LMA is responsible for handling EPA generator ID numbers, which includes issuing numbers, updating site information, and collecting the biennial reports. LMA also collects and tracks manifests that are completed at the time the hazardous waste is generated and shipped to a TSD facility.

## **AUTHORITY**

FEDERAL: Resource Conservation and Recovery Act (RCRA) - Subtitle C

STATE: Environment Article, Title 7, Subtitle 2; COMAR 26.13

## **PROCESS**

SWP's Compliance Division is responsible for violation discovery and compliance activities. The focus of the enforcement program is on permitted TSD facilities and on hazardous waste generators that pose the greatest threat to public health and the environment, have been previously cited for violations, or continue to be out of compliance. Enforcement and compliance is accomplished by scheduled inspections of permitted TSD facilities, unannounced inspections of large-quantity generators of hazardous waste, and investigations of complaints. All permitted TSD facilities, as well as those that receive off-site waste, are inspected at least once a year.

The program targets and regularly inspects federally-defined large quantity generators (LQGs). LQGs are defined in Federal regulations as generating 2,200 pounds or more of hazardous waste in any calendar month. New generators that have never been inspected are the first priority along with those that have not been inspected in the last three years. Large-quantity generators are inspected at least once every five years. There were approximately 455 LQGs in Maryland in FFY 2012. In addition to TSDs and LQGs, Maryland also has 13,008 facilities that are federally registered as generating smaller quantities of hazardous waste. Resources do not allow routine inspection of these generators, so they are generally inspected only when complaints are received.

## **SUCCESSSES/CHALLENGES**

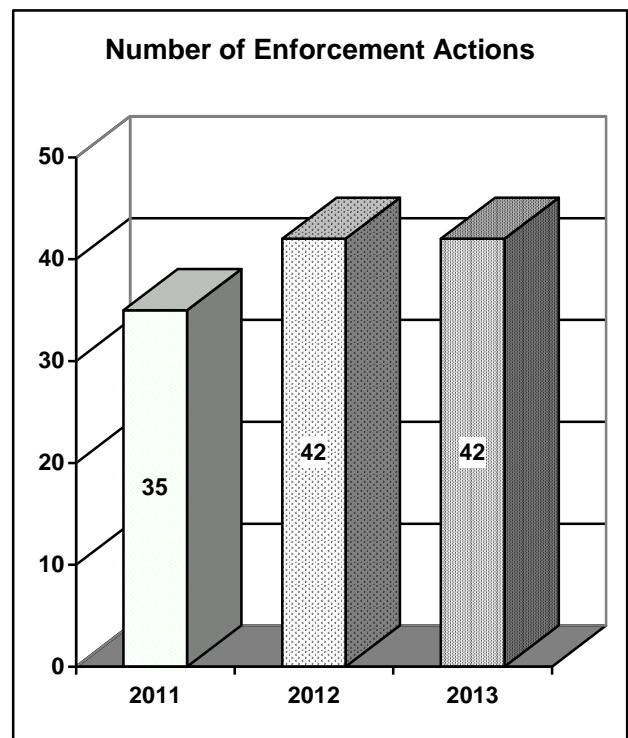
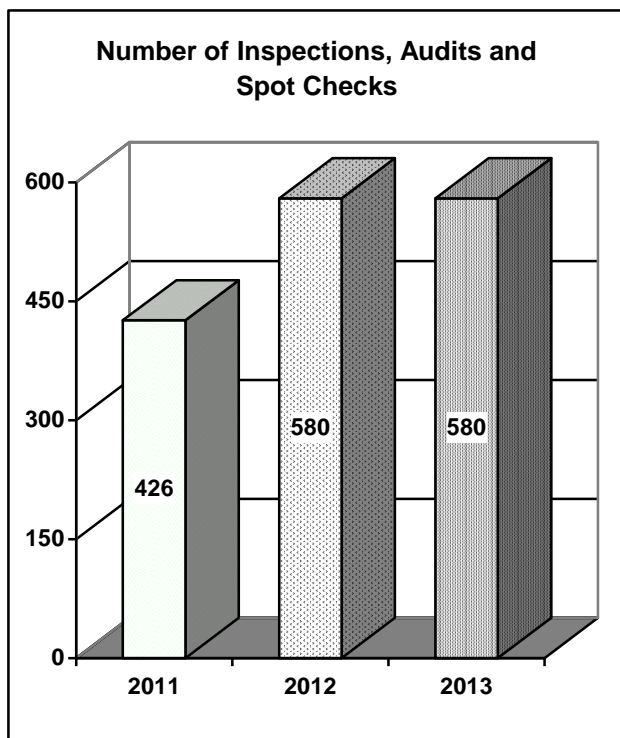
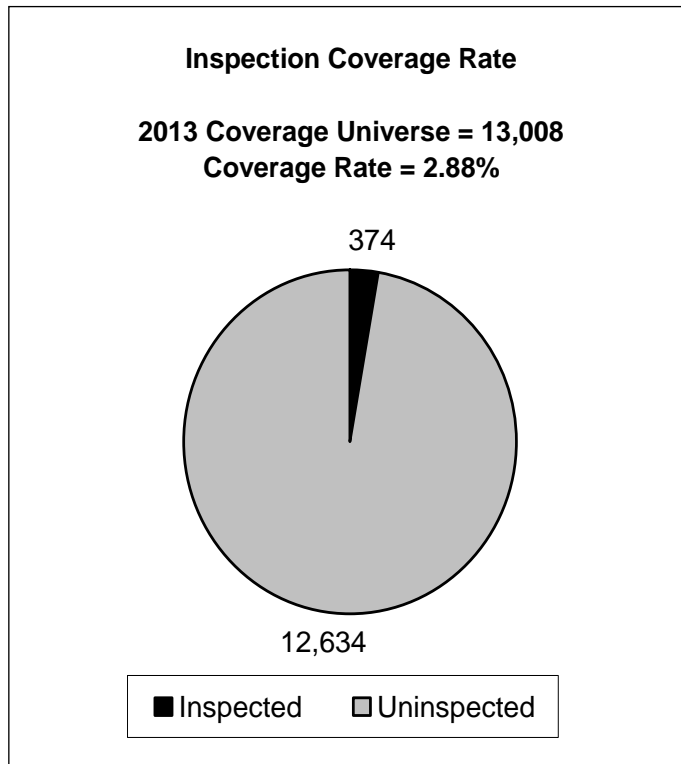
During FY 2013, the inspection coverage rate increased from 2.30% in FY 2012 to 2.88%. A total of 374 inspections were conducted in FY 2013 as opposed to 249 inspections in FY 2012. Additionally, Enforcement and Compliance staff found more violations in FY 2013, which were addressed by the issuance of 42 site complaints and notice of violation letters, including penalties where appropriate.

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# Hazardous Waste

Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/registrations issued	0																								
Number of permits/registrations in effect at fiscal year end	20																								
<b>OTHER REGULATED SITES/FACILITIES</b>																									
Hazardous waste generators	13,008																								
New EPA ID numbers Issued	422																								
<b>INSPECTIONS</b>																									
Number of sites inspected (“inspected” defined as at the site)	374																								
Number of sites receiving off-site audits and record reviews, but not inspected	69																								
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	443																								
Number of inspections, spot checks (captures number of compliance activities at sites)	541																								
Number of off-site audits (captures number of reviews of file/submittals for compliance)	39																								
Total number of inspections, audits and spot checks	580																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	28																								
Percentage of inspected sites/facilities with significant violations	7%																								
Inspection coverage rate (number of sites inspected/coverage universe)	2.88 %																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	92																								
Number of significant violations based on technical/preventative deficiencies	32																								
Number of significant violations carried over awaiting disposition from previous fiscal year	10																								
Total number of significant violations (sum of the three measures above)	134																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	97																								
Ongoing	37																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	59																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Administrative</th> <th style="width: 25%;">Civil/Judicial</th> <th style="width: 10%;">Total</th> </tr> </thead> <tbody> <tr> <td>Number of show cause, remedial, corrective actions issued</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of stop work orders</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of injunctions obtained</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of penalty and other enforcement actions</td> <td style="text-align: center;">42</td> <td style="text-align: center;">0</td> <td style="text-align: center;">42</td> </tr> <tr> <td>Number of referrals to Attorney General for possible criminal action</td> <td colspan="2"></td> <td style="text-align: center;">3</td> </tr> </tbody> </table>		Administrative	Civil/Judicial	Total	Number of show cause, remedial, corrective actions issued	0	0	0	Number of stop work orders	0	0	0	Number of injunctions obtained	0	0	0	Number of penalty and other enforcement actions	42	0	42	Number of referrals to Attorney General for possible criminal action			3
	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	0	0	0																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	42	0	42																						
Number of referrals to Attorney General for possible criminal action			3																						
Number of show cause, remedial, corrective actions issued	0	0	0																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	42	0	42																						
Number of referrals to Attorney General for possible criminal action			3																						
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$41,800																						

# Hazardous Waste



# Lead Poisoning Prevention Program

## PURPOSE

The Lead Poisoning Prevention Program (LPPP) oversees activities designed to reduce the incidence of childhood lead poisoning. These activities involve accreditation and oversight of lead abatement services contractors, maintenance of a registry of children with elevated blood lead levels (greater than or equal to 10 micrograms per deciliter), and enforcement of the statute and regulations. The Operational Services Program works closely with LPPP and is responsible for the maintenance of the registry of rental properties.

## AUTHORITY

FEDERAL: Toxic Substances Control Act

STATE: Environment Article, Title 6, Subtitles 3, 8 & 10; COMAR 26.16.01-.04 and Environment Article, Title 7, Subtitle 2; COMAR 26.02.07

## PROCESS

All affected properties (pre-1950 rental dwelling properties) must meet specified standards of care: risk reduction standards, registration of the rental property, and distribution to tenants of two documents explaining tenant rights and the hazards of lead paint. Maryland law requires that all blood lead level test results be reported to MDE, which in turn reports all results for children at risk to the local Health Departments for case management.

## SUCSESSES/CHALLENGES

During Calendar Year (CY) 2012 a total of 110,539 (21.7%) children were tested out of 509,885 children between 0-72 months of age as identified in the Maryland census population for 2010. This is an increase of 1,005 children tested over the CY 2011. Of those 110,539 children tested in CY 2012, a total of 364 (0.3%) were identified with a venous or capillary blood lead level  $\geq 10$   $\mu\text{g}/\text{dL}$  (prevalence). This was a decrease of 88 prevalence cases compared to 452 (0.4%) during CY 2011. Children identified with a first-time (incidence) venous or capillary blood lead level  $\geq 10$   $\mu\text{g}/\text{dL}$  during CY 2012 totaled 255 (0.2%). This was a decrease of 87 Incidence cases compared to 342 (0.3%) in CY 2011.

The number of compliance inspections performed by MDE inspectors decreased from 3,402 in FY 2012 to 3,083 in FY 2013. The Program continues to establish compliance partners by collaborating with other government agencies statewide. This coordination has allowed the Program to do more targeted enforcement in the State.

The program is reporting fewer enforcement actions this fiscal year. This decrease is primarily due to a change in the method used to track these numbers. In previous years some types of enforcement actions were counted in two different categories, which resulted in an over-count of these actions.

The inspection coverage of the regulated community decreased from 22% in FY 2012 to 19% in FY 2013. Most of the decrease in the coverage rate was a result of a decrease in the reported inspections by MDE-accredited lead inspectors. These accredited third-party inspectors provide an important role in compliance with the lead paint laws in Maryland. Accredited inspectors are hired by property owners primarily to perform lead inspections required by law on pre-1950 residential rental properties. Inspections are mandated before



tenants move into pre-1950 residential rental units. The results of their inspections are submitted to MDE; MDE does not directly control the activities of these accredited inspectors.

# Lead Poisoning Prevention

Performance Measure	TOTAL
<b>PERMITTED SITES/FACILITIES</b>	
Number of permits/registrations issued (accreditations)	1,064
Number of permits/registrations (accreditations) in effect at fiscal year end	2,500
<b>OTHER REGULATED SITES/FACILITIES</b>	
Rental dwelling units registered this year*	84,814
Total rental dwelling units in registered properties**	94,735
Affected properties as of end FY	134,530
<b>INSPECTIONS</b>	
Number of sites inspected (“inspected” defined as at the site)	
By accredited lead paint service providers	22,394
By MDE	3,083
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	14
Number of sites evaluated for compliance (sum of the three measures above, same as #11 on the prior charts)	25,491
Number of inspections, spot checks (captures number of compliance activities at sites)	
By accredited lead paint service providers	22,394
By MDE	3,679
Number of audits (captures number of reviews of file/submittals for compliance)	14
Number of inspections, audits, spot checks (sum of the three measures above)	26,087
<b>COMPLIANCE PROFILE</b>	
Number of inspected sites/facilities with significant violations	264
Percentage of inspected sites/facilities with significant violations ***	9%
Inspection coverage rate (number of sites inspected/coverage universe) ****	19%
<b>SIGNIFICANT VIOLATIONS</b>	
Number of significant violations involving environmental or health impact	483
Number of significant violations based on technical/preventative deficiencies	0
Number of significant violations carried over awaiting disposition from previous fiscal year	974
Total number of significant violations (sum of the three measures above)	1,457
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>	
Resolved	648
Ongoing	809
<b>ENFORCEMENT ACTIONS*****</b>	
Number of compliance assistance rendered	73
	Administrative      Civil/Judicial      Total
Number of show cause, remedial, corrective actions issued	226                      2                      228
Number of stop work orders	0                              0                      0
Number of injunctions obtained	2                              0                      2
Number of penalty and other enforcement actions	436                          0                      436
Number of referrals to Attorney General for possible criminal action	3
Number of SEPs entered into / units affected	2/5
<b>PENALTIES</b>	
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$417,203

\*New registrations

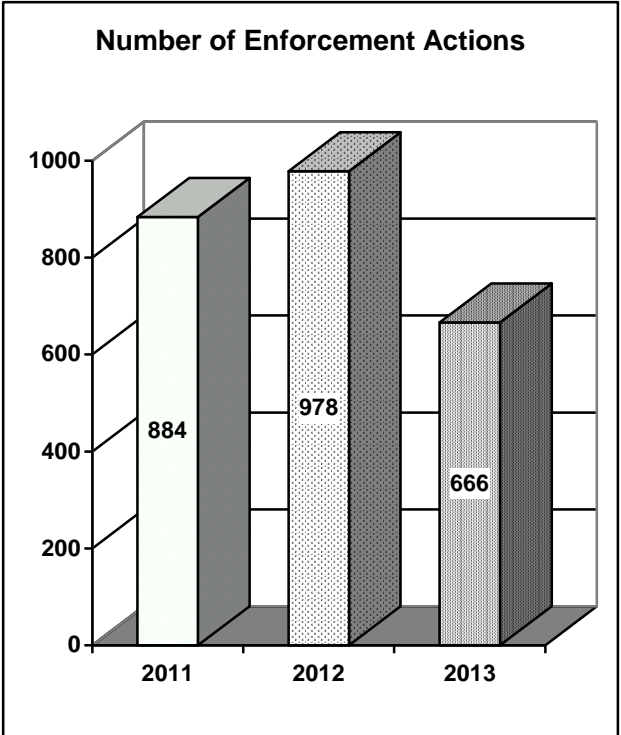
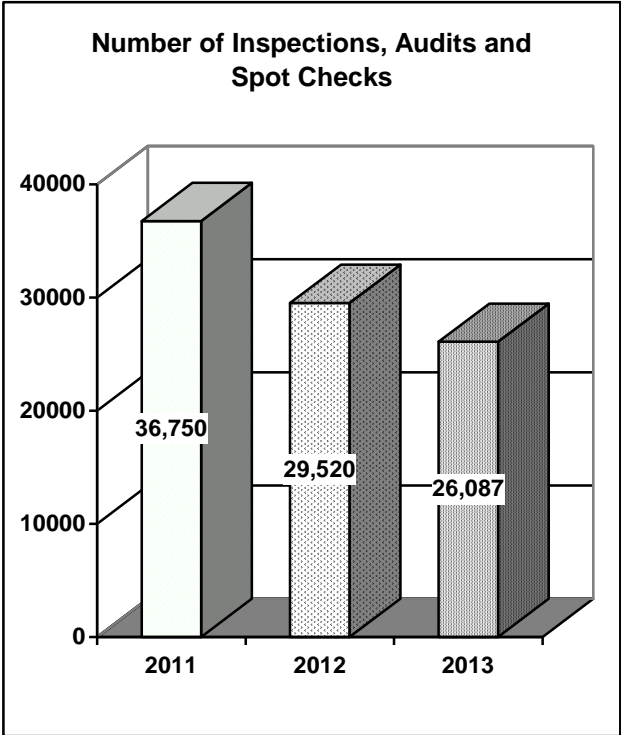
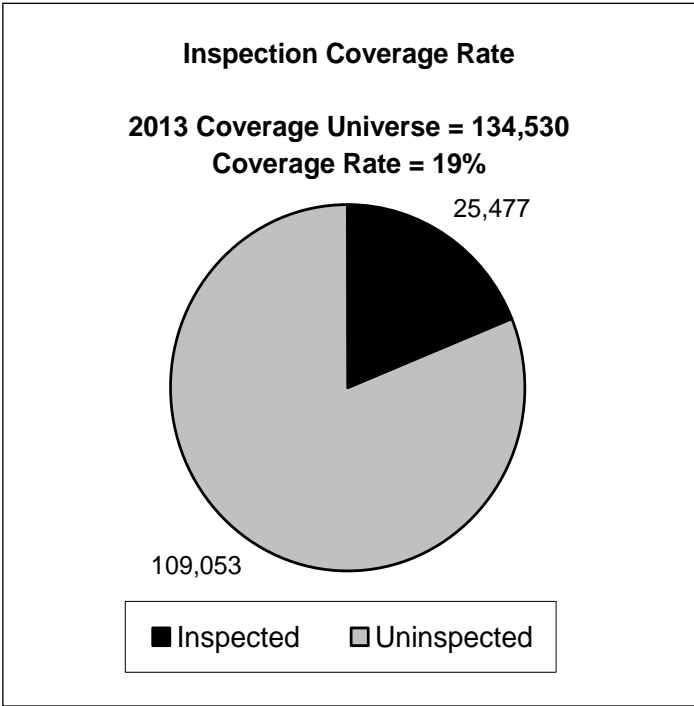
\*\* Registrations through 12/31/12 (new and renewal). Registration is filed on CY basis – numbers reflect CY 2012 (Q1 & Q2) and for CY 2013 (Q3 & Q4). 13,347 units were accounted for in this total which are government fee exempt units.

\*\*\* Significant violation percentage is based on MDE inspections only.

\*\*\*\*Inspection coverage rate includes MDE and third-party inspections.

\*\*\*\*\*There was a change in tracking method starting in FY 2013

# Lead Poisoning Prevention



# Oil Control Program - Aboveground Facilities

## **PURPOSE**

The Oil Control Program (OCP) performs a broad range of activities related to the safe handling, storage, and remediation of petroleum products. OCP issues permits and performs oversight for aboveground storage facilities and transportation facilities, oil-contaminated soil treatment facilities, and the discharge of treated oil-contaminated water. OCP also issues licenses and collects fees for the import of petroleum products into Maryland.

## **AUTHORITY**

STATE: Environment Article, Title 4, Subtitle 4; COMAR 26.10

## **PROCESS**

The OCP is responsible for reviewing permit applications, inspecting sites prior to writing permits, and issuing Oil Operation Permits for facilities handling oil in Maryland. The site visits may also lead to the discovery of compliance violations. This program licenses entities that transfer oil into Maryland, collects a fee on the transfers, and may perform inspections at aboveground storage facilities. During inspections, facility conditions are documented and the permittee is advised of the status of compliance. If corrective action is warranted, the facility is directed in accordance with MDE guidelines and procedures. The OCP also responds to aboveground oil spills throughout the State.

## **SUCSESSES/CHALLENGES**

The combination of compliance assistance, regular permit application review, and enforcement continues to result in good management of aboveground storage tanks containing petroleum. Permit application reviews, permit renewal site visits, and random inspections continue to reveal violations that, if left unaddressed would result in a release to the environment or catastrophic tank failure during a fire or other emergency at a facility.

The number of aboveground oil storage facility sites inspected by the Oil Control Program increased from 359 in FY 2012 to 428 facilities inspected in FY 2013. The number of permits/licenses issued this fiscal year increased from 225 in FY 2012 to 275 in FY 2013.

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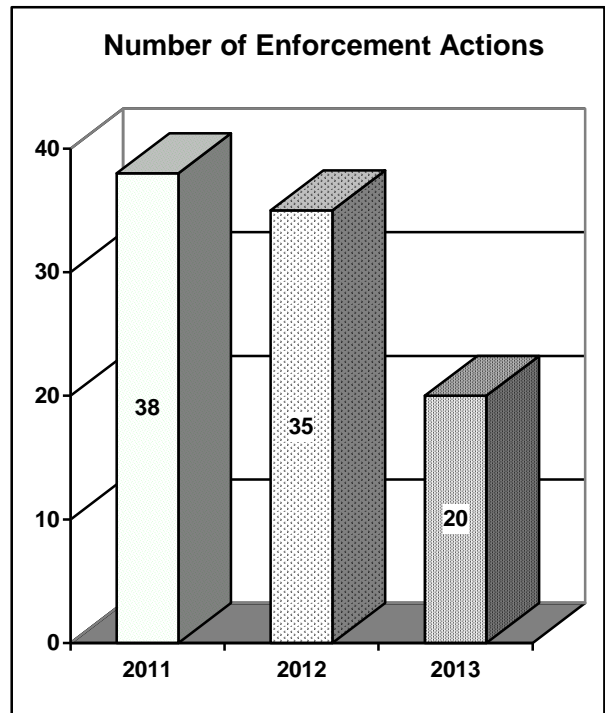
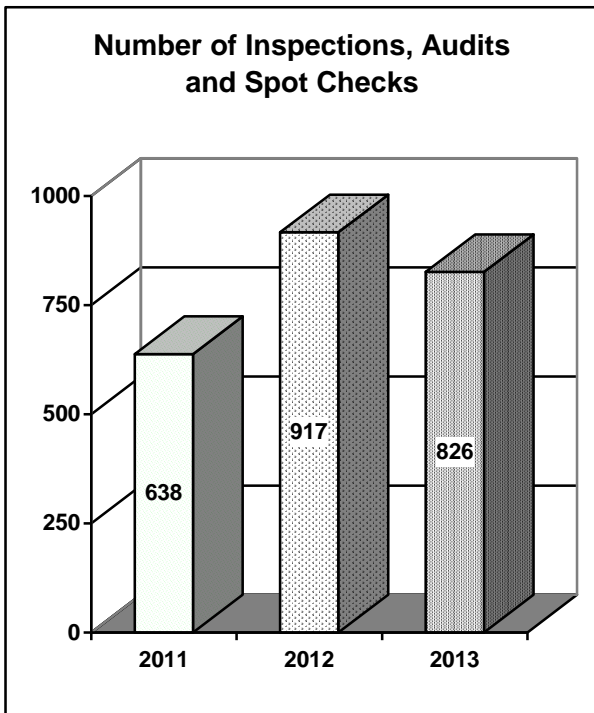
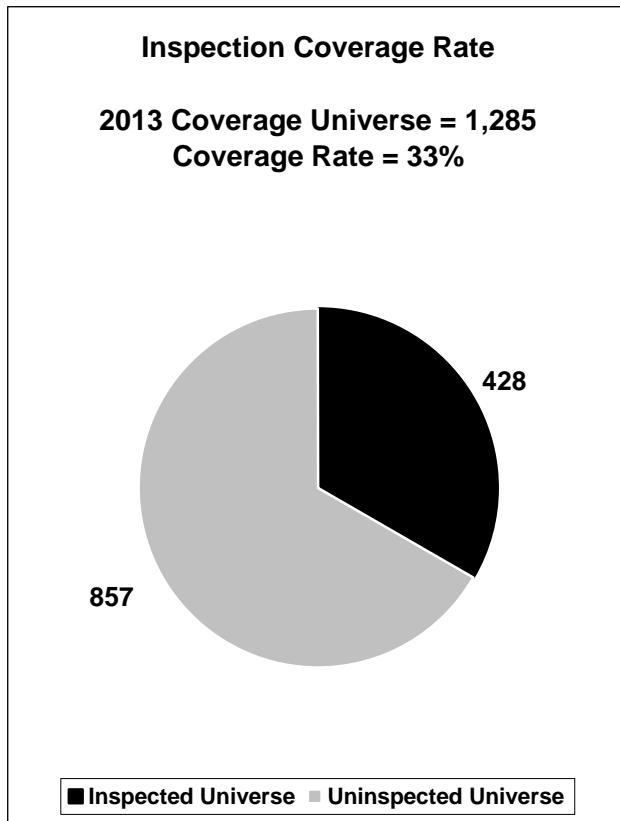
## OCP - Aboveground Facilities

Performance Measure			TOTAL
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued			275
Number of permits/licenses in effect at fiscal year end*			1,285
<b>OTHER REGULATED SITES/FACILITIES</b>			
Oil Transfer Licenses			290
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)			428
Number of sites receiving off-site audits and record reviews, but not inspected			1
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)			429
Number of inspections, spot checks (captures number of compliance activities at sites)			817
Number of audits (captures number of reviews of file/submittals for compliance)			9
Number of inspections, audits, spot checks (sum of the two measures above)			826
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations			6
Percentage of inspected sites/facilities with significant violations			1%
Inspection coverage rate (number of sites inspected/coverage universe)**			33%
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact			6
Number of significant violations based on technical/preventative deficiencies			0
Number of significant violations carried over awaiting disposition from previous fiscal year			4
Total number of significant violations (sum of the three measures above)			10
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved			5
Ongoing			5
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered			820
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	6	0	6
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	14	0	14
Number of referrals to Attorney General for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$6,550

\* Permits/licenses. This includes aboveground storage tanks and oil-contaminated soil operations. The Oil (Contaminated Soil) Operations Permit is issued to facilities that store and/or treat soil contaminated with petroleum product from underground storage tank leaks or surface spills. Due to the small number of facilities involved, these numbers were incorporated into the Oil Aboveground Facilities numbers beginning in FY 1999.

\*\* Coverage rate above is computed as the total number of permitted sites inspected and dividing that by the sum of the total number of permits/licenses in effect.

# OCP - Aboveground Facilities



# Oil Control Program - Pollution Remediation Activities

## PURPOSE

The Oil Control Program (OCP) oversees remediation activities at sites where petroleum products have been discharged and are impacting soil or groundwater. The oversight ensures that responsible parties remediate the site in a timely manner, protecting the public's health and the environment. The majority of sites are gasoline service stations, both operating and closed. Sites also include businesses that have their own petroleum distribution systems for use in vehicle fleets and commercial and residential heating oil systems.

## AUTHORITY

FEDERAL: Resource Conservation and Recovery Act - Subtitle I

STATE: Environment Article, Title 4, Subtitle 4; COMAR 26.10

## PROCESS

Groundwater and soil cleanups are highly technical in nature, usually requiring numerous site visits, meetings, and staff time. When a release of petroleum product is reported to OCP, a team of specialists is assigned to investigate. The team prioritizes the response effort to the release based on product type, amount released, and potential impacts from the release. Each site is in violation by virtue of the fact that a release has occurred. Inspection frequency is also determined as site conditions warrant. During the inspection of remedial sites, conditions are documented and the responsible party is given direction and advised of the status of compliance. There are cases where the responsible party fails to perform the necessary steps to remediate the discharge. If enforcement action is warranted, the action will be performed in accordance with MDE's guidelines and procedures.

## SUCCESSSES/CHALLENGES

Multiple site visits are needed to ensure compliance with approved corrective action plans, especially at release sites that could impact drinking-water wells. OCP has found that a strong field presence and frequent communication with the responsible party increases compliance. This approach has more often than not resulted in the containment of releases to the property where they occurred. For those that have already migrated off the site, the implementation of a remedial response prevents further migration.

The OCP has reduced the number of active remediation sites from 937 in FY 2012 to 914 in FY 2013. This continued decrease in active remediation cases is due to a strong underground storage tank compliance program (prevention) and having committed and technically-proficient staff managing the cleanups. During FY 2013, the OCP completed utilization of the federal American Reinvestment and Recovery Act (ARRA) grant, which addressed assessment and remediation at 89 orphaned leaking underground storage tank sites. With the ARRA grant, cleanup was completed at 33 sites.

The OCP implemented new procedures this year for tracking document reviews. In previous years both the case manager review and supervisory review were counted as audits; the new procedure only counts the reviews by the case managers. This provides a more accurate count for the number of compliance evaluations and has resulted in a large decrease in the



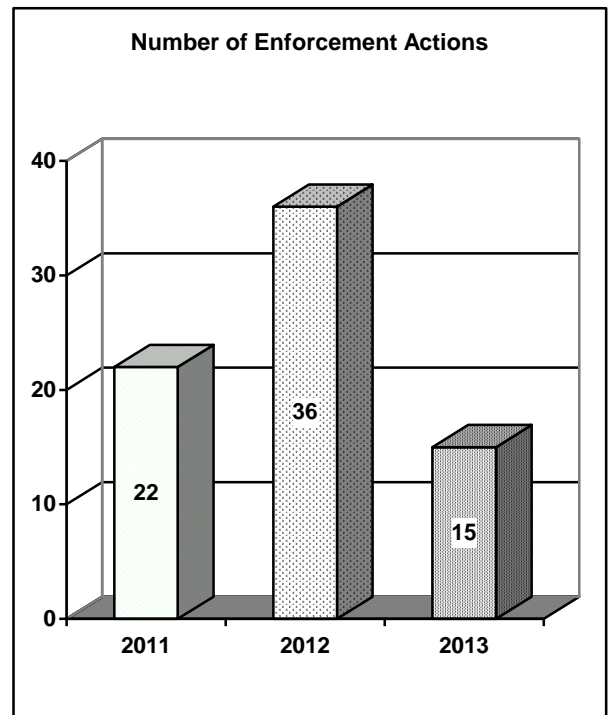
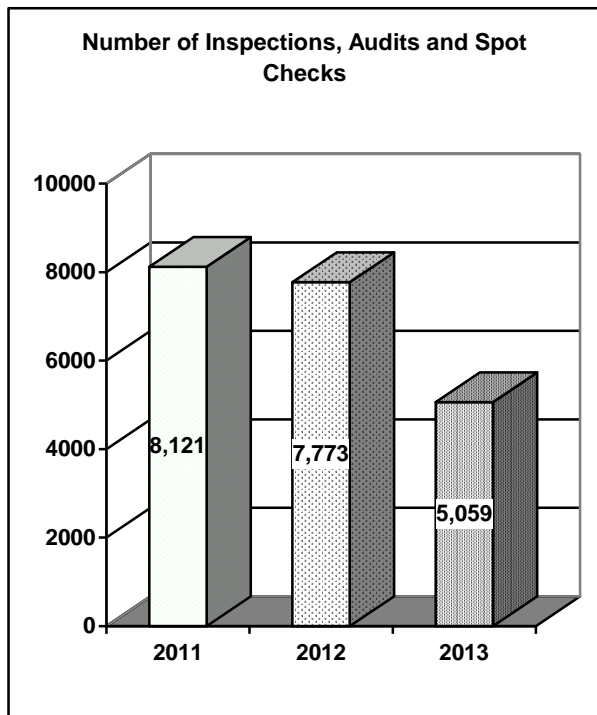
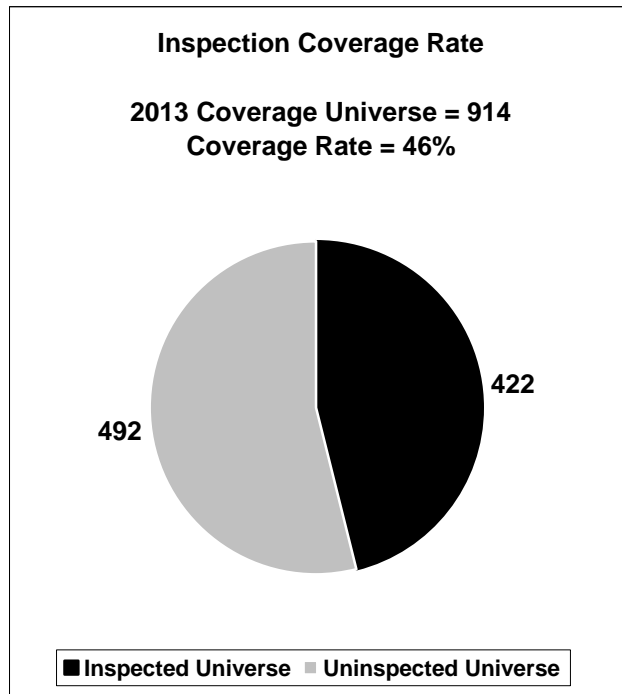
reported numbers of audits and compliance assistance actions conducted. This decrease does not reflect a reduction in the program's overall output, but is just a result of these procedural changes.

## Oil Pollution Remediation Activities

Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/licenses issued	0																								
Number of permits/licenses in effect at fiscal year end	0																								
<b>OTHER REGULATED SITES/FACILITIES</b>																									
Groundwater remediation sites active at fiscal year end*	914																								
<b>INSPECTIONS</b>																									
Number of sites inspected ("inspected" defined as at the site)	422																								
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	706																								
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	1,182																								
Number of inspections, spot checks (captures number of compliance activities at sites)	1,691																								
Number of audits (captures number of reviews of file/submittals for compliance)	3,368																								
Number of inspections, audits, spot checks (sum of the two measures above)	5,059																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	6																								
Percentage of inspected sites/facilities with significant violations	1%																								
Inspection coverage rate (number of sites inspected/coverage universe)	46%																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	6																								
Number of significant violations based on technical/preventative deficiencies	0																								
Number of significant violations carried over awaiting disposition from previous fiscal year	11																								
Total number of significant violations (sum of the three measures above)	17																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	11																								
Ongoing	6																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	5,053																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Administrative</th> <th style="width: 25%;">Civil/Judicial</th> <th style="width: 25%;">Total</th> </tr> </thead> <tbody> <tr> <td>Number of show cause, remedial, corrective actions issued</td> <td style="text-align: center;">3</td> <td style="text-align: center;">0</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Number of stop work orders</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of injunctions obtained</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of penalty and other enforcement actions</td> <td style="text-align: center;">12</td> <td style="text-align: center;">0</td> <td style="text-align: center;">12</td> </tr> <tr> <td>Number of referrals to Attorney General for possible criminal action</td> <td></td> <td></td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Administrative	Civil/Judicial	Total	Number of show cause, remedial, corrective actions issued	3	0	3	Number of stop work orders	0	0	0	Number of injunctions obtained	0	0	0	Number of penalty and other enforcement actions	12	0	12	Number of referrals to Attorney General for possible criminal action			0
	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	3	0	3																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	12	0	12																						
Number of referrals to Attorney General for possible criminal action			0																						
Number of show cause, remedial, corrective actions issued	3	0	3																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	12	0	12																						
Number of referrals to Attorney General for possible criminal action			0																						
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$222,200																								

\* This number is only sites that are active at the end of the fiscal year. Additional sites that open and close within the year, and sites that are evaluated but do not lead to an open remediation case, are not counted in this number, but they are counted as compliance evaluations.

# Oil Pollution Remediation Activities



# Oil Control Program – Underground Storage Tank Systems

## **PURPOSE**

The Oil Control Program conducts underground storage tank inspections with the goal of reducing the incidence and severity of releases associated with the storage of regulated substances in underground storage tank (UST) systems. This is accomplished by ensuring compliance with operational requirements at sites that include service stations, oil terminals, hospitals, schools, military facilities, marinas and similar facilities. These requirements relate to release detection, corrosion and overfill prevention, insurance, and construction standards.

## **AUTHORITY**

FEDERAL: Resource Conservation and Recovery Act - Subtitle I

STATE: Environment Article, Title 4, Subtitle 4; COMAR 26.10

## **PROCESS**

All regulated UST systems in Maryland must be registered with MDE. All tank technicians, removers, and inspectors must pass a MDE test and maintain a certification with the Program. Beginning in 2006, to increase the coverage rate for UST inspections, MDE established a new EPA-authorized program using certified, highly-trained private UST inspectors. When a tank owner receives notice for inspection from MDE, they must hire one of these private inspectors. When these certified private inspectors find violations, MDE inspectors conduct follow up inspection and enforcement activities.

## **SUCSESSES/CHALLENGES**

The EPA requires that UST facilities be inspected once every three years. The OCP has consistently met this requirement by inspecting more than one third of the UST facilities (1,062/3,025) annually. The facilities inspected continue to show a high compliance rate that is above the national average, due at least in part to the continuing education of OCP-certified private inspectors, and to follow up activities performed by MDE inspectors.

The oil control program sends written notices to correct to UST operators for all minor violations noted on third-party inspection forms. These notices provide a timeframe to correct the deficiency and provide documentation of the correction. Failure to meet the schedule in the notice to correct may result in additional enforcement action. This is the first year they have been counted in the report. There were 714 issued during the year.

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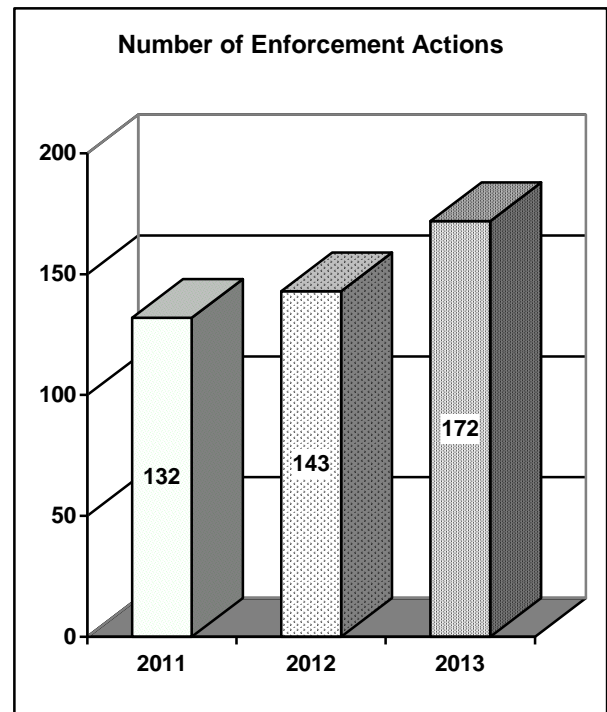
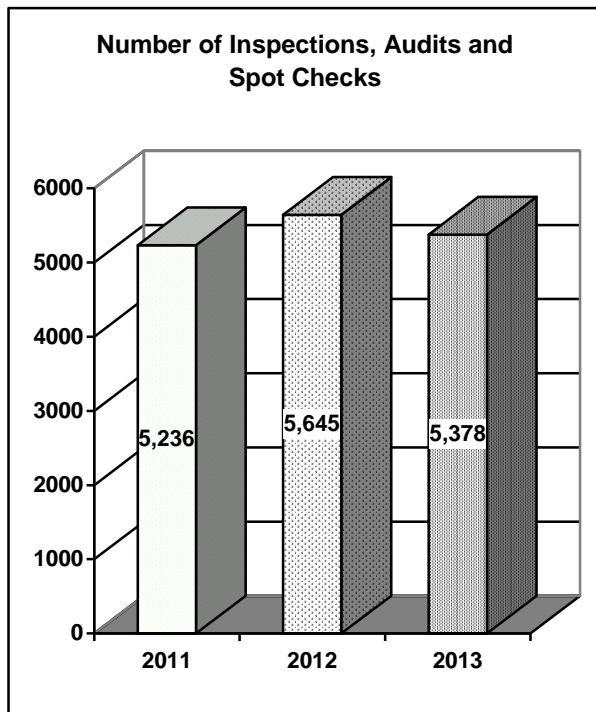
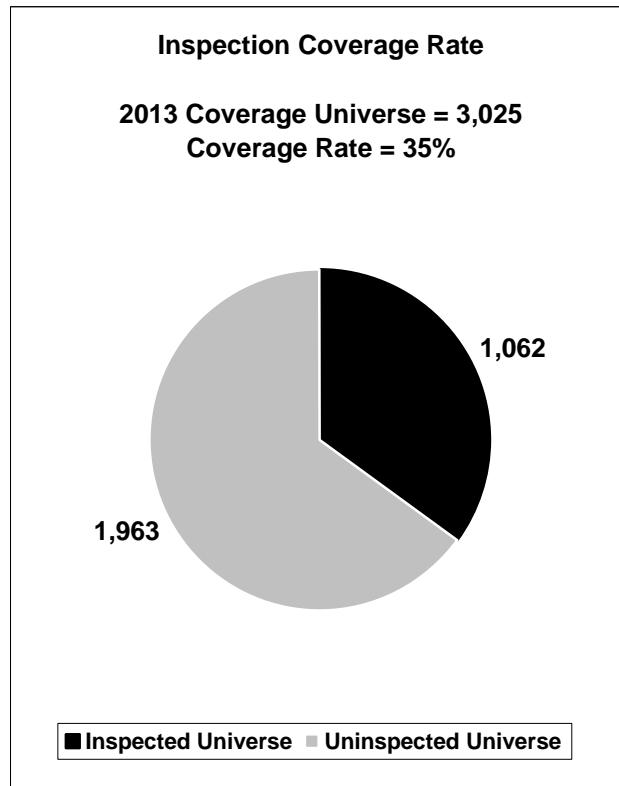
# Oil Underground Storage Tank Systems

Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/licenses issued	181																								
Number of permits/licenses in effect at fiscal year end *	405																								
<b>OTHER REGULATED SITES/FACILITIES</b>																									
Registered UST facilities	3,025																								
<b>INSPECTIONS</b>																									
Number of sites inspected ("inspected" defined as at the site)	1,062																								
Number of sites receiving off-site audits and record reviews, but not inspected.	0																								
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	1,062																								
Number of inspections, spot checks (captures number of compliance activities at sites)	4,038																								
Number of audits (captures number of reviews of file/submittals for compliance)	1,340																								
Number of inspections, audits, spot checks (sum of the two measures above)	5,378																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	63																								
Percentage of inspected sites/facilities with significant violations	6%																								
Inspection coverage rate (number of sites inspected/coverage universe)**	35%																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	63																								
Number of significant violations based on technical/preventative deficiencies	0																								
Number of significant violations carried over awaiting disposition from previous fiscal year	57																								
Total number of significant violations (sum of the three measures above)	120																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	62																								
Ongoing	58																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	6,029																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Administrative</th> <th style="width: 25%;">Civil/Judicial</th> <th style="width: 25%;">Total</th> </tr> </thead> <tbody> <tr> <td>Number of show cause, remedial, corrective actions issued</td> <td style="text-align: center;">5</td> <td style="text-align: center;">1</td> <td style="text-align: center;">6</td> </tr> <tr> <td>Number of stop work orders</td> <td style="text-align: center;">16</td> <td style="text-align: center;">0</td> <td style="text-align: center;">16</td> </tr> <tr> <td>Number of injunctions obtained</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of penalty and other enforcement actions</td> <td style="text-align: center;">146</td> <td style="text-align: center;">4</td> <td style="text-align: center;">150</td> </tr> <tr> <td>Number of referrals to Attorney General for possible criminal action</td> <td></td> <td></td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Administrative	Civil/Judicial	Total	Number of show cause, remedial, corrective actions issued	5	1	6	Number of stop work orders	16	0	16	Number of injunctions obtained	0	0	0	Number of penalty and other enforcement actions	146	4	150	Number of referrals to Attorney General for possible criminal action			0
	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	5	1	6																						
Number of stop work orders	16	0	16																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	146	4	150																						
Number of referrals to Attorney General for possible criminal action			0																						
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$49,425																								

\* Certified UST technicians and removers are part of the regulated community and, therefore, the inspection universe, and were included in this report starting in FY 2000.

\*\* Coverage rate is computed as the total number of sites inspected divided by the total number of registered UST sites. Technician and Remover Certifications are part of the Program's universe. However, this number is not included in coverage rate in order not to bias the evaluation of the Program's goal to visit each underground storage tank system on a routine basis.

# Oil Underground Storage Tank Systems



# Refuse Disposal

## **PURPOSE**

Improper handling of society's byproducts in the form of domestic, commercial, and industrial wastes can pose direct threats to both the public health and the quality of Maryland's water resources. The Solid Waste Program (SWP) is responsible for two important elements of environmental regulation: the review of the technical information needed to support application for new solid waste disposal facilities, and the inspection and enforcement of regulations at permitted and unpermitted disposal facilities. Regulated solid waste acceptance facilities include municipal landfills, rubble landfills, and land-clearing debris landfills, non-hazardous industrial waste landfills, municipal incinerators, solid waste processing facilities, and transfer stations. The SWP is also responsible for the review of technical information for coal combustion by-product (CCB) landfills and provides inspection and enforcement of permitted CCB landfills, as well as CCB storage sites and transportation vehicles.

## **AUTHORITY**

FEDERAL: Resource Conservation and Recovery Act - Subtitle D; 40 CFR 257 and 258

STATE: Environment Article, Title 9, Subtitle 2; COMAR 26.04.07, 26.04.10

## **PROCESS**

Permits are required for the construction and operation of solid waste acceptance facilities. The permits ensure that facilities are designed and operated in a manner protective of public health and the environment. Permit review activities cover a broad range of environmental and engineering elements to ensure state-of-the-art techniques protect the State's surface water, groundwater, air, and other natural resources. Routine unannounced inspections are performed at the facilities to ensure compliance. Inspectors also spend a large percentage of their time investigating complaints regarding unpermitted facilities and open dumps. The compliance staff performs inspections and investigations to find, stop, and clean up illegal dumps and reduce the problems they cause, including odor, soil erosion, discharges of pollutants to surface water, and groundwater pollution. Corrective orders and penalties may be issued for violations in accordance with MDE's guidelines and procedures. Compliance activities include environmental monitoring and remediation. Geologists and engineers review groundwater monitoring and soil gas data to detect aqueous or gaseous pollutants, which may be migrating through the ground from landfills and dumpsites. When releases are detected, plans for landfill caps, groundwater and gas extraction, and treatment systems are required, subject to review and approval by MDE prior to implementation.

## **SUCCESSES/CHALLENGES**

The Solid Waste Program's refuse disposal inspection coverage rate was 100% in FY 2013 as it has been the last two fiscal years, with almost every permitted site (101) inspected except for facilities that have been permitted but are not active such as the Western Maryland Processing Facility and Transfer Station, and Dower House Road Processing Facility. Sites inspected, audited or spot checked from complaints, unpermitted dumping, open burning and groundwater discharges increased from 1,210 in FY 2012 to 1,370 in FY 2013. A total of 84 of the sites inspected, including both permitted and unpermitted sites,



were found to be in significant violation. Overall a total of 75 of 215 significant violations were resolved. Further, there were 168 audits performed during FY 2013, which was an increase of 142 the previous year. These audits include review of solid waste tonnage reports and groundwater monitoring reports for landfills.

The number of refuse disposal enforcement actions increased from 118 in FY 2012 to 121 in FY 2013. Also, the number of inspections increased during FY 2013 to 1,202 from 1,068 in FY 2012 with visits to 265 sites. The increased number of inspections and enforcement actions are due to an increased focus on refuse disposal activities by Solid Waste Program inspectors.

# Refuse Disposal

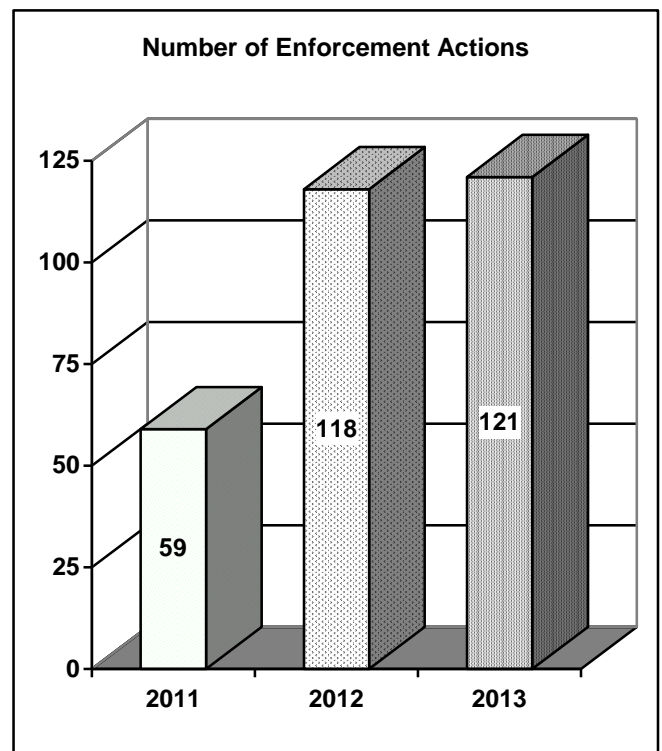
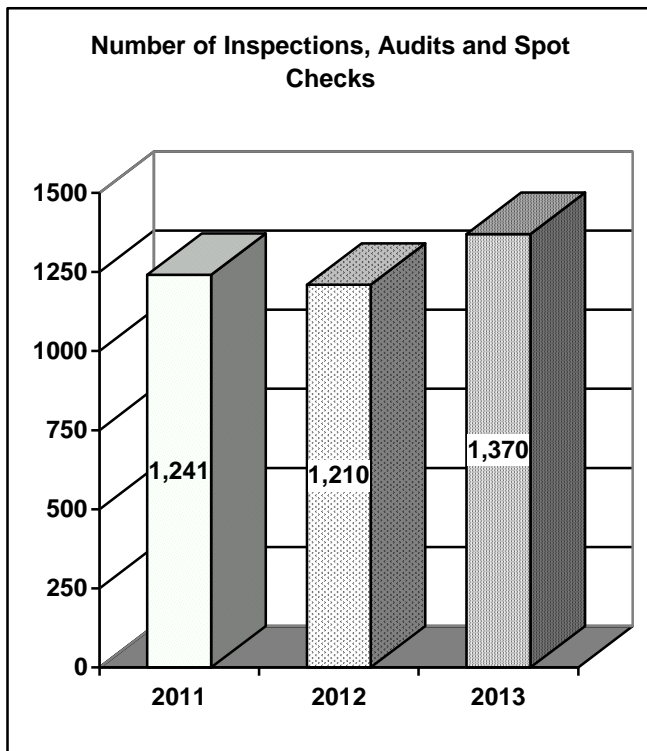
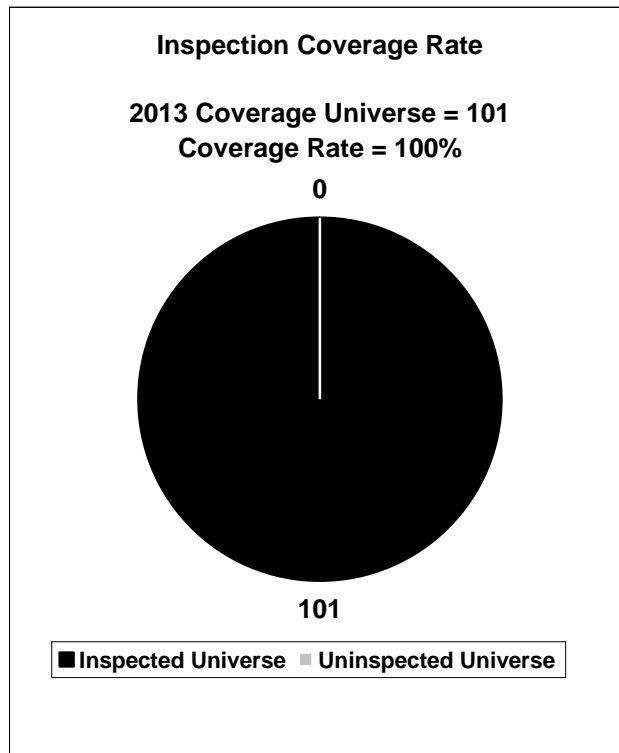
Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/licenses issued	17																								
Number of permits/licenses in effect at fiscal year end*	101																								
<b>OTHER REGULATED SITES/FACILITIES</b>																									
Unpermitted sites	164																								
<b>INSPECTIONS</b>																									
Number of sites inspected ("inspected" defined as at the site)**	265																								
Number of sites receiving off-site audits and record reviews, but not inspected.	29																								
Number of sites evaluated for compliance (sum of the two measures above)	294																								
Number of inspections, spot checks (captures number of compliance activities at sites)	1,202																								
Number of audits (captures number of reviews of file/submittals for compliance)	168																								
Number of inspections, audits, spot checks (sum of the two measures above)	1,370																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	84																								
Percentage of inspected sites/facilities with significant violations	32%																								
Inspection coverage rate (number of sites inspected/coverage universe)	100%																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	205																								
Number of significant violations based on technical/preventative deficiencies	1																								
Number of significant violations carried over awaiting disposition from previous fiscal year	85***																								
Total number of significant violations (sum of the three measures above)	291																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	108																								
Ongoing	183																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	16																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Administrative</th> <th style="width: 25%;">Civil/Judicial</th> <th style="width: 10%;">Total</th> </tr> </thead> <tbody> <tr> <td>Number of show cause, remedial, corrective actions issued</td> <td style="text-align: center;">8</td> <td style="text-align: center;">0</td> <td style="text-align: center;">8</td> </tr> <tr> <td>Number of stop work orders</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td></td> </tr> <tr> <td>Number of injunctions obtained</td> <td style="text-align: center;">0</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Number of penalty and other enforcement actions</td> <td style="text-align: center;">111</td> <td style="text-align: center;">0</td> <td style="text-align: center;">111</td> </tr> <tr> <td>Number of referrals to Attorney General for possible criminal action</td> <td></td> <td></td> <td style="text-align: center;">13</td> </tr> </tbody> </table>		Administrative	Civil/Judicial	Total	Number of show cause, remedial, corrective actions issued	8	0	8	Number of stop work orders	0	0		Number of injunctions obtained	0	2	2	Number of penalty and other enforcement actions	111	0	111	Number of referrals to Attorney General for possible criminal action			13
	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	8	0	8																						
Number of stop work orders	0	0																							
Number of injunctions obtained	0	2	2																						
Number of penalty and other enforcement actions	111	0	111																						
Number of referrals to Attorney General for possible criminal action			13																						
Number of show cause, remedial, corrective actions issued	8	0	8																						
Number of stop work orders	0	0																							
Number of injunctions obtained	0	2	2																						
Number of penalty and other enforcement actions	111	0	111																						
Number of referrals to Attorney General for possible criminal action			13																						
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$418,865																								

\* There were 19 active groundwater discharge permits during FY 2013.

\*\* 163 of the 264 sites inspected were permitted facilities. The remaining sites included unpermitted dumpings, citizen complaints, other similar solid waste issues, and groundwater discharge permits at closed rubble landfills.

\*\*\*This is a correction to last year's number of 91 ongoing

# Refuse Disposal



# Scrap Tires

## **PURPOSE**

Licenses are required for the hauling, collection, storage, processing, recycling, and burning (tire-derived fuel) of scrap tires. These licenses ensure that scrap tires are managed in a manner protective of public health and the environment.

## **AUTHORITY**

STATE: Environment Article, Title 9, Subtitle 2;  
Environment Article, Title 10, Nuisance Abatement;  
COMAR 26.04.08

## **PROCESS**

The licensing system is intended to regulate the management of scrap tires and prevent illegal dumping. Depending on available revenue, a State special fund can be used when a landowner fails to clean up a scrap tire dump. Cost recovery from the landowner or other identifiable responsible party for all costs associated with the cleanup is required, unless the owner qualifies for an inheritance exemption. Corrective orders and penalties may be issued for violations in accordance with MDE's guidelines and procedures.

## **SUCCESSES/CHALLENGES**

The Program continued the cleanup of scrap tires from illegal stockpiles. New stockpiles continue to be discovered every year and during FY 2013 a total of 46 new sites containing approximately 11,852 scrap tires were discovered. A total of 56 stockpiles were cleaned up in FY 2013 resulting in the removal of 21,362 scrap tires. Since the inception of the Scrap Tire Program in 1992, 10,650,430 scrap tires have been cleaned up from 972 stockpiles. At the end of FY 2013, there were 56 stockpiles (including one licensed facility over their collection limits) containing just over 387,855 scrap tires remaining to be cleaned up, 214,400 of which were located at one site.

Scrap tire inspections are performed by inspectors in the Solid Waste Program. Larger scrap tire facilities are inspected more frequently than smaller ones through routine unannounced inspections. Inspectors also investigate citizen complaints about illegal dumping or handling of scrap tires. The number of scrap tire site inspections conducted increased from 416 in FY 2012 to 508 in FY 2013. The inspection coverage rate in FY 2013 was 16%, an increase from the 13% rate reported in FY 2012.

The Scrap Tire Unit, completed 1,700 audits in FY 2013, a 125% increase over the 754 audits completed in FY 2012. The combined total of inspections, audits, and spot checks was 2,397, a 77% increase over the 1,352 conducted in FY 2012. The increases in the total inspection, audits and spot checks and the number of enforcement actions are partially due to volunteers who donated their time and efforts to assist the Scrap Tire Unit.

Another contributing factor to the successes in FY 2013 is that the Scrap Tire Unit, in consultation with the Office of the Attorney General (OAG) and the Solid Waste Program, made changes in their strategy regarding stockpile cleanup sites and unlicensed facilities, increasing enforcement efforts, and the referral of cases to OAG for further enforcement actions. Significant violations increased from 17 in FY 2012 to 76 in FY 2013.

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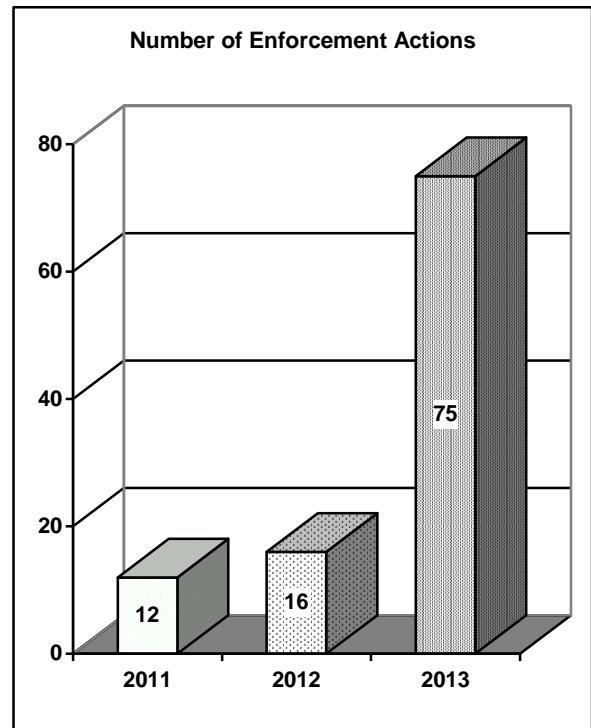
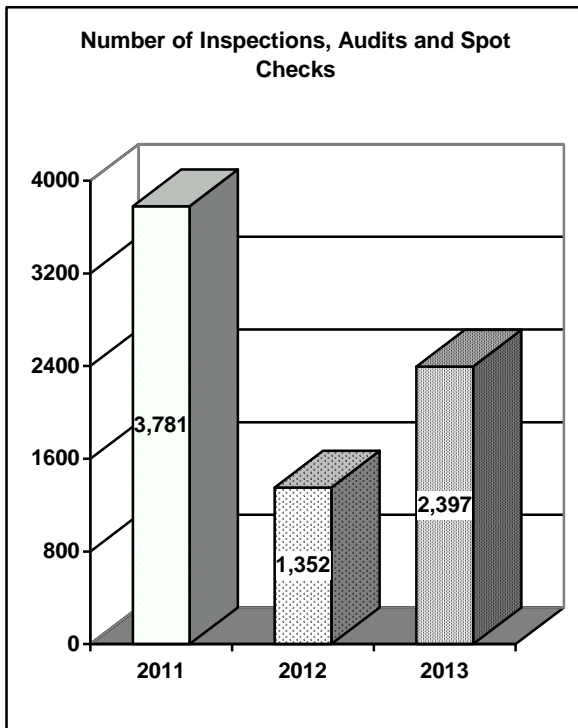
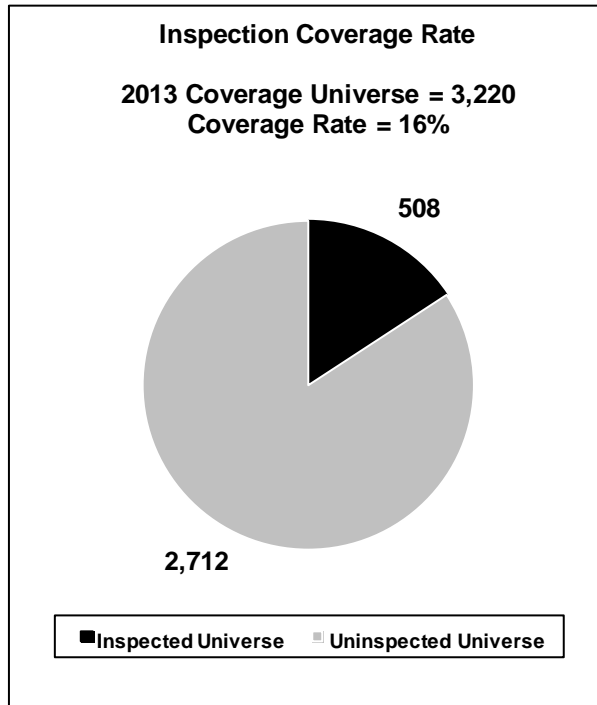
# Scrap Tires

Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/registrations issued	299																								
Number of permits/registrations in effect at fiscal year end	3147																								
<b>OTHER REGULATED SITES/FACILITIES</b>																									
Stockpiles with removal activities during the fiscal year	73																								
<b>INSPECTIONS</b>																									
Number of sites inspected ("inspected" defined as at the site)	508																								
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	1,427																								
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	1,935																								
Number of inspections, spot checks (captures number of compliance activities at sites)	697																								
Number of audits (captures number of reviews of file/submittals for compliance)	1,700																								
Number of inspections, audits, spot checks (sum of the two measures above)	2,397																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	70																								
Percentage of inspected sites/facilities with significant violations	14%																								
Inspection coverage rate (number of sites inspected/coverage universe)*	16%																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	68																								
Number of significant violations based on technical/preventative deficiencies	8																								
Number of significant violations carried over awaiting disposition from previous fiscal year	136**																								
Total number of significant violations (sum of the three measures above)	212																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	157																								
Ongoing	55																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	9																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Administrative</th> <th style="width: 25%;">Civil/Judicial</th> <th style="width: 10%;">Total</th> </tr> </thead> <tbody> <tr> <td>Number of show cause, remedial, corrective actions issued</td> <td style="text-align: center;">3</td> <td style="text-align: center;">0</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Number of stop work orders</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of injunctions obtained</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of penalty and other enforcement actions</td> <td style="text-align: center;">72</td> <td style="text-align: center;">0</td> <td style="text-align: center;">72</td> </tr> <tr> <td>Number of referrals to Attorney General for possible criminal action</td> <td colspan="2"></td> <td style="text-align: center;">2</td> </tr> </tbody> </table>		Administrative	Civil/Judicial	Total	Number of show cause, remedial, corrective actions issued	3	0	3	Number of stop work orders	0	0	0	Number of injunctions obtained	0	0	0	Number of penalty and other enforcement actions	72	0	72	Number of referrals to Attorney General for possible criminal action			2
	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	3	0	3																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	72	0	72																						
Number of referrals to Attorney General for possible criminal action			2																						
Number of show cause, remedial, corrective actions issued	3	0	3																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	72	0	72																						
Number of referrals to Attorney General for possible criminal action			2																						
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$35,680																						

\* Coverage rate above is computed as the total number of sites inspected divided by the total number of permits/licenses in effect plus the number of stockpiles with removal activities.

\*\* This is a correction to last year's ongoing number of 152

# Scrap Tires



# Sewage Sludge Utilization

## **PURPOSE**

In the State of Maryland, permits are required for the transportation, collection, handling, storage, treatment, land application, and disposal of sewage sludge. The purpose of the permits is to ensure that sewage sludge is managed in a manner that is protective of public health and the environment. Sewage sludge utilized in Maryland is applied mostly for agricultural uses, composted, pelletized, landfilled, or incinerated. Permit requirements include preparation of applicable nutrient management plans and other necessary documents.

## **AUTHORITY**

STATE: Environment Article, Title 9, Subtitle 2; COMAR 26.04

## **PROCESS**

Composting facilities, pelletizers, and storage facilities are inspected several times per year. Landfill disposal operations are inspected during the course of routine landfill inspections. Land application sites are inspected when the workload allows or when complaints are received. Inspectors may recommend corrective actions to take, if any are required. If a significant violation is found, site complaints are issued. Corrective orders and penalties may be issued for violations in accordance with MDE's guidelines and procedures. Inspectors also investigate citizens' complaints about sewage sludge utilization.

## **SUCSESSES/CHALLENGES**

The Program's number of inspections and spot checks decreased during FY 2013 to 324 from 336 in FY 2012. During FY 2013 more focus has been on Refuse Disposal, especially unpermitted activities and enforcement actions by Solid Waste Program inspection staff.

The inspection coverage rate decreased to 18% in FY 2013 from 23% during FY 2012; staff inspected 132 unique sites. There were 1,537 audits performed during FY 2013, which resulted in raising the cumulative count for inspections and audits to 1,861. Most violations are not significant violations and are the result of accidental occurrences or misunderstandings, which are quickly resolved through compliance assistance efforts.

When considering the coverage rate for sewage sludge utilization sites, it should be noted that many of these sites are farm fields that may only receive sewage sludge once or twice during a five-year permit life. Inspection efforts are concentrated toward those sites that are active during the year. The Program will continue reporting the total coverage value for consistency with past values, and for comparison to other programs.



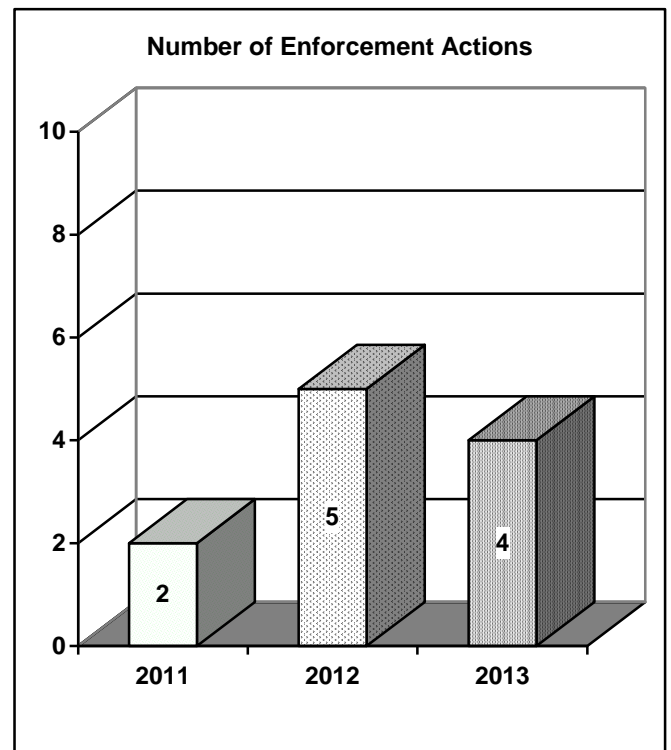
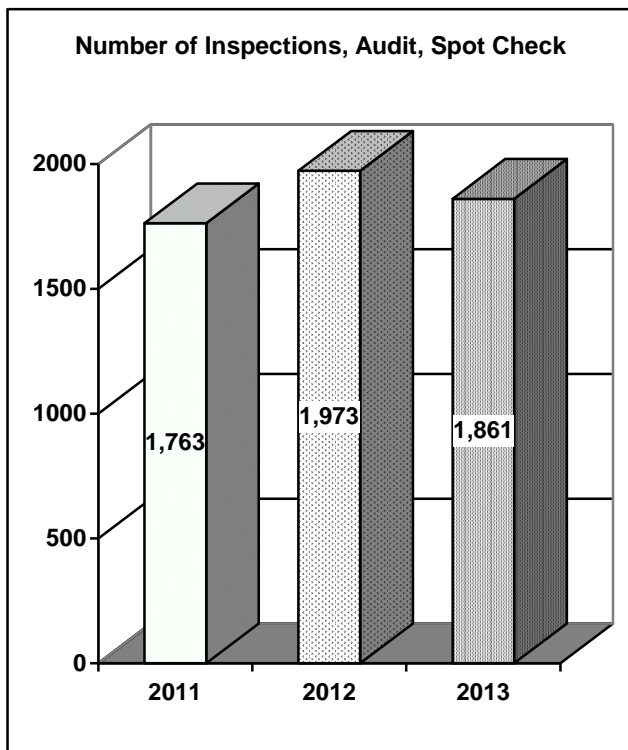
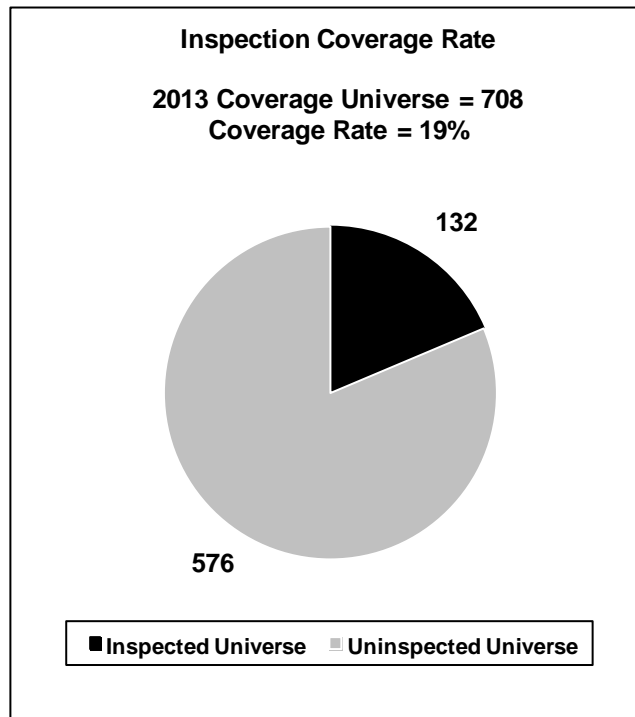
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# Sewage Sludge Utilization

Performance Measure	TOTAL
<b>PERMITTED SITES/FACILITIES</b>	
Number of permits/registrations issued	82
Number of permits/registrations in effect at fiscal year end	708
<b>OTHER REGULATED SITES/FACILITIES</b>	
Unpermitted sites	11
<b>INSPECTIONS</b>	
Number of sites inspected ("inspected" defined as at the site)	132
Number of sites receiving off-site audits and record reviews, but not inspected.	298
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	430
Number of inspections, spot checks (captures number of compliance activities at sites)	324
Number of audits (captures number of reviews of file/submittals for compliance)	1,537
Number of inspections, audits, spot checks (sum of the two measures above)	1,861
<b>COMPLIANCE PROFILE</b>	
Number of inspected sites/facilities with significant violations	4
Percentage of inspected sites/facilities with significant violations	2%
Inspection coverage rate (number of sites inspected/coverage universe)*	19%
<b>SIGNIFICANT VIOLATIONS</b>	
Number of significant violations involving environmental or health impact	4
Number of significant violations based on technical/preventative deficiencies	0
Number of significant violations carried over awaiting disposition from previous fiscal year	5
Total number of significant violations (sum of the three measures above)	9
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>	
Resolved	5
Ongoing	4
<b>ENFORCEMENT ACTIONS</b>	
Number of compliance assistance rendered	1
	Administrative      Civil/Judicial      Total
Number of show cause, remedial, corrective actions issued	0                      0                      0
Number of stop work orders	0                      0                      0
Number of injunctions obtained	0                      0                      0
Number of penalty and other enforcement actions	4                      0                      4
Number of referrals to Attorney General for possible criminal action	0
<b>PENALTIES</b>	
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$1,000

\* Coverage rate above is computed as the total number of sites inspected divided by the total number of permits/licenses in effect.

# Sewage Sludge Utilization



# Animal Feeding Operations

## **PURPOSE**

The Animal Feeding Operations (AFO) Section regulates discharges from farms with animals that are stabled or confined for 45 days or more in any 12-month period in an area where crops/forage are not grown. Animal feeding operations have the potential to discharge nutrients and sediments to surface waters if improperly designed, constructed, operated, or maintained. These operations are subject to regulation through registration as a Concentrated Animal Feeding Operation (CAFO) or a Maryland Animal Feeding Operation (MAFO) under a General Discharge Permit for Animal Feeding Operations. The classification as a CAFO or MAFO is determined by a combination of factors including the number and type of animals, and the potential for discharge to waters of the State. This General Discharge Permit requires these operations to be designed, constructed, operated and maintained according to specific standards which control or eliminate discharges of pollutants to the waters of the State.

## **AUTHORITY**

FEDERAL: Federal Clean Water Act

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 through 26.08.04.

## **PROCESS**

During the five-year duration of the General Permit, every registered operation will be inspected at least once to ensure compliance with the permit conditions, which incorporate relevant portions of farm-specific Comprehensive Nutrient Management Plans (CNMP), written in accordance with state and federal requirements. Complaints involving CAFOs or MAFOs are addressed by inspectors specifically assigned to the AFO Section. Enforcement is accomplished through site complaints, notices of violation, and administrative, civil and criminal mechanisms. The inspector may recommend corrective actions if any are required. If a significant violation is found, site complaints are issued and penalties are assessed. Corrective orders and penalties may be issued for violations in accordance with MDE's guidelines and procedures. Inspectors also investigate citizens' complaints related to CAFOs and MAFOs and provide compliance assistance to these operations.

## **SUCCESSES/CHALLENGES**

By the end of the FY 2013, 579 active operators had submitted Notices of Intent to be covered by either a CAFO or a MAFO permit and 346 operations were registered under the General Discharge Permit. There were 233 operations not registered at the end of FY 2013 which entered into General Compliance Schedules with MDE that set schedules and requirements related to compliance and a timeframe for reporting the status of the operators' completion of a CNMP. The General Compliance Schedules are necessary because the technical assistance needed to develop CNMPs is far exceeded by the number of farms required by the General Discharge Permit to have those Plans. The State is continuing to identify additional avenues for technical assistance with CNMPs.

The number of operations registered decreased from 160 in FY 2012 to 116 in FY 2013 due to other tasks being accomplished by the permit staff including tracking annual implementation reports, CNMP Status Forms and the Certification of Conformance.

Although not all operations have been registered under the General Discharge Permit, the conditions contained in the General Compliance Schedule allow inspectors to perform full inspections of both registered operations and those under the General Compliance Schedule, currently a total of 579 farms. MDE completed 874 inspections, audits, and spot checks by the end of the fiscal year. The number of sites inspected during FY 2013 increased to 327 from 137 the previous year.

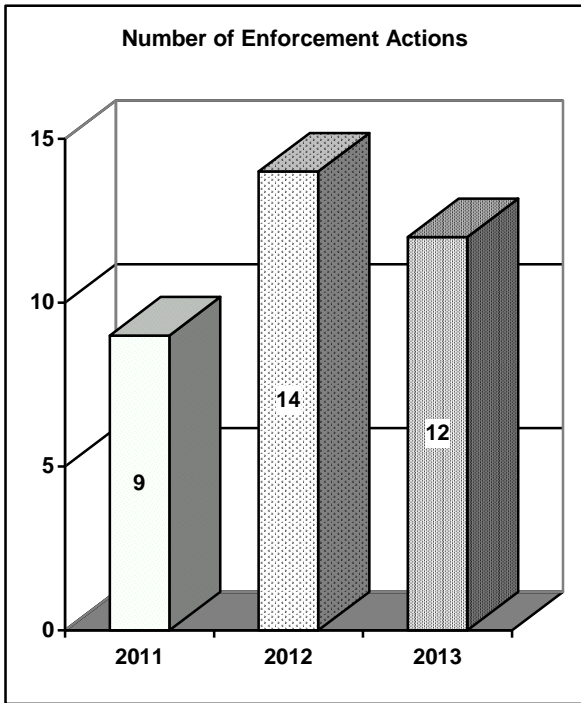
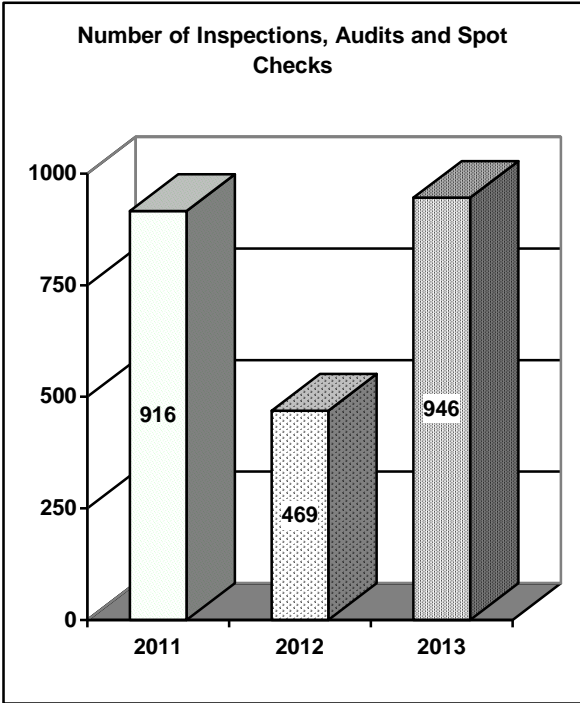
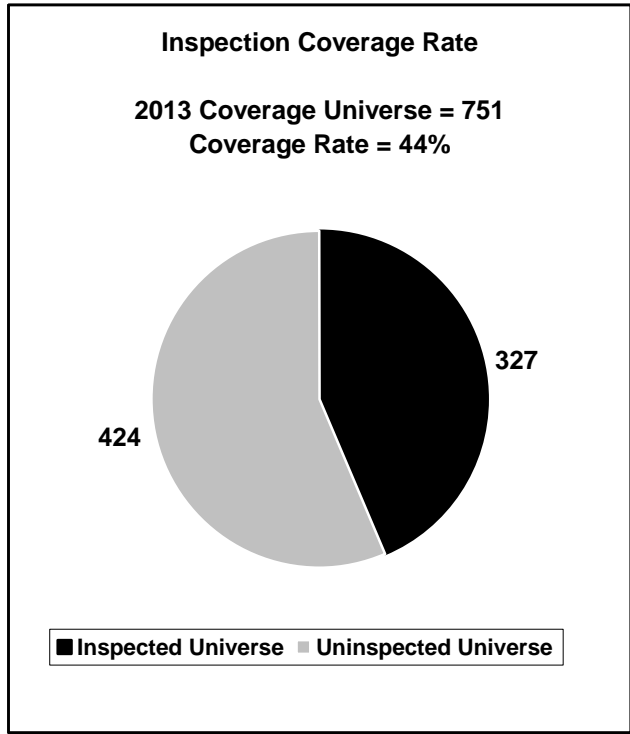
Permit fees were waived during FY 2013. FY 2013 was the third full year of operation for the program. Penalties received increased from \$8,350 to \$9,100. The number of significant violations increased from 1 in FY 2012 to 16 in FY 2013 due to several operations failing to submit their application to be registered.

# Animal Feeding Operations

Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/registrations issued	116																								
Number of permits/registrations in effect at fiscal year end	346																								
<b>OTHER REGULATED SITES/FACILITIES</b>																									
Sites with pending registrations	233																								
<b>INSPECTIONS</b>																									
Number of sites inspected (“inspected” defined as at the site)*	327																								
Number of sites receiving off-site audits and record reviews, but not inspected	424																								
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	751																								
Number of inspections, spot checks (captures number of compliance activities at sites)	399																								
Number of audits (captures number of reviews of file/submittals for compliance)	547																								
Number of inspections, audits, spot checks (sum of the two measures above)	946																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	12																								
Percentage of inspected sites/facilities with significant violations	4%																								
Inspection coverage rate (number of sites inspected/coverage universe)	44%																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	3																								
Number of significant violations based on technical/preventative deficiencies	13																								
Number of significant violations carried over awaiting disposition from previous fiscal year	6																								
Total number of significant violations (sum of the three measures above)	22																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	17																								
Ongoing	5																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	60																								
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	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	0	0	0																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	12	0	12																						
Number of referrals to Attorney General for possible criminal action			0																						
Number of show cause, remedial, corrective actions issued	0																								
Number of stop work orders	0																								
Number of injunctions obtained	0																								
Number of penalty and other enforcement actions	12																								
Number of referrals to Attorney General for possible criminal action	0																								
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$9,100																								

\*This includes inspections of sites that have not applied for coverage to determine the regulatory status.

# Animal Feeding Operations



# Natural Wood Waste Recycling

## **PURPOSE**

The purpose of the Natural Wood Waste Recycling permits is to ensure that natural wood wastes are managed in a manner protective of public health and the environment. In particular, the permitting system is intended to prevent large-scale fires at these facilities. A General Permit is authorized and in use for facilities following common industry practices as described in the regulation.

Natural wood waste facilities were targeted for additional inspections in FY 2003 and FY 2004 after several severe fires at this type of facility in FY 2002.

## **AUTHORITY**

STATE: Environment Article, Title 9, Subtitle 17; COMAR 26.04

## **PROCESS**

Permits are required for the operation of facilities that recycle natural wood waste (stumps, root mat, branches, logs, and brush). Recycling is conducted by chipping the wastes and converting them into mulch. This process is regulated by the conditions in the permit. Routine unannounced inspections may be performed at these facilities several times per year to ensure compliance with the permit conditions. MDE inspectors also investigate citizen complaints about wood waste recycling operations. Corrective orders and penalties may be issued for violations in accordance with MDE's guidelines and procedures.

## **SUCSESSES/CHALLENGES**

The Solid Waste Program's natural wood waste facility inspection coverage rate was 86%; 36 unique sites were inspected and five of six significant violations were resolved at the end of FY 2013.

The Solid Waste Program's number of natural wood waste facility inspections decreased to 36 from the 64 reported in FY 2012. The reason for the decline is due to more focus on Refuse Disposal activities, especially unpermitted activities and enforcement actions by Solid Waste Program inspection staff. The number of compliance assistance actions rendered decreased to four compared to the 14 that were reported in FY 2012. There were 35 audits performed during FY 2013.



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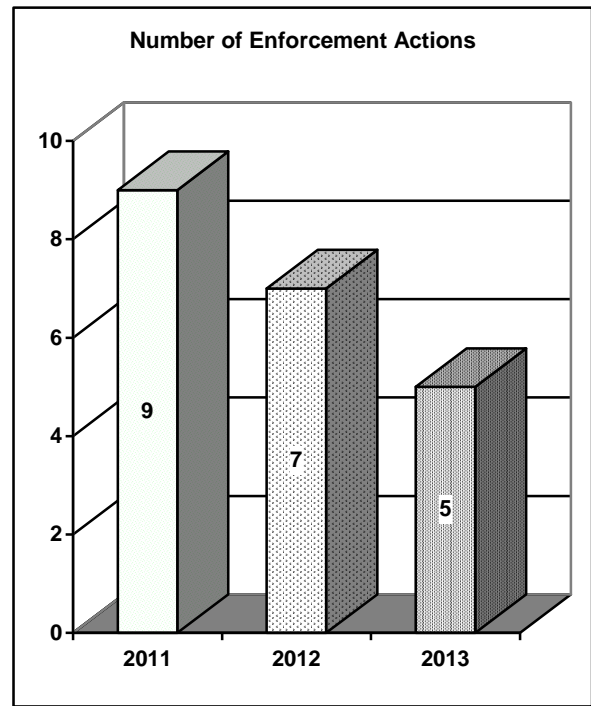
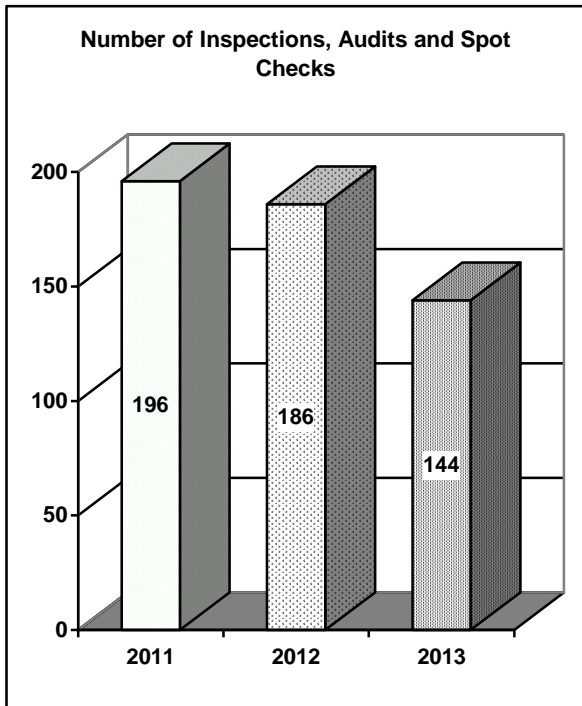
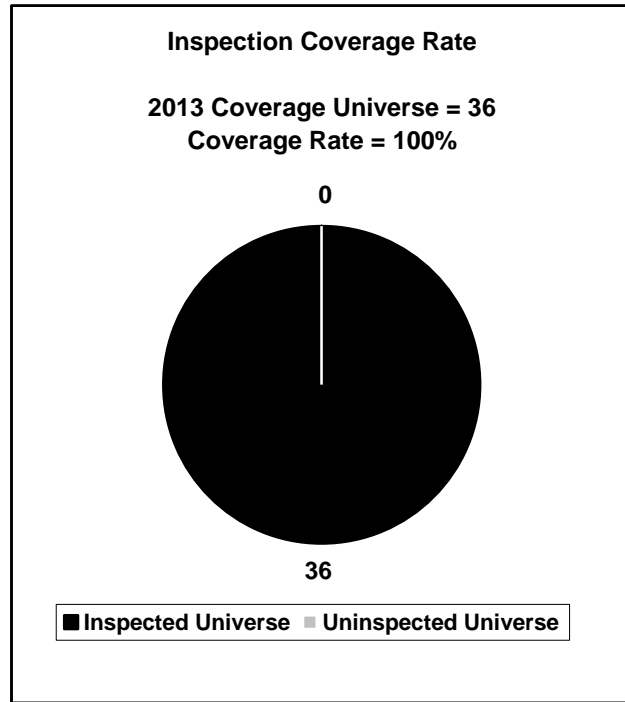
# Natural Wood Waste Recycling

Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/registrations issued	6																								
Number of permits/registrations in effect at fiscal year end	36																								
<b>OTHER REGULATED SITES/FACILITIES</b>																									
Unpermitted sites at fiscal year end	6																								
<b>INSPECTIONS</b>																									
Number of sites inspected ("inspected" defined as at the site)*	36																								
Number of sites receiving off-site audits and record reviews, but not inspected	5																								
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	41																								
Number of inspections, spot checks (captures number of compliance activities at sites)	109																								
Number of audits (captures number of reviews of file/submittals for compliance)	35																								
Number of inspections, audits, spot checks (sum of the two measures above)	144																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	4																								
Percentage of inspected sites/facilities with significant violations	11%																								
Inspection coverage rate (number of sites inspected/coverage universe)**	86%																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	3																								
Number of significant violations based on technical/preventative deficiencies	2																								
Number of significant violations carried over awaiting disposition from previous fiscal year	1																								
Total number of significant violations (sum of the three measures above)	6																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	5																								
Ongoing	1																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	4																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Administrative</th> <th style="width: 25%;">Civil/Judicial</th> <th style="width: 10%;">Total</th> </tr> </thead> <tbody> <tr> <td>Number of show cause, remedial, corrective actions issued</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Number of stop work orders</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of injunctions obtained</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of penalty and other enforcement actions</td> <td style="text-align: center;">4</td> <td style="text-align: center;">0</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Number of referrals to Attorney General for possible criminal action</td> <td colspan="2"></td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Administrative	Civil/Judicial	Total	Number of show cause, remedial, corrective actions issued	1	0	1	Number of stop work orders	0	0	0	Number of injunctions obtained	0	0	0	Number of penalty and other enforcement actions	4	0	4	Number of referrals to Attorney General for possible criminal action			0
	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	1	0	1																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	4	0	4																						
Number of referrals to Attorney General for possible criminal action			0																						
Number of show cause, remedial, corrective actions issued	1	0	1																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	4	0	4																						
Number of referrals to Attorney General for possible criminal action			0																						
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$500																								

\* Number of inspected sites includes permitted facilities, government facilities that do not require permits, unpermitted natural wood waste operations and citizen complaints.

\*\* Coverage rate is computed as the total number of sites inspected and dividing that by the total number of permits/licenses in effect plus the number of unpermitted sites discovered and inspected.

# Natural Wood Waste Recycling



# Mining – Coal

## **PURPOSE**

The purpose of a coal mining permit is to allow, where appropriate, for the utilization of the resource while minimizing the effects of coal mining on the environment. In addition to environmental controls, the permit provides for proper land reclamation and ensures public safety. Performance bonds must also be posted and are released after satisfactory reclamation. Permits issued by the Bureau of Mines Division are required for surface coal mining, deep coal mining, prospecting, preparation plants, loading facilities, and refuse reclamation operations. All coal mining activity occurs in Allegany and Garrett Counties.

## **AUTHORITY**

FEDERAL: Surface Mining Control and Reclamation Act of 1977

STATE: Environment Article, Title 15, Subtitle 5; COMAR 26.20

## **PROCESS**

Upon receipt of the required performance bonds and issuance of a coal mining permit, the permittee is required to install all environmental controls such as stormwater management and sediment control ponds and water conveyance structures so that no water can leave the site without going through a pond where it can be tested and treated if necessary before discharging. Haulage roads are constructed and all permit-required facilities are certified by a professional engineer and inspected to ensure compliance before mining can begin. By agreement with the federal Office of Surface Mining (OSM), the Division is required to inspect each permitted facility at least once a month. Some mining sites are inspected more frequently. In addition to State inspections, the Office of Surface Mining also regularly conducts oversight inspections and provides their findings to the Division. The mine inspectors schedule routine announced inspections of the facilities and complete an inspection report that documents the condition of the mine site and the environmental controls. At any time and if determined necessary, the inspection frequency can be increased to ensure that compliance is maintained on each site. If the mining site is not in compliance with the requirements of the regulatory program or special permit conditions, a violation is issued that documents the specific matter that must be corrected with a deadline to do so and a fine is assessed. If compliance problems continue, the Division may revoke the mining permit, forfeit the performance bonds and complete the reclamation of the mining site. Any person or company that has ever had a performance bond forfeited can never be issued a coal mining permit in the State again. The required conditions of all other permits issued by the State such as water quality permits, wetland and waterway permits, and sediment control plans are inspected as part of the routine mine permit inspection.

The State Land Reclamation Committee (LRC) must approve a proposed reclamation plan before the Division can issue the mining permit. Once portions of the permit are reclaimed the LRC makes a site inspection and approves or rejects the reclamation of that area. Proper implementation of the approved reclamation plan after the completion of the mining activity provides a benefit to the water quality as well as productive use of the land.

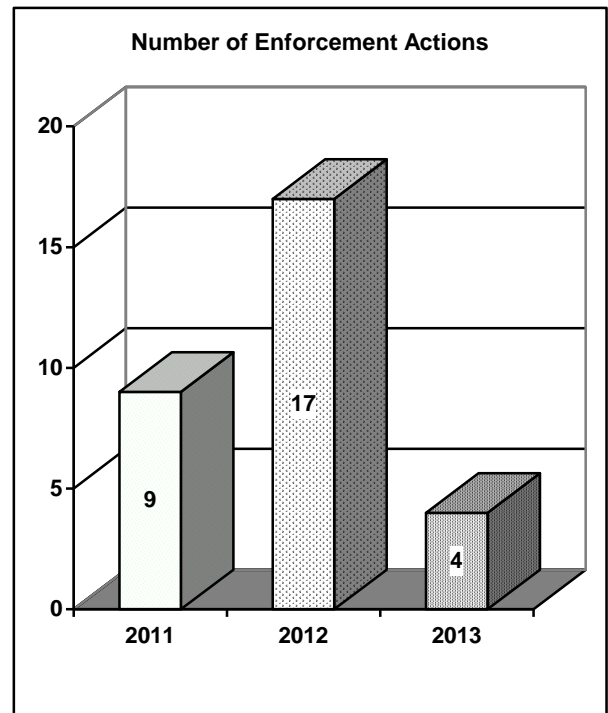
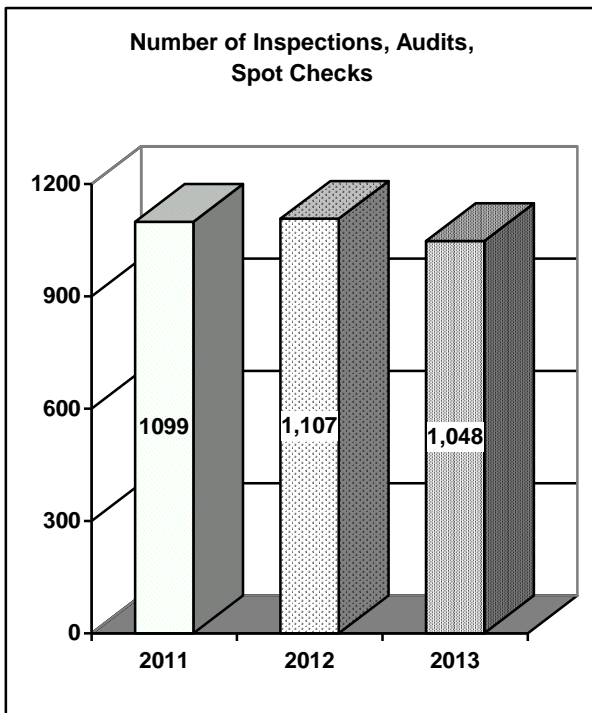
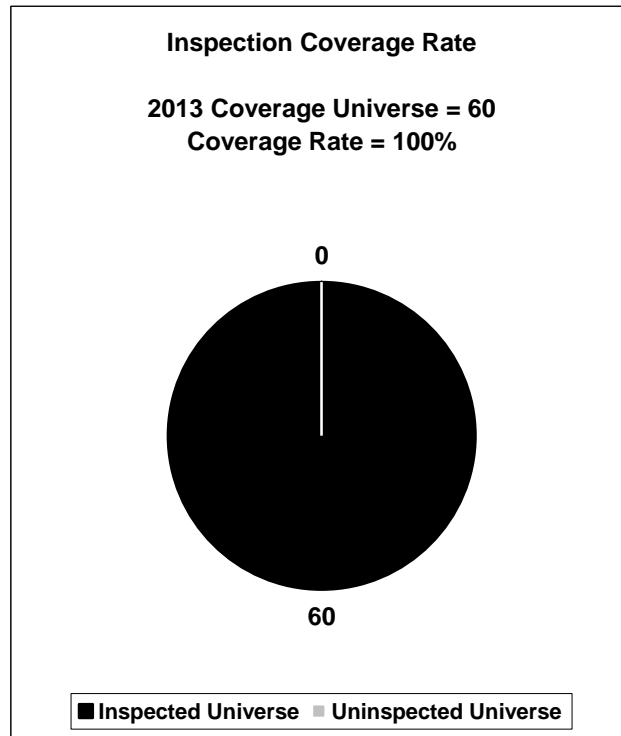
**SUCSESSES/CHALLENGES**

The Bureau of Mines Division met 100% of their inspection frequencies of all coal mining sites in FY 2013. Federal budget reductions will make it difficult to quickly respond to and mitigate pre-law abandoned mine emergencies such as land slides, subsidence and mine fires that can occur at any time.

## Mining – Coal

Performance Measure			TOTAL
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued			12
Number of permits/licenses in effect at fiscal year end			55
Prospect and forfeiture sites			5
<b>OTHER REGULATED SITES/FACILITIES</b>			
Coal mining operator licenses issued			26
Coal mining operator licenses in effect at fiscal year end			26
Surface coal mining blaster certifications issued			9
Surface coal mining blaster certifications at fiscal year end			37
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)			60
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)			0
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)			60
Number of inspections, spot checks (captures number of compliance activities at sites)			757
Number of audits (captures number of reviews of file/submittals for compliance)			291
Number of inspections, audits, spot checks (sum of the two measures above)			1,048
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations			0
Percentage of inspected sites/facilities with significant violations			0%
Inspection coverage rate (number of sites inspected/coverage universe)			100%
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact			3
Number of significant violations based on technical/preventative deficiencies			1
Number of significant violations carried over awaiting disposition from previous fiscal year			0
Total number of significant violations (sum of the three measures above)			4
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved			4
Ongoing			0
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered			74
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	4	0	4
Number of referrals to Attorney General for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$4,050.00

# Mining – Coal



# Mining – Non-Coal

## **PURPOSE**

The purpose of mining permits is to allow, where appropriate, for utilization of the resource while minimizing the effects of surface mining on the environment. In addition to environmental controls, the permit provides for proper land reclamation and ensures public safety. A performance bond is required to ensure that proper reclamation occurs.

## **AUTHORITY**

STATE: Environment Article – Title 15, Subtitle 8; COMAR 26.21

## **PROCESS**

Upon issuance of a permit the site is assigned an inspection frequency, which the MDE makes every effort to fulfill. Routine inspectors are then scheduled at the facilities adhering to the assigned priority as much as workload allows. At any time during the process, the inspection frequency can be adjusted based on site conditions or workload demand. All media such as water quality permits, wetland and waterway and sediment approvals are inspected as part of the mine permit inspection.

MDE does not have statutory authority to collect administrative penalties for non-coal mining permits but violations of other media associated with mining may be penalized as warranted. Mining laws do provide for civil and criminal penalties.

Improperly maintained environmental controls have the potential to degrade water quality through the transport of sediment-laden water from drainage and stormwater runoff, and can adversely impact the aquatic habitat. Proper mining practices and land reclamation after the completion of the mining activity helps protect water quality. The program evaluates mining practices, reclamation and stormwater management for compliance to ensure that adverse impacts to surface and groundwater are minimized. §15-828(a) of the Environment Article states, "At any reasonable time which the Department elects, but at least once a year, the Department shall cause each permit area to be inspected to determine if the permittee has complied with the mining and reclamation plan, the requirements of this subtitle, any rules and regulations adopted under it..." The Mining Program performs inspections as resources allow.

## **SUCCESSSES/CHALLENGES**

The Minerals, Oil and Gas Division achieved an inspection coverage rate of 86% in FY 2013. Staff vacancies may make it difficult to maintain an adequate inspection frequency.

There were 1,927 inspections, audits and spot checks performed in FY 2013, an increase from 811 in FY 2012. Much of this increase is due to the mining program reviewing the quarterly reports required by the NPDES permits. In prior years these were reviewed by the Water Management Administration's Compliance Program.

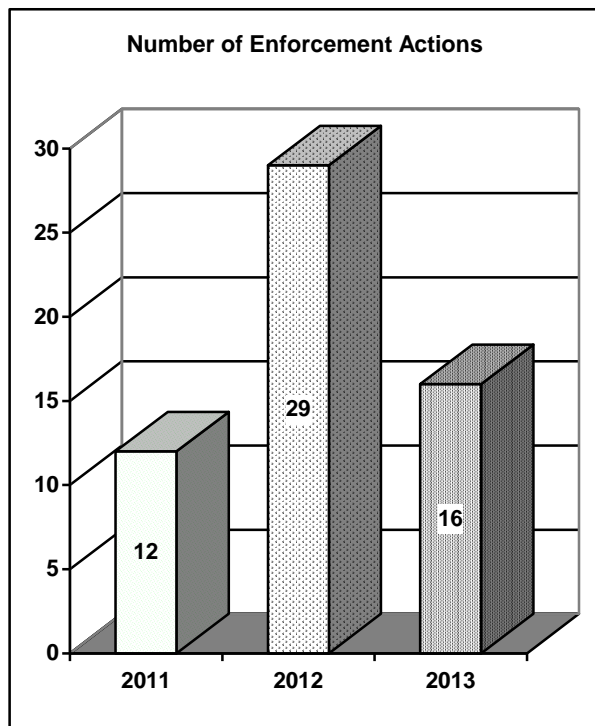
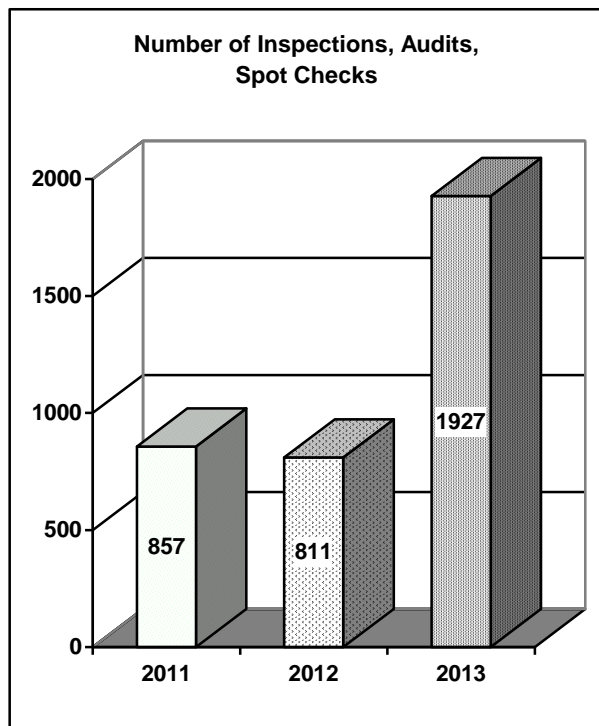
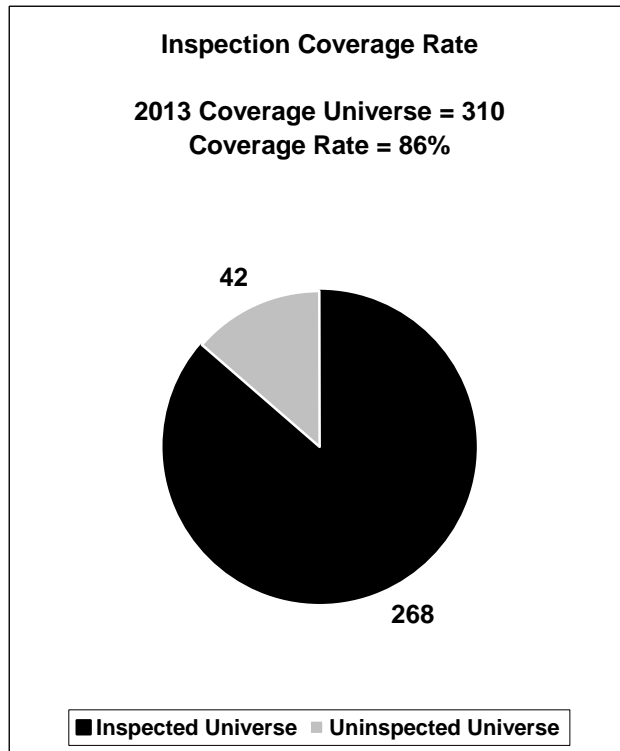


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## Mining – Non-Coal

Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/licenses issued	52																								
Number of permits/licenses in effect at fiscal year end	310																								
<b>INSPECTIONS</b>																									
Number of sites inspected (“inspected” defined as at the site)	268																								
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	71																								
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	339																								
Number of inspections, spot checks (captures number of compliance activities at sites)	292																								
Number of audits (captures number of reviews of file/submittals for compliance)	1,635																								
Number of inspections, audits, spot checks (sum of the two measures above)	1,927																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	8																								
Percentage of inspected sites/facilities with significant violations	3%																								
Inspection coverage rate (number of sites inspected/coverage universe)	86%																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	5																								
Number of significant violations based on technical/preventative deficiencies	3																								
Number of significant violations carried over awaiting disposition from previous fiscal year	0																								
Total number of significant violations (sum of the three measures above)	8																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	2																								
Ongoing	6																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	8																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Administrative</th> <th style="width: 25%;">Civil/Judicial</th> <th style="width: 10%;">Total</th> </tr> </thead> <tbody> <tr> <td>Number of show cause, remedial, corrective actions issued</td> <td style="text-align: center;">8</td> <td style="text-align: center;">0</td> <td style="text-align: center;">8</td> </tr> <tr> <td>Number of stop work orders</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of injunctions obtained</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of penalty and other enforcement actions</td> <td style="text-align: center;">8</td> <td style="text-align: center;">0</td> <td style="text-align: center;">8</td> </tr> <tr> <td>Number of referrals to Attorney General for possible criminal action</td> <td></td> <td></td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Administrative	Civil/Judicial	Total	Number of show cause, remedial, corrective actions issued	8	0	8	Number of stop work orders	0	0	0	Number of injunctions obtained	0	0	0	Number of penalty and other enforcement actions	8	0	8	Number of referrals to Attorney General for possible criminal action			0
	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	8	0	8																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	8	0	8																						
Number of referrals to Attorney General for possible criminal action			0																						
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$39,000																								

# Mining – Non-Coal



# Oil and Gas Exploration and Production

## **PURPOSE**

Permits are required for the drilling and operation of a gas or oil well, the operation of a natural gas storage facility, and for oil and natural gas exploration using seismic operations. Permits include environmental controls to ensure public safety, to provide for the protection of public and private property, and to minimize impacts resulting from the operation.

## **AUTHORITY**

STATE: Environment Article - Title 14, Subtitles 1, 2 and 3; COMAR 26.19.

## **PROCESS**

Upon issuance of a permit, license, or authorization, the site is assigned an inspection frequency. Routine inspections of the facilities are scheduled in accordance with the assigned priority. Site inspections may be adjusted to reflect changing workloads or inspection priorities. The inspectors assess whether the operator is in compliance with permit conditions and determines whether corrections are required. The Mining Program strives to perform inspections of these facilities as resources allow. Frequent inspections are required during active drilling operations but a more infrequent inspection schedule may be sufficient once the well is complete.

## **SUCSESSES/CHALLENGES**

Many of the sites are not in current production mode. There were no new wells drilled in FY 2013. Via executive order, the Governor established the Marcellus Shale Safe Drilling Initiative in 2011. As part of that Executive order, the Marcellus Shale Advisory Commission was formed. The Advisory Commission is currently developing recommendations for best practices in Maryland.

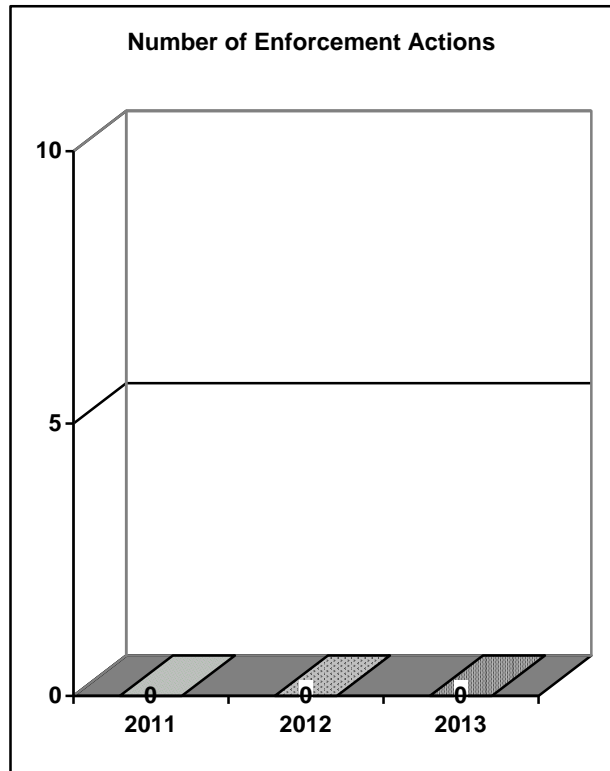
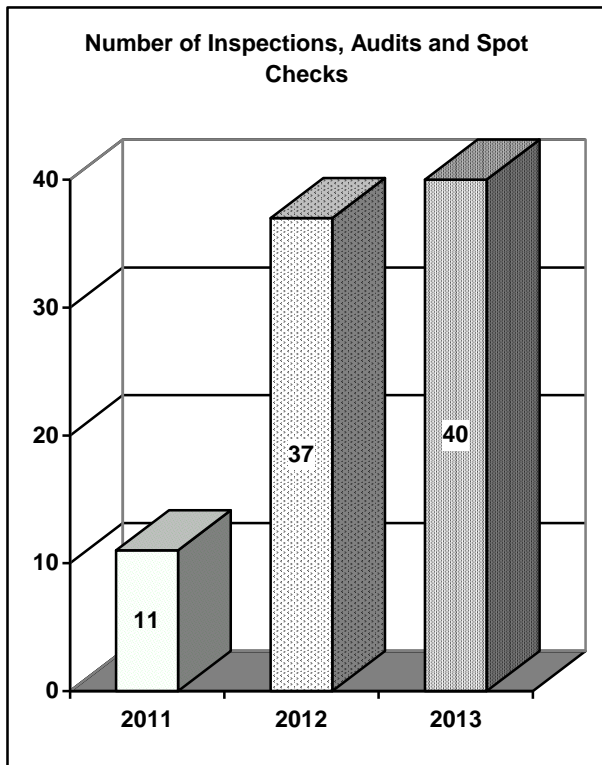
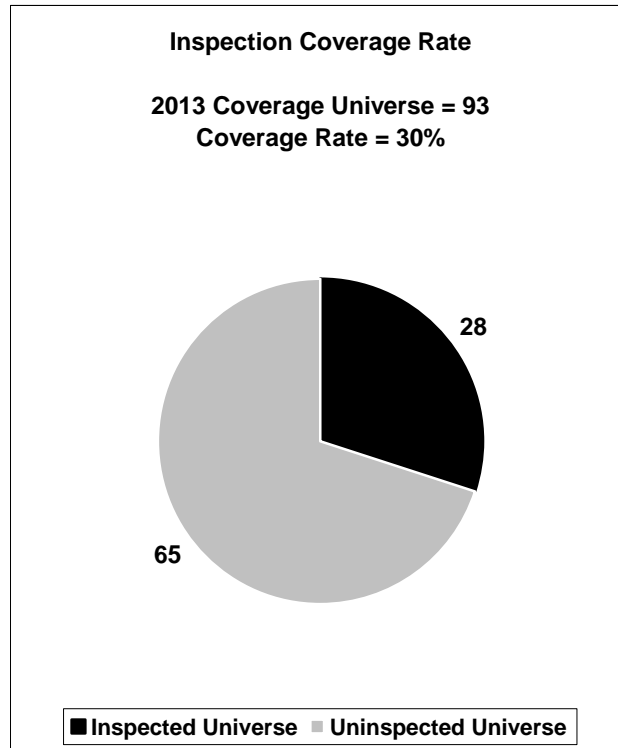
There were 40 inspections, audits, and spot checks in FY 2013, an increase from 37 performed in FY 2012.

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# Oil and Gas Exploration and Production

Performance Measure	TOTAL
<b>PERMITTED SITES/FACILITIES</b>	
Number of permits/licenses issued	23
Number of permits/licenses in effect at fiscal year end	93
<b>INSPECTIONS</b>	
Number of sites inspected ("inspected" defined as at the site)	28
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	1
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	29
Number of inspections, spot checks (captures number of compliance activities at sites)	29
Number of audits (captures number of reviews of file/submittals for compliance)	11
Number of inspections, audits, spot checks (sum of the two measures above)	40
<b>COMPLIANCE PROFILE</b>	
Number of inspected sites/facilities with significant violations	0
Percentage of inspected sites/facilities with significant violations	0%
Inspection coverage rate (number of sites inspected/coverage universe)	30%
<b>SIGNIFICANT VIOLATIONS</b>	
Number of significant violations involving environmental or health impact	0
Number of significant violations based on technical/preventative deficiencies	0
Number of significant violations carried over awaiting disposition from previous fiscal year	0
Total number of significant violations (sum of the three measures above)	0
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>	
Resolved	0
Ongoing	0
<b>ENFORCEMENT ACTIONS</b>	
Number of compliance assistance rendered	4
	Administrative      Civil/Judicial      Total
Number of show cause, remedial, corrective actions issued	0                      0                      0
Number of stop work orders	0                      0                      0
Number of injunctions obtained	0                      0                      0
Number of penalty and other enforcement actions	0                      0                      0
Number of referrals to Attorney General for possible criminal action	0
<b>PENALTIES</b>	
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0

# Oil and Gas Exploration and Production



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# **WATER MANAGEMENT ADMINISTRATION**

# **Water Management Administration**

## **Executive Summary**

The Water Management Administration (WMA) has inspection and enforcement responsibilities for the water quality and resource conservation programs that follow in this report. The Compliance Program is responsible for compliance associated with state groundwater discharge, federal and state surface water discharges, pretreatment, erosion and sediment control for construction activity, waterway construction, and tidal and non-tidal wetlands. The Water Supply Program (WSP) is responsible for public drinking water and water appropriation permit compliance, and the Sediment, Stormwater and Dam Safety Program is responsible for dam safety compliance.

WMA's Compliance Program inspects sites for compliance with numerous laws, regulations and permits or other authorizations addressing wastewater discharges, surface water and groundwater pollution, stormwater discharges and erosion and sediment control, tidal and nontidal wetlands, and waterway construction. As a result, many of the enforcement cases may address numerous categories of violations and injunctive relief. The number of inspection and enforcement personnel relative to the number of regulated entities continues to be a challenge. For example, the WMA Compliance Program does not have a sufficient number of inspectors to meet the goal of inspecting every active construction site disturbing 5,000 square feet or more every two weeks. All people holding general permits for stormwater associated with construction activities are required to inspect their sites weekly and after every major storm event. Thirteen county governments and 10 municipalities are delegated enforcement authority for these projects and perform inspections of projects in their jurisdictions. WMA focuses on large construction sites in non-delegated areas and State and federal projects, along with sites brought to MDE's attention by citizen complaints.

The Sediment, Stormwater, and Dam Safety Program (SSDS) has been challenged to keep pace with the volume of erosion and sediment control and stormwater management plan reviews for State and federal construction projects. Additionally, NPDES municipal stormwater permit requirements for best management practice (BMP) retrofitting have increased significantly the number of construction projects that must be reviewed and approved. To address this increase in workload and the lack of sufficient staff, MDE sponsored a Bill (HB 97) during the 2013 Legislature enabling the Department to designate to various State and federal agencies plan review and approval authority. This Bill was signed into law and the SSDS is working currently with the State Highway Administration to develop the procedures, reporting requirements, and oversight responsibilities so that the Program's workload can be more manageable.

The SSDS is also responsible for the inspection of existing, and permitting and construction inspection of new dams in Maryland. Currently, 488 dams are included in the statewide inventory, 57 of which are breached and not inspected regularly. There are 594 permitted facilities and this number reflects the total inventoried dams and the number of permits issued for small ponds. Typically, small ponds are reviewed and approved by local Soil Conservation Districts (SCDs) unless a hazard below the structure requires review and approval by MDE.

Many existing small ponds are being investigated for improved stormwater management water quality control resulting from NPDES municipal stormwater permit requirements. The Program is working with both the SCDs and the counties affected by the NPDES program to ensure that small pond retrofitting does not increase downstream hazard conditions.

The mission of the Water Supply Program (WSP) is accomplished through planning and permitting for water withdrawal, protection of water sources that are used for public water supplies, oversight and enforcement of routine water quality monitoring at public water systems, regular on-site inspections of water systems, review of design plans for new or upgraded water treatment, and prompt response to water supply emergencies.

In FY 2013, Maryland continued implementation of the newly-adopted federal regulations that affect community and non-transient non-community water systems. These new regulations which include the Stage 2 Disinfection Byproduct Rule, the Lead and Copper Rule Revisions, and the Ground Water Rule, affect approximately 1019 community and non-transient non-community water systems serving the public. These regulations are complex, and, in many cases, result in increased monitoring and capital costs for the regulated communities. To assist them with meeting the compliance requirements of the newly adopted rules, WSP provided training and on-site technical assistance to impacted water systems throughout the State. However, it is typical that even with the additional assistance from the WSP, the impacted systems have difficulties with the implementation of new regulations in the first years after the rules become effective, resulting in an increase in the number of technical violations. This fiscal year our data highlights improved compliance on existing regulations as new rules are phased in for community and non-transient non-community water systems. Compliance with the new regulations is expected to be difficult for water systems as they become familiar with the new requirements.

During FY2013, the WSP continued to provide additional enforcement focus on the special conditions in Water Appropriation and Use permits. Compliance reviews of flow-by and audit conditions were conducted. Notices of violation were sent to systems with outstanding reporting requirements, expired permits, and those who used water in excess of their permitted allocation.

Public water system enforcement included 447 notices of violation which were issued to 205 community and non-transient non-community water systems. Sixty-three of these water systems had violations that were based on drinking water health standards. The remaining violations were technical violations.

**Water Management Administration  
Performance Measures Executive Summary**

	<u>2012 Totals</u>	<u>2013 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	4,397	4,681
Number of Permits/Licenses in Effect at Fiscal Year End	52,112	52,653
<u>OTHER REGULATED SITES/FACILITIES</u>		
Other Sites	4,146	4,143
<u>INSPECTIONS</u>		
Number of Sites Inspected	6,468	5,992
Number of Sites Audited but Not Inspected	3,256	3,629
Number of Inspections, Audits, Spot Checks	60,167	59,756
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	6,395	5,751
Number of Enforcement Actions Taken*	1,063	1,001
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$1,879,858	\$4,211,269

\* Calculated as the sum of all enforcement actions for each program as listed in the chart for each.

## **Discharges – Groundwater (Municipal & Industrial)**

### **PURPOSE**

Excessive nutrients, bacteria, and industrial pollutants in wastewater have the potential to impact the quality of groundwater. The groundwater discharge permitting process provides a means of managing these impacts through monitoring, inspection and enforcement. The Wastewater Permits Program issues groundwater discharge permits to control the disposal of treated municipal or industrial wastewater into the State's groundwater via spray irrigation or other land-treatment methods such as subsurface discharge. Upon permit issuance, the Compliance Program is responsible for inspections and compliance assurance. Groundwater discharge permits establish pollutant discharge limits and require the permit holder to meet self-monitoring, record-keeping, and reporting requirements to protect public health and minimize groundwater pollution.

### **AUTHORITY**

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08

### **PROCESS**

The Compliance Program performs inspections of sites with groundwater discharge permits as part of its overall inspection priority scheme, with priority given to sites that are the subject of complaints or are in violation based on failure to perform required self-monitoring and reporting, or due to violations of the effluent limitations in the permit. The inspector may conduct unannounced inspections and may collect samples for independent laboratory analysis as necessary to verify compliance with permit limits. Self-monitoring results are filed at the frequency specified by the permit (usually monthly or quarterly) in the form of Discharge Monitoring Reports (DMRs). DMRs are reviewed in the office and at the facilities in order to determine whether the facility is in compliance with applicable requirements. DMR reviews are shown in the following table on the line identified as "Inspections, Audits, Spot Checks." DMR reviews are not included in the determination of the inspection coverage rate.

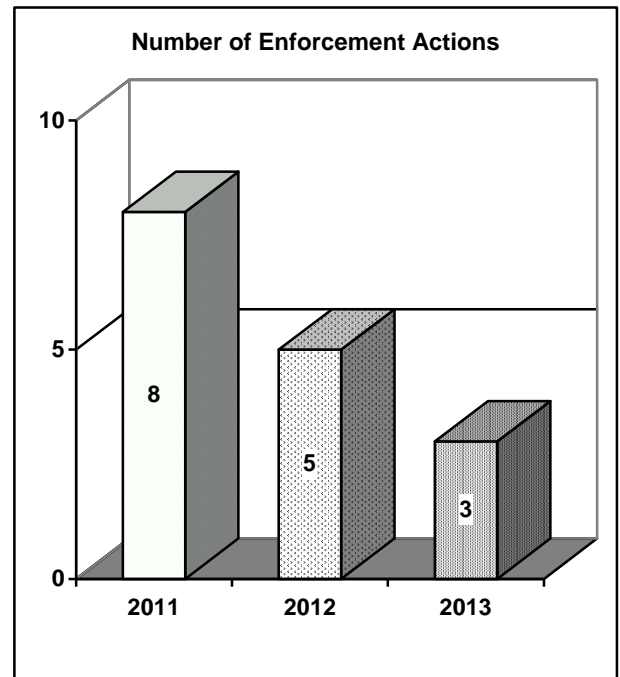
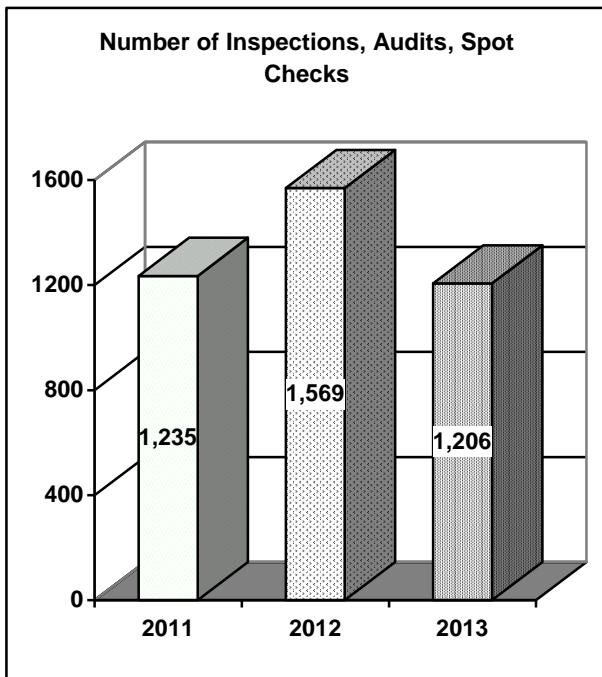
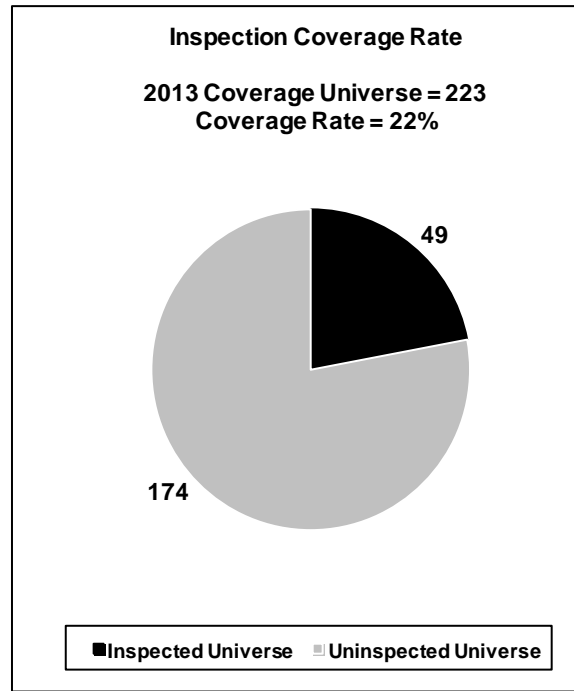
### **SUCCESSES/CHALLENGES**

WMA continues to investigate and pursue enforcement cases to address cases involving groundwater pollution. WMA is currently working with the Attorney General's Office on a number of additional enforcement cases to address groundwater pollution concerns.

## Discharges – Groundwater (Municipal and Industrial)

Performance Measure			TOTAL
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued			29
Number of permits/licenses in effect at fiscal year end			223
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)			49
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)			108
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)			157
Number of inspections, spot checks (captures number of compliance activities at sites)			88
Number of audits (captures number of reviews of file/submittals for compliance)			1,188
Number of inspections, audits, spot checks (sum of the two measures above)			1,206
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations			2
Percentage of inspected sites/facilities with significant violations			4%
Inspection coverage rate (number of sites inspected/coverage universe)			22%
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact			3
Number of significant violations based on technical/preventative deficiencies			1
Number of significant violations carried over awaiting disposition from previous fiscal year			21
Total number of significant violations (sum of the three measures above)			25
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved			3
Ongoing			22
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered			0
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	2	0	2
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	1	0	1
Number of referrals to Attorney General for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$25,100

# Discharges – Groundwater (Municipal and Industrial)



# Discharges - Surface Water (Municipal & Industrial) State and NPDES Permits

## PURPOSE

The federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES) Program controls water pollution generated from a wide variety of sources including industrial activities, sewage treatment plants, certain agricultural activities and stormwater runoff from industrial, municipal and agricultural sources. All industrial, commercial or institutional facilities that discharge wastewater, including stormwater from certain industrial facilities, directly to surface waters of Maryland need a permit. Permit holders include local, state, and federal government agencies, as well as privately-owned treatment systems.

The NPDES permit system includes a stormwater component to control pollution generated from runoff associated with certain industrial sites, municipal storm sewer systems, construction activities, and concentrated animal feeding operations. Eleven categories of industry, and storm sewer systems operated by certain government agencies, are required under the Clean Water Act to have their stormwater covered under an NPDES permit. For any construction activity that disturbs one or more acres, coverage must be obtained under the MDE's general and individual NPDES permits for construction activity. These permits require developers to perform self-inspection and record keeping to ensure that sediment and erosion control measures are maintained and functioning in accordance with approved plans to prevent water pollution and stream bank erosion caused by excess erosion, siltation, and stormwater flows from construction sites.

Surface water discharge permits may combine all applicable State and NPDES requirements into one permit for facilities that discharge to State surface waters. The permit is designed to protect water quality in the water receiving the discharge.

## AUTHORITY

FEDERAL: Clean Water Act

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08

## PROCESS

The Compliance Program performs inspections of sites with surface water discharge permits as part of its overall inspection priority scheme, with priority given to sites that are the subject of complaints or in violation based on failure to perform permit required self-monitoring and reporting or due to violations of the effluent limitations in the permit. The inspector may conduct unannounced inspections and may collect samples for independent laboratory analysis as necessary to verify compliance with permit limits. Self-monitoring results are filed at the frequency specified by the permit (usually monthly or quarterly) in the form of Discharge Monitoring Reports (DMRs). DMRs are reviewed in the office and at the facilities in order to determine whether the criteria for "Significant Noncompliance" have been met. DMR reviews performed by the Compliance Program's Enforcement Division are included in the following Table on the line identified as



“Inspections, Audits, Spot Checks.” DMRs were reviewed for all permitted sites that require DMR submittals as a part of their permit.

### **SUCSESSES/CHALLENGES**

WMA is actively pursuing hundreds of cases involving surface water pollution. WMA’s Compliance Program inspects sites to check for compliance with numerous laws, regulations and permits or other authorizations addressing wastewater discharges, surface water and groundwater pollution, stormwater discharges and erosion and sediment control, tidal and nontidal wetlands and waterway construction so many of the enforcement cases address numerous categories of violations and injunctive relief. The number of inspection and enforcement personnel relative to the number of regulated entities continues to be a challenge.

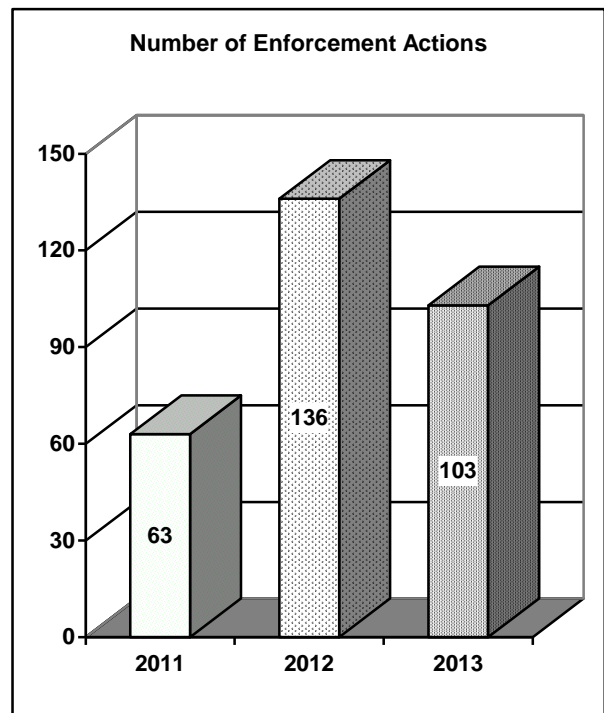
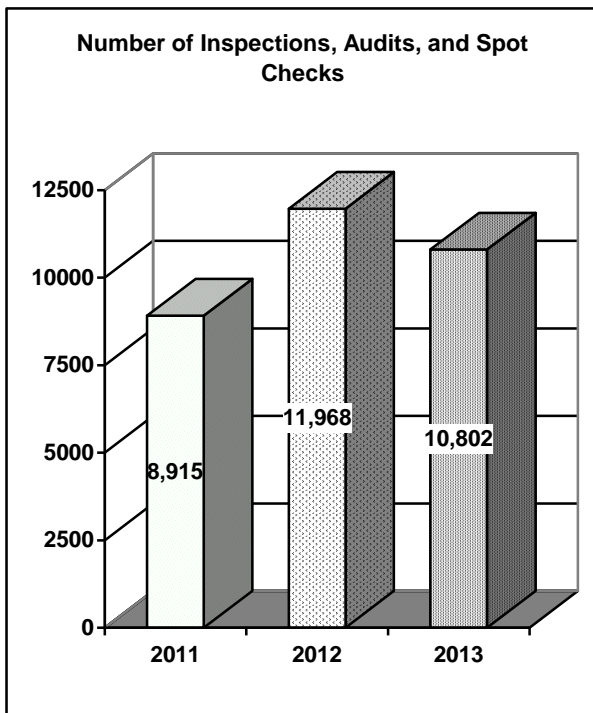
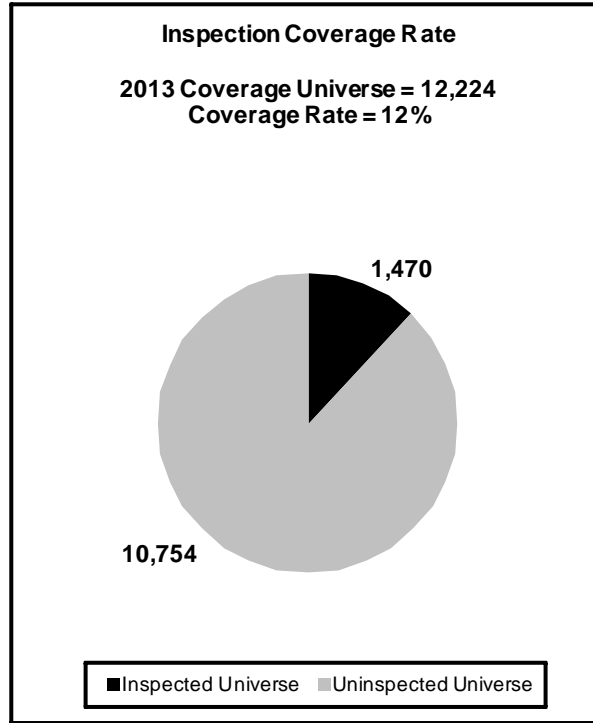
In FY 2013 the DMR reviews for non-coal mines were performed by the Mining Program and are counted in the Non-Coal section of this report. This is the main reason for the decrease in the number of audits.

## Discharges – Surface Water (Municipal and Industrial) State and NPDES Permits

Performance Measure	TOTAL
<b>PERMITTED SITES/FACILITIES</b>	
Number of permits/licenses issued*	1,492
Number of permits/licenses in effect at fiscal year end	12,224
<b>INSPECTIONS</b>	
Number of sites inspected (“inspected” defined as at the site)	1,470
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	876
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	2,346
Number of inspections, spot checks (captures number of compliance activities at sites)	2,920
Number of audits (captures number of reviews of file/submittals for compliance)	7,882
Number of inspections, audits, spot checks (sum of the two measures above)	10,802
<b>COMPLIANCE PROFILE</b>	
Number of inspected sites/facilities with significant violations	74
Percentage of inspected sites/facilities with significant violations	4%
Inspection coverage rate (number of sites inspected/coverage universe)	12%
<b>SIGNIFICANT VIOLATIONS</b>	
Number of significant violations involving environmental or health impact	78
Number of significant violations based on technical/preventative deficiencies	9
Number of significant violations carried over awaiting disposition from previous fiscal year	210
Total number of significant violations (sum of the three measures above)	297
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>	
Resolved	103
Ongoing	194
<b>ENFORCEMENT ACTIONS</b>	
Number of compliance assistance rendered	18
	Administrative      Civil/Judicial      Total
Number of show cause, remedial, corrective actions issued	15                      5                      20
Number of stop work orders	0                              0                      0
Number of injunctions obtained	0                              1                      1
Number of penalty and other enforcement actions	81                          1                      82
Number of referrals to Attorney General for possible criminal action	0
<b>PENALTIES</b>	
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$3,343,112

\* This number includes new permits, renewals, and conversions/modifications of permits.

# Discharges – Surface Water (Municipal & Industrial) State and NPDES Permits



# Discharges – Pretreatment (Industrial)

## PURPOSE

The Pretreatment Program is responsible for regulating wastewaters from industrial and other non-domestic sources discharged into publicly-owned treatment works (POTW) to prevent the discharge of toxic or corrosive discharges to the collection systems serving POTWs that may result in process upsets and failure of critical infrastructure. In accordance with its authority as delegated by EPA, MDE oversees 20 local pretreatment programs that are responsible for 187 industrial sources. In addition, pretreatment permits are issued directly to four industries discharging to non-delegated POTWs. Local pretreatment program responsibilities include issuing discharge permits to industrial users, conducting industrial inspections and performing compliance monitoring, developing and enforcing local limits, enforcing federal pretreatment standards, and assessing penalties against industrial users. These requirements are included in a delegation agreement, which is signed by the operator of the POTW and WMA, and incorporated by reference into the NPDES permit issued by WMA. Local governments are responsible for issuing penalties and enforcement actions associated with this program; therefore, those numbers are not reflected in WMA's enforcement statistics.

## AUTHORITY

FEDERAL: Clean Water Act

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08

## PROCESS

The Pretreatment Program oversees local pretreatment program implementation. This oversight is performed by the permitting program staff by conducting pretreatment compliance inspections of pretreatment programs; audits of pretreatment programs; joint review of industrial user permits; independent and joint industrial inspections with the POTW; review of quarterly status reports from the delegated POTWs; and initiation of enforcement actions when the POTW fails to act in accordance with its delegated responsibilities. The Pretreatment Program also issues permits to categorical industrial users discharging to wastewater treatment plants in areas of the state without delegated pretreatment programs. Compliance of these industrial users is tracked by review of periodic compliance reports and the results of annual inspections.

WMA oversees delegated pretreatment programs and takes enforcement action when needed to support the proper treatment of industrial discharges to wastewater collection and treatment systems to prevent damage to the treatment processes or infrastructure and pass through of pollutants to waters of the State.

The Pretreatment Program currently issues permits to categorical industrial users located in areas not serviced by jurisdictions with delegated pretreatment programs. In addition it provides oversight to 20 delegated pretreatment programs with technical and regulatory assistance. The Pretreatment Program also performed inspections at several industrial

users that are permitted by local delegated pretreatment programs. The inspection coverage rate includes these industrial users as well as the entities directly permitted by WMA.

### **SUCSESSES/CHALLENGES**

The Program is responsible for inspecting the permittees, the POTWs and only some of the industrial users permitted by the delegated POTWs. The Program is required by statute to provide a 100% coverage rate of those facilities. In FY 2013, the program met that requirement.

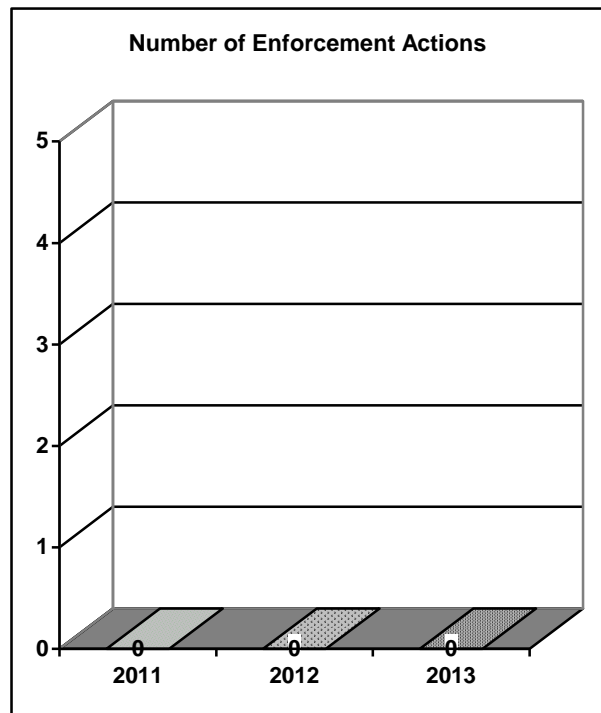
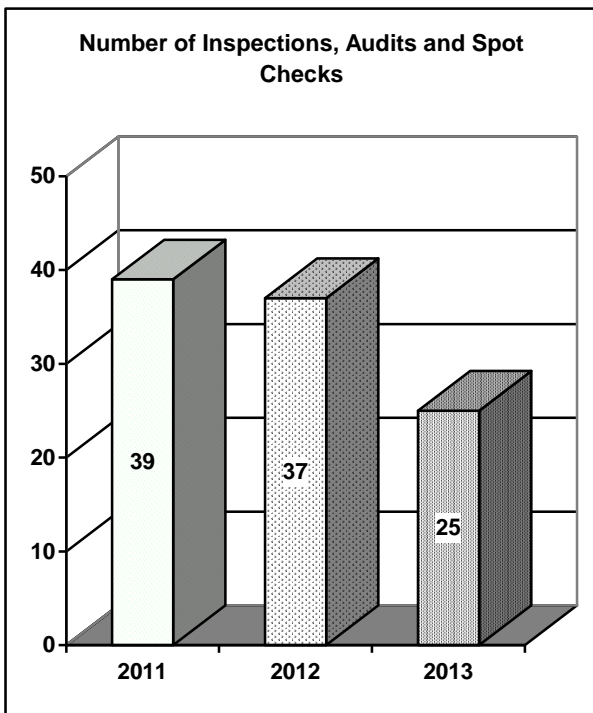
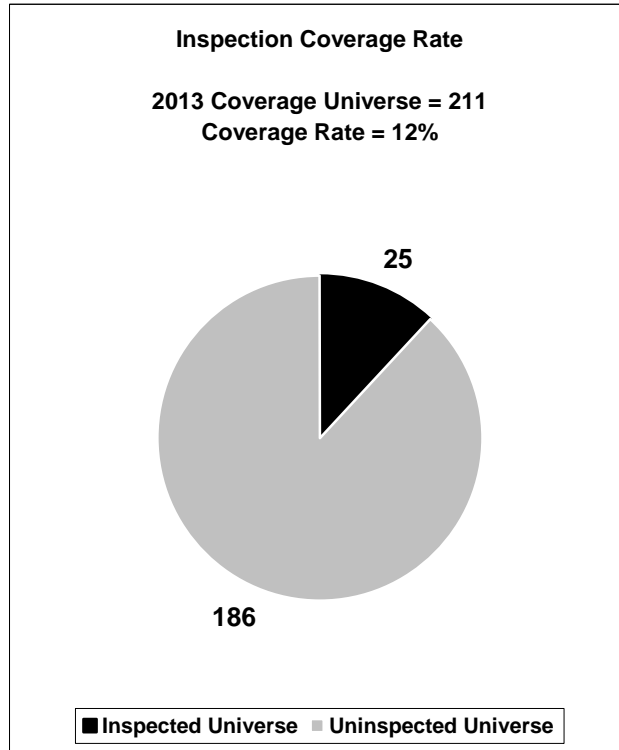
## Discharges – Pretreatment (Industrial)

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	0		
Number of permits/licenses in effect at fiscal year end *	4		
<b>OTHER REGULATED SITES/FACILITIES</b>			
POTWs	20		
POTW issued permits (delegated programs)	187		
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)	25		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	25		
Number of inspections, spot checks (captures number of compliance activities at sites)	25		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above)	25		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe) **	12%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

\* These are State-permitted industries subject to Categorical Pretreatment Standards under U.S. EPA regulations 40 CFR 403.6 and 40 CFR Chapter I, Subpart N.

\*\* Coverage rate is defined as the number of sites inspected divided by the sum of permits/licenses in effect, the POTWs and the significant industrial users.

# Discharge – Pretreatment (Industrial)



# Stormwater Management and Erosion & Sediment Control for Construction Activity

## PURPOSE

The purpose of the erosion and sediment control program is to lessen the impact to the aquatic environment caused by sediment leaving construction sites. The purpose of the stormwater management program is to reduce stream channel erosion, pollution, siltation, and local flooding caused by land use changes associated with urbanization. This is accomplished by maintaining, after development, the pre-development runoff conditions using environmental site design practices and techniques. Any construction activity in Maryland that disturbs 5,000 square feet or more of land or results in 100 cubic yards or more of earth movement must have approved erosion and sediment control and stormwater management plans before construction begins.

## AUTHORITY

FEDERAL: Clean Water Act, Section 402; 40 CFR

STATE: Environment Article, Title 4, Subtitle 1 and Subtitle 2; COMAR 26.17

## PROCESS

Inspection and enforcement authority for erosion and sediment control has been delegated or partially delegated to 13 counties and ten municipalities by the state. MDE inspections cover construction projects in non-delegated counties and State and federal projects. This report does not reflect the erosion and sediment control inspection and enforcement activities conducted by local governments in delegated jurisdictions.

Stormwater management approval for all non-state and non-federal projects is, by law, the responsibility of each local jurisdiction. MDE inspections of stormwater management facilities are performed for State and federal projects only. Upon issuance of a permit or authorization (whether by WMA's Sediment and Stormwater Plan Review Division or by the local sediment control approval authority), a project file is transferred to the Compliance Program where an inspection priority is assigned. Routine inspections are scheduled based on the assigned priority and as workload allows. Facilities are not given advance notification of routine inspections. At any time during the process, the inspection frequency can be adjusted as site conditions or workload demand.

Stormwater and Erosion and Sediment Control are combined into one table because at the State level these projects are reviewed and approved as one project. For State and federal projects, plan review is performed by the Sediment, Stormwater, and Dam Safety Program and inspections are performed by the Compliance Program. All other projects are reviewed at the local level, and if delegated, inspected at the local level. In non-delegated jurisdictions, the MDE Compliance Program performs sediment control inspections.



Inspections performed related to an NPDES permit for the discharge of stormwater associated with construction activities are included in the table for surface water discharges.

### **SUCSESSES/CHALLENGES**

Although inspections remain a priority, the WMA Compliance Program does not have a sufficient number of inspectors to meet the goal of inspecting every active construction site disturbing 5,000 square feet or more every two weeks. WMA focuses on large construction sites in non-delegated areas and State and federal projects, along with sites brought to MDE's attention by citizen complaints.

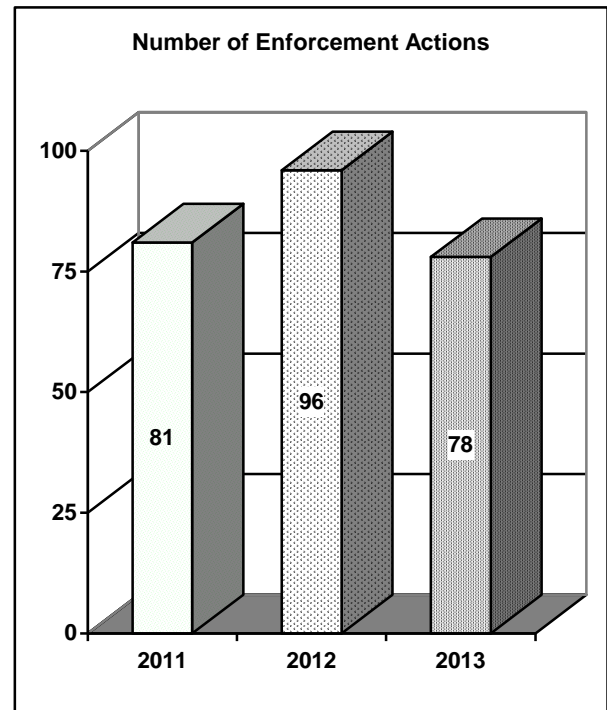
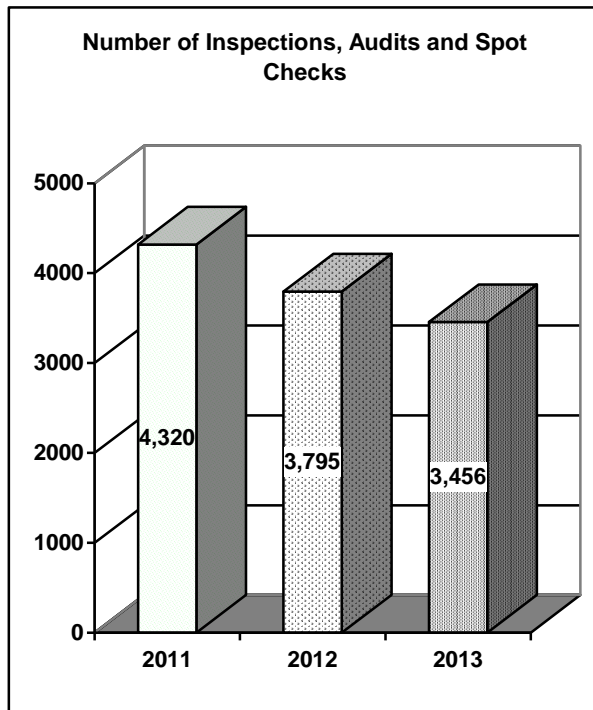
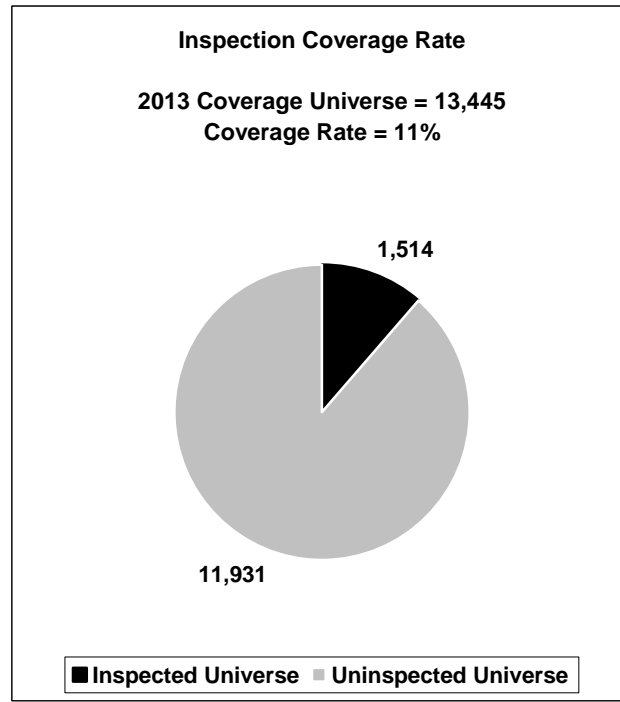
As in previous years, the Allegany, Caroline, Frederick, and Queen Anne's Soil Conservation Districts continued to perform Erosion and Sediment Control inspections on behalf of MDE as part of a Memorandum of Understanding. These districts are independent of county government. The numbers of sites inspected and numbers of inspections on the following table only include MDE's activities.

Because of the increase in State and federal project submissions caused by NPDES municipal stormwater permit retrofitting requirements, MDE sponsored a Bill (HB 97) during the 2013 legislative session enabling the Department to designate to various agencies plan review and approval authority. This Bill was signed into law and the SSDS is working currently with the State Highway Administration (SHA) to develop the procedures, reporting requirements, and oversight responsibilities so that the Program's workload can be more manageable. SSDS anticipates that other State and federal agencies will seek this authority and this will help alleviate the increased workload for construction project review and approval.

# Stormwater Management and Erosion & Sediment Control for Construction Activity

Performance Measure	TOTAL
<b>PERMITTED SITES/FACILITIES</b>	
Number of approvals issued	404
Number of approvals in effect at fiscal year end	13,445
<b>INSPECTIONS</b>	
Number of sites inspected ("inspected" defined as at the site)	1,514
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	1,514
Number of inspections, spot checks (captures number of compliance activities at sites)	3,456
Number of audits (captures number of reviews of file/submittals for compliance)	0
Number of inspections, audits, spot checks (sum of the two measures above)	3,456
<b>COMPLIANCE PROFILE</b>	
Number of inspected sites/facilities with significant violations	50
Percentage of inspected sites/facilities with significant violations	3%
Inspection coverage rate (number of sites inspected/coverage universe)	11%
<b>SIGNIFICANT VIOLATIONS</b>	
Number of significant violations involving environmental or health impact	50
Number of significant violations based on technical/preventative deficiencies	0
Number of significant violations carried over awaiting disposition from previous fiscal year	65
Total number of significant violations (sum of the three measures above)	115
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>	
Resolved	77
Ongoing	38
<b>ENFORCEMENT ACTIONS</b>	
Number of compliance assistance rendered	16
	Administrative      Civil/Judicial      Total
Number of show cause, remedial, corrective actions issued	4                      1                      5
Number of stop work orders	1                      0                      1
Number of injunctions obtained	0                      0                      0
Number of penalty and other enforcement actions	71                      1                      72
Number of referrals to Attorney General for possible criminal action	0
<b>PENALTIES</b>	
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$730,734

# Stormwater Management and Erosion & Sediment Control for Construction Activity



# Water Supply Program

## **PURPOSE**

The mission of the Water Supply Program (WSP) is to ensure that public drinking water systems provide safe and adequate water to all current and future users in Maryland, and that appropriate usage, planning, and conservation policies are implemented for Maryland's water resources. This mission is accomplished through proper planning for water withdrawal, protection of water sources that are used for public water supplies, oversight and enforcement of routine water quality monitoring at public water systems, regular on-site inspections of water systems, review of design plans for new or upgraded water treatment, and prompt response to water supply emergencies. In addition to ensuring that public drinking water systems meet federal and State requirements under the Public Water System Supervision program, the WSP also administers the wellhead protection program, manages water resources, and issues water appropriation permits for both public and private water users, and commercial and agricultural entities statewide. Because all of these activities reside together in the WSP, Maryland has the unique opportunity to evaluate and regulate public drinking water systems from a broad perspective that includes an evaluation of the resource for both quantity and quality. The WSP's activities help to ensure safe drinking water for over five million Marylanders.

## **Community and Non-Transient Non-Community Water Systems**

The WSP regulates approximately 1,019 community water systems (including municipal, county, and private systems), and non-transient non-community water systems (such as businesses, schools, and day cares). These systems must test for over 90 regulated contaminants on schedules that vary based on water source, system type and population.

## **Transient Non-Community Water Systems**

In addition, there are approximately 2,385 transient non-community water systems (such as rest areas, gas stations, campgrounds, and restaurants) throughout the State, which are regularly inspected and tested for acute contaminants. Since 1998, the WSP has negotiated delegation agreements with county health departments for enforcement of Safe Drinking Water Act regulations for the transient non-community water systems. Twenty of the twenty-three counties have accepted delegated authority for these systems, and the WSP has direct enforcement of the requirements for the three remaining counties.

## **Drinking Water Laboratory Certification**

This program is mandated by the federal Safe Drinking Water Act. The certification assures the reliability of the compliance samples that are analyzed by State-certified laboratories. Providing high quality data is critical to evaluating public water systems, and is the primary means of evaluating the safety of the drinking water supplies. The laboratories that are certified under this program are also used by the county health departments and other MDE programs to analyze drinking water for private wells, and for investigation of underground storage tanks.

## **Water Appropriation Permits**

The Water Supply Program (WSP) regulates water withdrawals and diversions through a permitting program to conserve and protect the State's water resources. Water uses for most purposes, including public supply, business, institutional, subdivision of land, or agricultural use over 10,000 gallons per day (gpd), require a permit. Groundwater users of 5,000 gpd or less may file for a Notice of Exemption in lieu of obtaining a permit unless the use is by a community water system, or within a designated water management strategy area. Maryland regulates water use under the doctrine of reasonable use. This means that the quantity must be reasonable for its intended purpose, the impacts of the use to the natural resources of the State must not be unreasonable, and the impacts to other users must not be unreasonable.

## **AUTHORITY**

### **Public Drinking Water and Drinking Water Laboratory Certification**

FEDERAL: Safe Drinking Water Act; 40 CFR 141, 142, and 143

STATE: Environment Article, Title 9, Subtitles 2, 4, and 5; COMAR 26.04.01 and COMAR 26.08.05

### **Water Appropriation Permits**

STATE: Environment Article, Title 5, Subtitles 2, 3, 4, and 5; COMAR 26.17.06 and COMAR 26.17.07

## **PROCESS**

### **Community and Non-Transient Non-Community Water Systems**

WSP uses a multiple-barrier approach to ensure that public drinking water systems in Maryland are able to provide a safe and adequate supply of drinking water to their consumers. This approach includes review and approval of potential water sources and construction plans; evaluation of a new system's technical, financial, and managerial capacity; regular inspection of drinking water facilities; close oversight of water quality monitoring; and ensuring licensed operators are employed by water treatment facilities.

Public water systems are required to conduct routine sampling of their water quality. The type and frequency of analysis depend on the type of system, its population, and the vulnerability of its water supply. WSP reviews and evaluates more than 35,000 water quality records each year. Emphasis is placed on preventive measures to avoid serious public health incidents. The vast majority of drinking water violations are corrected immediately, or following the issuance of a Notice of Violation. Systems must notify their consumers when violations of the Safe Drinking Water Act occur.

### **Transient Non-Community Water Systems**

Twenty of the twenty-three counties are delegated responsibilities for transient non-community water systems. These counties conduct routine inspections and ensure that systems are monitored in accordance with State and federal requirements. Transient non-community water systems are required to monitor only for contaminants that have acute health risks, including nitrate, nitrite, and bacteria. In addition to providing funding, the WSP provides guidance and training to the counties, and reports only health-based

violations to EPA for these systems. WSP is in the process of concluding statewide evaluations to determine whether groundwater systems are under the influence of surface water. Groundwater systems under the influence of surface water will be required to meet federally-mandated treatment technique requirements, and to conduct additional bacteria monitoring as well as turbidity monitoring. In addition, the WSP performs audits of the delegated counties every three years in order to determine that regulations are implemented appropriately.

WSP directly oversees implementation of federal and State regulations for 108 transient non-community water systems in Prince George's, Montgomery and Wicomico counties since these three counties declined acceptance of the delegated program and funding assistance. Oversight includes regular inspections of the systems, enforcement of monitoring requirements, and follow-up to occasional water quality problems that arise. WSP reports technical and health-based violations to EPA on a quarterly basis for these systems.

### **Drinking Water Laboratory Certification**

The Water Supply Program regulates approximately 108 in-State and out-of-State laboratories that analyze compliance samples for public drinking water systems. All in-state laboratories are inspected on a triennial basis. In addition, laboratories submit an annual renewal package that includes performance testing results for each approved test method, standard operating procedures, and method detection limit studies. An inspection is required before a laboratory receives certification, or approval for a new test method.

### **Water Appropriation Permits**

The Water Appropriation Permit review process is complex, and requires significant technical evaluation. Applicants are required to submit the results of aquifer tests and hydrogeologic investigations for review by program geologists. In some cases, the WSP may determine that the requested withdrawal could have a major impact on the water resource and/or other users in the vicinity and, as a result, the permit may be denied or modified. Technical assistance is provided to correct reporting errors, and permits are revised as needed.

In 2012, MDE awarded a contract to replace the program's aging water appropriation permitting database. The project is expected to be complete in FY 2014. The new data management system will use a web-based format that will allow applicants to apply for permits and fulfill reporting requirements online. The system is geographically based, and project managers will be able to more easily analyze withdrawal requests and evaluate their impacts in relation to other nearby permits. In addition, the system will have a public portal that will allow any user to access permit information.

In FY 2013, 747 water appropriation permits were issued. At the end of the FY 2013, 10,457 permits were in effect.

## **SUCSESSES/CHALLENGES**

### **Community and Non-transient Non-community Water Systems**

In FY 2013, Maryland continued implementation of the new federal drinking water regulations. These regulations are complex, and, in many cases, result in increased monitoring and capital costs for the regulated communities. To assist them with meeting the compliance requirements of the newly adopted rules, WSP provided training and on-site technical assistance to impacted water systems throughout the State. However, it is typical that even with the additional assistance from the WSP, the impacted systems have difficulties with the implementation of new regulations in the first years after the rules become effective resulting in an increase in the number of technical violations. This fiscal year our data highlights improved compliance on existing regulations as new rules are phased-in for community and non-transient non-community water systems.

In FY 2013, the Department awarded a contract to replace the current program database that was developed in the early 1990s with the EPA SDWIS-State database. The new system will be modified to incorporate activities that are available in the program's existing system, and will be web-based to improve access by the public. The new system is scheduled to be completed in 2014.

### **Water Appropriation Permits**

The Department awarded a contract to build a new database management system that will replace the existing legacy system. The current database is not capable of maintaining data related to enforcement actions. The new system is scheduled to be functional in 2014.

The Water Supply Program is in the process of revising its regulations to incorporate statutory changes that provide the Department with the authority to allocate additional water to public water systems that serve municipal corporations or priority funding areas in Frederick, Carroll, and Washington Counties that were established prior to January 1, 2000. The revised regulations will be proposed in 2014.

During FY2013, the WSP continued to provide additional enforcement focus on the special conditions in Water Appropriation and Use permits. Notices of violation were sent to systems with outstanding reporting requirements, expired permits, and those who used water in excess of their permitted allocation.

### **Laboratory Certification**

The Environmental Protection Agency (EPA) requires that all certification officers are trained and certified by EPA. The training is offered annually in Cincinnati, Ohio, and attendance requires approval from EPA. WSP has two certification officers that are fully trained, and has a plan to train existing staff to assist intermittently, as necessary. In FY 2013, the Laboratory Certification Program was able to complete all triennial inspections for the year. Maryland has the highest ratio of laboratories per certification officer in the region. The Program utilized a third-party contract to complete the triennial inspections in FY 2013.

**Public Water System Enforcement**

447 notices of violation were issued to 205 community and non-transient non-community water systems. 63 of these water systems had violations that were based on drinking water health standards. The remaining violations were technical violations.

In FY2013, the WSP enforcement section issued 54 formal notices of violation, and \$4,836 was collected from water systems with significant violations.



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# Water Supply Program

## Community and Non-Transient Non-Community Water Systems

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	0		
Number of permits/licenses in effect at fiscal year end	0		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of community and non-transient non-community water systems *	1,019		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	741		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	278		
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	1,019		
Number of inspections, spot checks (captures number of compliance activities at sites)	741		
Number of audits (captures number of reviews of file/submittals for compliance)	26,834		
Number of inspections, audits, spot checks (sum of the two measures above)	27,575		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations **	0		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe) ***	73%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	2		
Total number of significant violations (sum of the three measures above)	2		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	2		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered ****	1,019		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	447	0	447
Notices given to public by water systems under Section 9-410	147		
Number of referrals to Attorney General for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$5,336		

\* This number includes 471 community water systems and 548 non-transient non-community water systems.

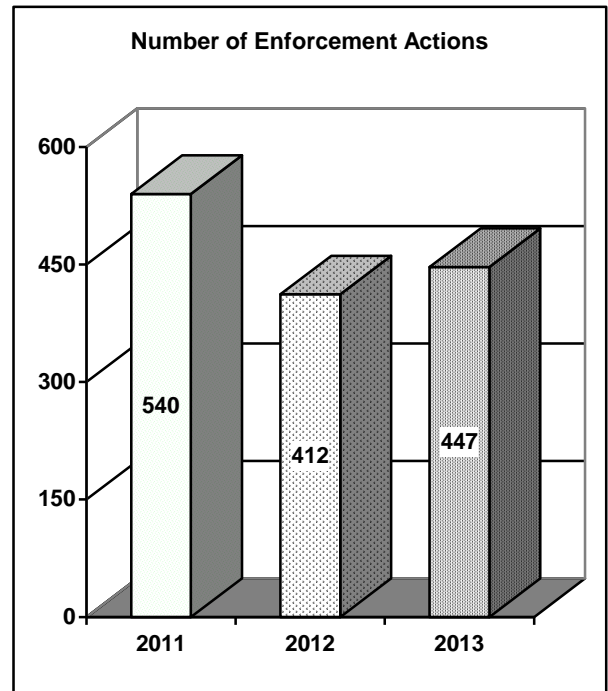
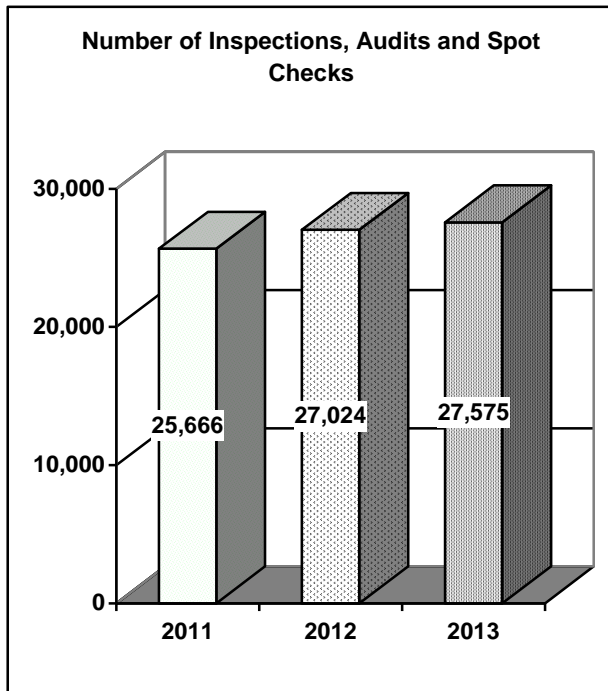
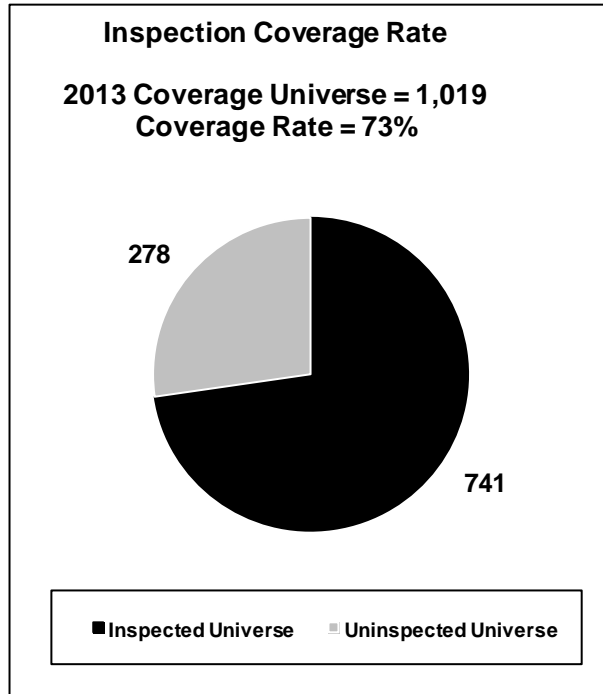
\*\* Number of sites in significant violation includes sites with violations carried over. MDE adopted a new policy for significant violations that was implemented in FY 2009.

\*\*\* Coverage rate is computed by dividing the number of inspected systems by the total number of community and non-transient non-community water systems.

\*\*\*\* This number includes actions to inform public water systems of monitoring requirements under the Safe Drinking Water Act.

# Water Supply Program

## Community and Non-transient Non-Community Water Systems



# Water Supply Program

## Transient Non-Community Water Systems

Performance Measure				TOTAL
<b>PERMITTED SITES/FACILITIES</b>				
Number of permits/licenses issued				N/A
Number of permits/licenses in effect at fiscal year end				N/A
<b>OTHER REGULATED SITES/FACILITIES</b>				
Number of transient non-community water systems				2,385
<b>INSPECTIONS</b>				
Number of sites inspected ("inspected" defined as at the site)				343
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)				1,879
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)				2,222
Number of inspections, spot checks (captures number of compliance activities at sites)				343
Number of audits (captures number of reviews of file/submittals for compliance)				12,762
Number of inspections, audits, spot checks (sum of the two measures above)				13,105
<b>COMPLIANCE PROFILE</b>				
Number of inspected sites/facilities with significant violations				0
Percentage of inspected sites/facilities with significant violations				0%
Inspection coverage rate (number of sites inspected/coverage universe) *				14%
<b>SIGNIFICANT VIOLATIONS</b>				
Number of significant violations involving environmental or health impact				0
Number of significant violations based on technical/preventative deficiencies				0
Number of significant violations carried over awaiting disposition from previous fiscal year				2
Total number of significant violations (sum of the three measures above)				2
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>				
Resolved				0
Ongoing				2
<b>ENFORCEMENT ACTIONS</b>				
Number of compliance assistance rendered				0
	Administrative	Civil/Judicial	Total	
Number of show cause, remedial, corrective actions issued	0	0	0	
Number of stop work orders	0	0	0	
Number of injunctions obtained	0	0	0	
Number of penalty and other enforcement actions	281	0	281	
Notices given to public by water systems under Section 9-410 **				140
Number of referrals to Attorney General for possible criminal action				0
<b>PENALTIES</b>				
Amount of administrative or civil penalties obtained (\$ collected in FY)				\$0

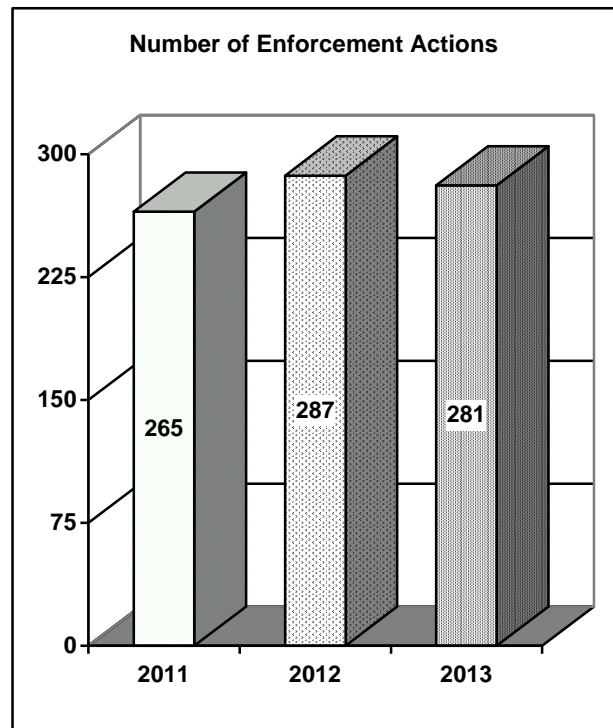
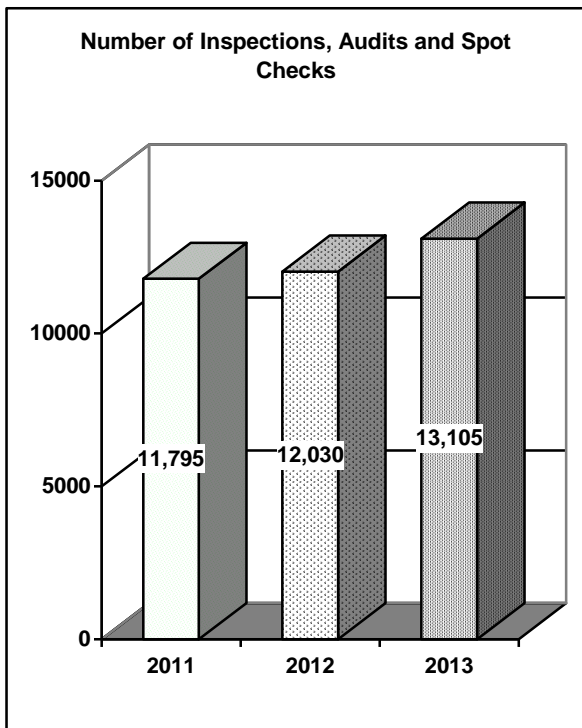
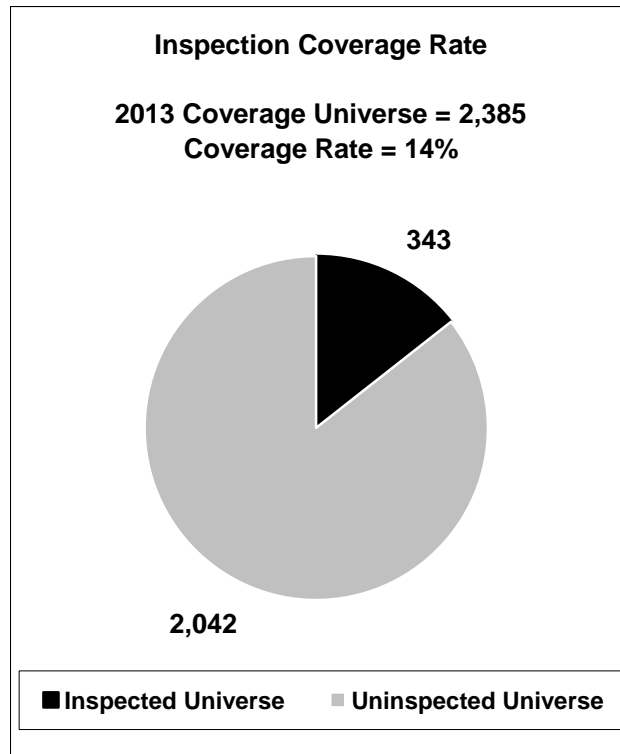
\* Coverage rate is computed by dividing the number of inspected systems by the total number of transient non-community water systems.

\*\* This number includes actions to inform public water systems of monitoring requirements under the Safe Drinking Water Act.

Note: MDE adopted a new policy for significant violations that was implemented in FY 2009.

# Water Supply Program

## Transient Non-Community Water Systems



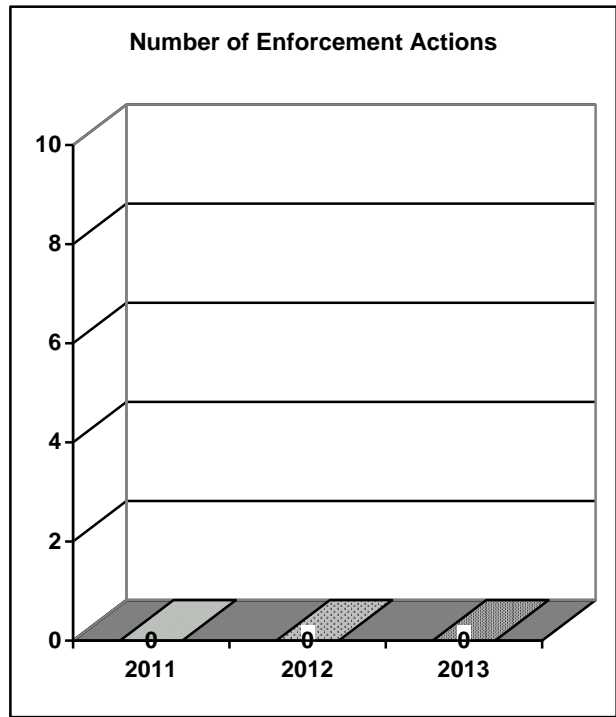
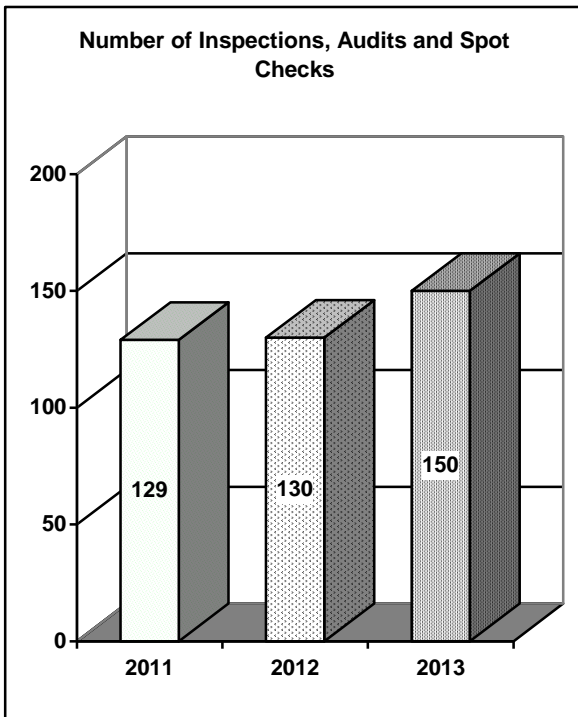
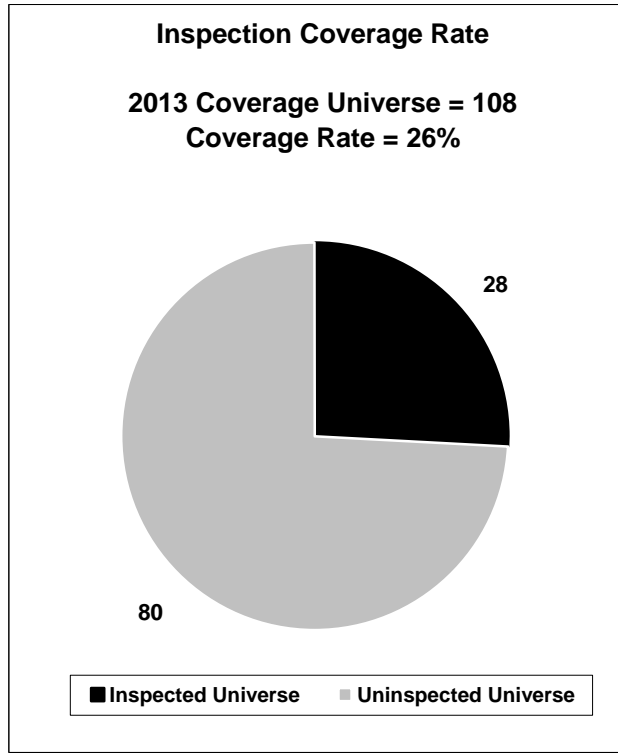
## Water Supply Program Drinking Water Laboratory Certification

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	117		
Number of permits/licenses in effect at fiscal year end	108		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of state-certified drinking water laboratories	108		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	28		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	80		
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	108		
Number of inspections, spot checks (captures number of compliance activities at sites)	31		
Number of audits (captures number of reviews of file/submittals for compliance)	119		
Number of inspections, audits, spot checks (sum of the two measures above)	150		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe)*	26%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Notices given to public by water systems under Section 9-410	N/A		
Number of referrals to Attorney General for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

\* Coverage rate is computed by dividing the number of inspected systems by the total number of water quality laboratories.

# Water Supply Program

## Drinking Water Laboratory Certification



# Water Supply Program

## Water Appropriation Permits

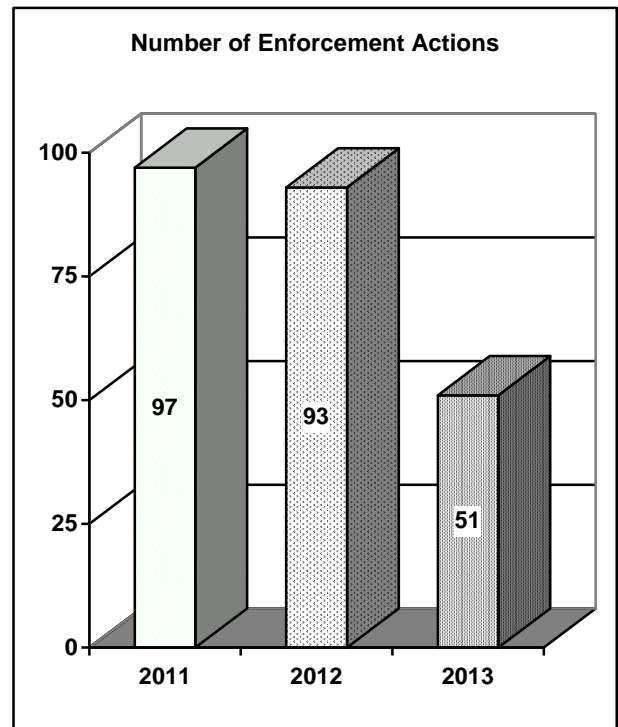
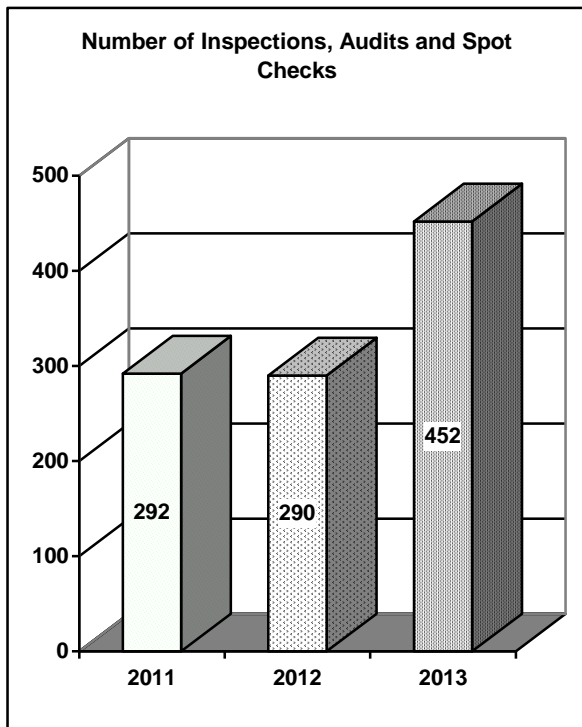
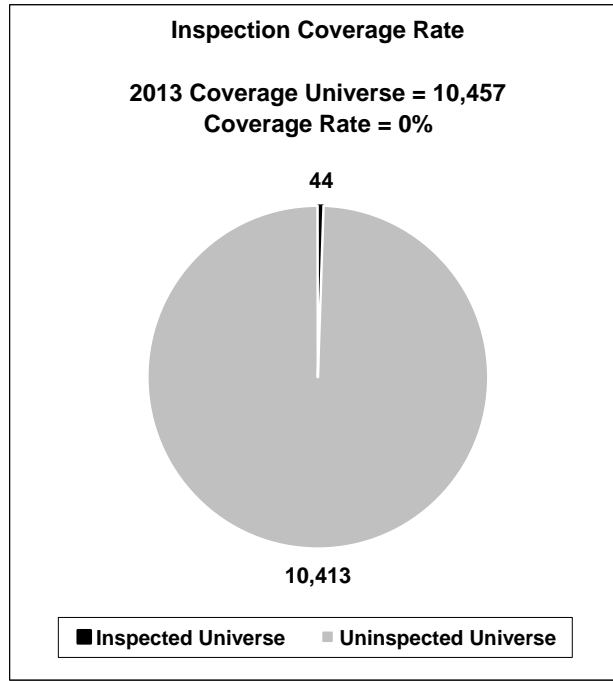
Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	747		
Number of permits/licenses in effect at fiscal year end	10,457		
<b>OTHER REGULATED SITES/FACILITIES</b>			
	N/A		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	43		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	408		
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	451		
Number of inspections, spot checks (captures number of compliance activities at sites)	44		
Number of audits (captures number of reviews of file/submittals for compliance)	408		
Number of inspections, audits, spot checks (sum of the two measures above)	452		
<b>COMPLIANCE PROFILE*</b>			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe)	0.04%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	4,417		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	50	1	51
Notices given to public by water systems under Section 9-410	N/A		
Number of referrals to Attorney General for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

\* This activity does not include inspections. Annual or semiannual reports are required for certain water appropriation permits.



# Water Supply Program

## Water Appropriation Permits



# Waterway Construction – Dam Safety

## PURPOSE

The purpose of the Dam Safety Division is to ensure that dams and other impoundment structures are designed, constructed, operated, and maintained safely, in order to protect public safety. The Dam Safety Division issues waterway construction permits for new dams and ponds, as well as for modifications to existing water impoundments. In addition, the Dam Safety Division conducts safety inspections of existing dams, conducts construction inspections, and provides technical assistance to dam owners and local Soil Conservation Districts (SCDs).

Many dams in Maryland were constructed decades ago and are now showing signs of deterioration. In order to provide safe service, dams require frequent safety inspections, monitoring, maintenance, and rehabilitation. In addition to larger dams, thousands of smaller dams (typically under 20 feet high) were constructed decades ago with corrugated metal pipe spillways. Often constructed on farms that have since been developed into residential communities, many of these dams are now in poor condition and threaten the safety of residents who live in newer homes constructed downstream of them.

The Dam Safety Division, through its dam inspection, dam owner assistance, permitting, and enforcement activities, seeks to prevent dam failures and the resultant loss of life, property damage, and environmental impacts. In addition to possible loss of life and significant property damage, significant erosion of stream channels and sediment deposition occur downstream of a failed embankment structure. In addition, dam failures can cause significant damage to wetlands and habitat, both aquatic and terrestrial, through the destructive force of the depth and velocity of the flood wave.

## AUTHORITY

STATE: Environment Article, Title 5, Subtitle 5; COMAR 26.17.04

## PROCESS

Upon issuance of a permit, copies of the approved plans and a copy of the Permit are forwarded to the Compliance Program. Dam Safety Division engineers conduct quality assurance inspections. The Compliance Program may inspect the site to determine whether construction has begun, perform sediment control inspections at the request of the Dam Safety Division, or respond to citizens' complaints.

Dams are classified into three categories according to the consequences of a potential failure:

- High Hazard: loss of life and significant property damage
- Significant Hazard: property/infrastructure damage
- Low Hazard: damage to floodplain and the dam itself

The inspection frequency is based on national guidelines and is responsive to the potential failure consequences as follows:

<b>Hazard Class</b>	<b>Number in Category</b>	<b>Inspection Frequency</b>	<b>Sites Targeted/Year</b>
High	82	Annually	82
Significant	106	Every 3 years	36
Low	236	Every 6 years	39
<b>Total</b>	<b>424</b>	--	<b>157</b>

In addition, the Division inspects sites with permits to construct new dams, reinspects existing dams when problems are found during the initial inspection, and inspects SCD ponds and Natural Resources Conservation Service dams.

Based upon the inspection findings, the Dam Safety Division may initiate enforcement actions, varying from a letter advising the owner to correct routine deficiencies up to issuing an order requiring immediate repairs to be performed or removing the structure due to an unsafe condition. MDE does not have the statutory authority to collect administrative or civil penalties for this program. However, MDE has statutory authority to collect criminal penalties.

**SUCCESSSES/CHALLENGES**

Maryland’s inventory of dams contains a total of 482 structures. 58 dams have been breached, leaving a total of 424 that are operational. Of these, 82 dams are considered “high hazard,” 106 are “significant hazard,” and 236 are “low hazard.” The Dam Safety Division performed 280 inspections in FY2013. A total of 56 “high hazard” dams out of 82 have been inspected with the remaining structures scheduled for inspection by the end of calendar year 2013.

As shown below, 602 permits were in effect as of the end of FY 2013. This number reflects the number of inventoried dams (424) plus the number of small pond permits issued for structures that are not large enough to be part of the Dam Safety Division’s inventory.

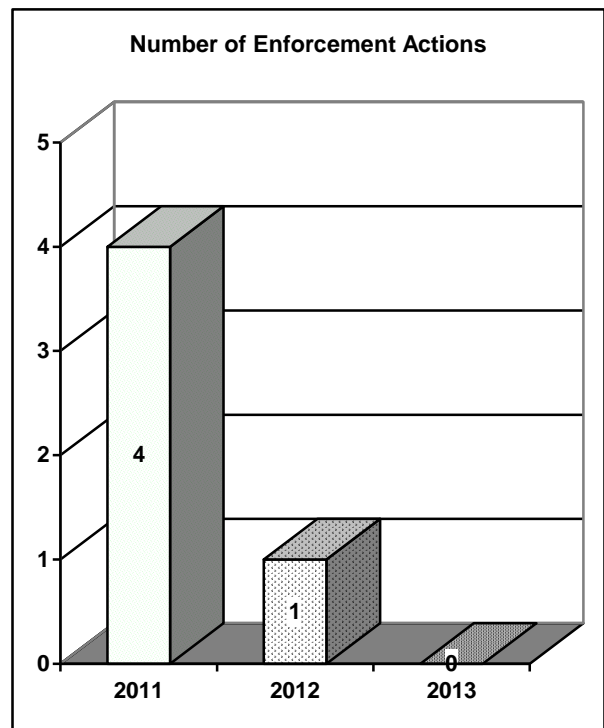
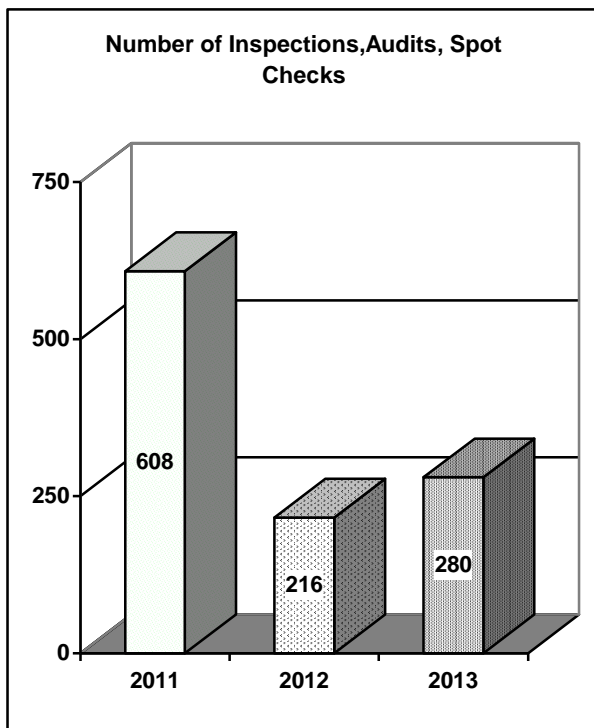
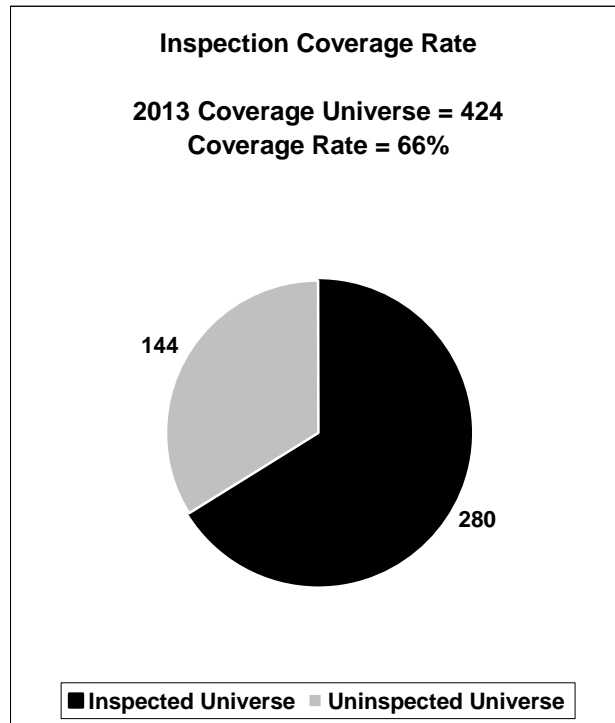
The total number of dams required to be inspected by the Dam Safety Division plus the small pond permits that have been issued over the last several years have made it very difficult for MDE to keep up with routine evaluations of dams that are on Maryland’s inventory. The Division receives many weekly requests for technical expertise regarding small embankment facilities that are not its direct responsibility. This has taxed current staff. The Division is engaging the soil conservation districts and local county stormwater management officials in helping with this extra workload. In some areas of the State, this has helped significantly. The Division will continue these efforts in the future.

## Waterway Construction – Dam Safety

Performance Measure		TOTAL	
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued		14	
Number of permits/licenses in effect at fiscal year end		602	
<b>OTHER REGULATED SITES/FACILITIES</b>			
Dams in operation		424	
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)		280	
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)		0	
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)		280	
Number of inspections, spot checks (captures number of compliance activities at sites)		280	
Number of audits (captures number of reviews of file/submittals for compliance)		0	
Number of inspections, audits, spot checks (sum of the two measures above)		280	
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations		11	
Percentage of inspected sites/facilities with significant violations		4%	
Inspection coverage rate (number of sites inspected/coverage universe)*		65%	
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact		0	
Number of significant violations based on technical/preventative deficiencies		11	
Number of significant violations carried over awaiting disposition from previous fiscal year		16	
Total number of significant violations (sum of the three measures above)		27	
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved		5	
Ongoing		22	
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered		280	
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$0

\* Coverage rate above is computed as the total number of sites inspected and dividing that by the dams in operation. See narrative for more detail about the Dam Safety Division’s approach to inspection frequency.

# Waterway Construction – Dam Safety



# **Wetlands and Waterways Non-Tidal and Floodplain**

## **PURPOSE**

The goal of the Non-Tidal Wetlands Protection Act is to attain no net loss in non-tidal wetland acreage and to strive for a net resource gain in non-tidal wetlands over present conditions. One of the mechanisms established by the Act to accomplish this goal is a comprehensive regulatory program that targets all activities that have a potential to adversely impact non-tidal wetlands. These activities include the following:

- Removal, excavation, or dredging of soil or materials of any kind;
- Changing existing drainage or flood retention characteristics;
- Disturbance of the water level or water table by drainage, impoundment, or other means;
- Filling, dumping, discharging of material, driving piles, or placing obstructions;
- Grading or removal of material that would alter existing topography; and
- Destruction or removal of plant life.

Through its permit application review process, MDE first prevents wetland loss by requiring the applicant to evaluate project designs that will avoid wetland impacts. Based on this evaluation of alternatives, if MDE finds that impacts are unavoidable, the applicant is required to utilize the project design that will minimize the wetland impacts and provide appropriate mitigation for those impacts.

Mitigation, required for all unavoidable impacts that are authorized by MDE, means that the applicant must replace lost wetland acreage, function and value. This is usually accomplished by requiring the creation of new wetlands, restoration of relic wetlands, enhancement of degraded wetlands or some acceptable combination. MDE may also accept monetary compensation if it is determined that mitigation for non-tidal wetland losses is not a feasible alternative. For example, monetary compensation may be accepted if the size of the non-tidal wetland loss is less than one acre and a suitable mitigation site cannot be identified within the impacted watershed. The payment is deposited into the State's Non-Tidal Wetlands Compensation Fund and used by the State to construct non-tidal wetlands throughout Maryland.

In addition, MDE is also responsible for addressing potential impacts to the State's non-tidal waterways. Authorization is required to conduct any activity that changes the course, current or cross-section of a non-tidal stream or body of water, including the 100-year floodplain. Waterway construction activities are evaluated to ensure that they do not create flooding on upstream or downstream properties. Such activities are additionally evaluated to ensure protection of aquatic resources, including the maintenance of fish habitat and migration, from degradation.

**AUTHORITY**

STATE: Environment Article, Title 5, Subtitles 5 and 9; COMAR 26.17 and 26.23

**PROCESS**

Upon issuance of a permit, license, or authorization, the file is transferred to the Compliance Program where an inspection priority is assigned. The inspectors then schedule routine inspections of the facilities adhering to the assigned priority as workload allows. Facilities are not given advance notification of routine inspections. At any time during the process, the inspection frequency can be adjusted as site conditions or workload demand. Inspections are performed to verify that the projects are in accordance with the authorization. Because a site may involve non-tidal wetland and/or 100-year floodplain impacts, inspections evaluate whether all the resultant construction impacts are in accordance with the permits. This may involve identifying or verifying a non-tidal wetland boundary and documenting findings in the inspection report. At sites where there may be 100-year floodplain impacts, it may be necessary to determine the floodplain boundary before project compliance can be determined.

MDE does not have the statutory authority to collect administrative penalties for this program.

**SUCCESSSES/CHALLENGES**

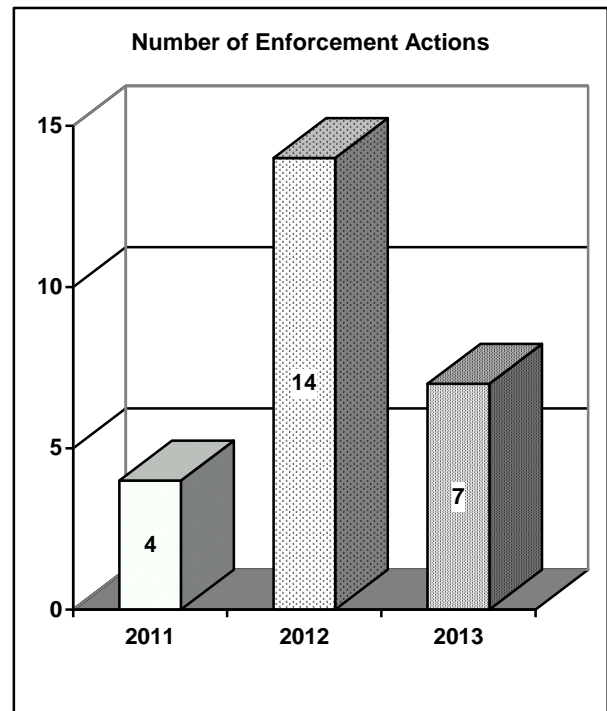
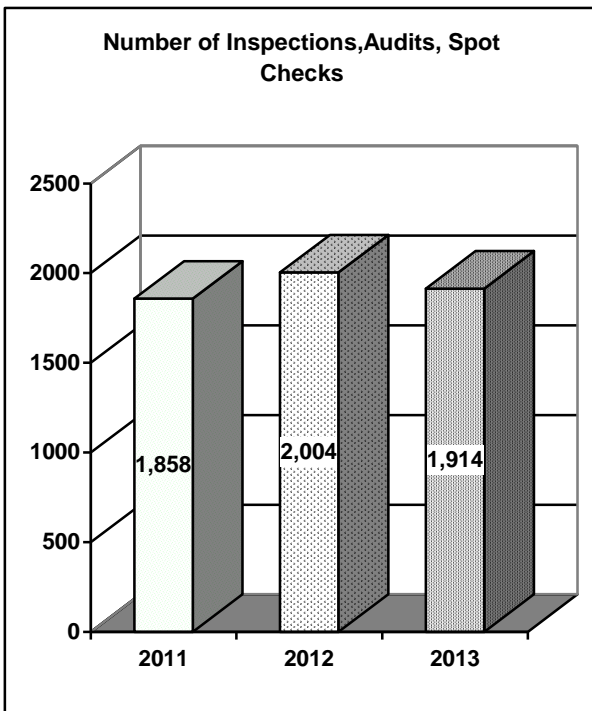
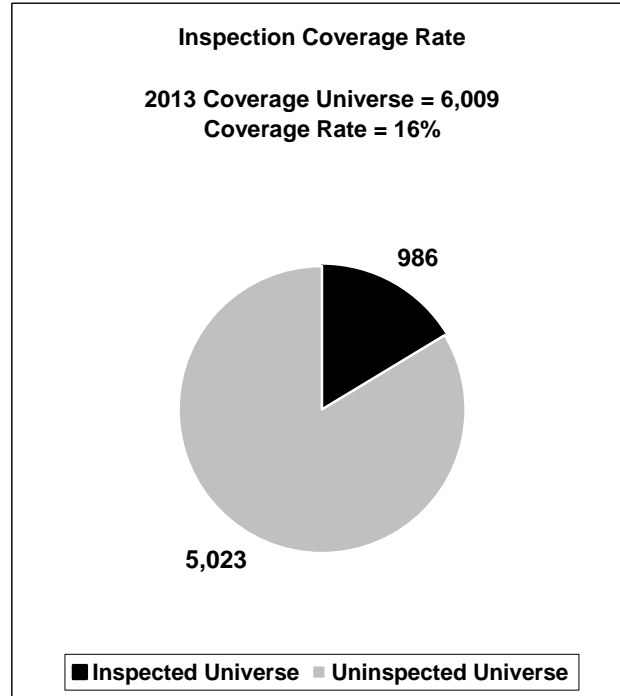
WMA continues to inspect and take enforcement actions to address violations impacting non-tidal wetlands and waterways. WMA is currently pursuing a large number of enforcement cases involving nontidal wetlands through referrals to the Attorney General's Office, many as a result of investigation of citizen complaints. A challenge is the limited number of WMA inspectors, enforcement staff, and attorneys to handle legal actions.

## Wetlands and Waterways – Non-Tidal and Floodplain

Performance Measure	TOTAL																								
<b>PERMITTED SITES/FACILITIES</b>																									
Number of permits/licenses issued	850																								
Number of permits/licenses in effect at fiscal year end	6,009																								
<b>INSPECTIONS</b>																									
Number of sites inspected (“inspected” defined as at the site)	986																								
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0																								
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	986																								
Number of inspections, spot checks (captures number of compliance activities at sites)	1,914																								
Number of audits (captures number of reviews of file/submittals for compliance)	0																								
Number of inspections, audits, spot checks (sum of the two measures above)	1,914																								
<b>COMPLIANCE PROFILE</b>																									
Number of inspected sites/facilities with significant violations	15																								
Percentage of inspected sites/facilities with significant violations	1%																								
Inspection coverage rate (number of sites inspected/coverage universe)	16%																								
<b>SIGNIFICANT VIOLATIONS</b>																									
Number of significant violations involving environmental or health impact	15																								
Number of significant violations based on technical/preventative deficiencies	0																								
Number of significant violations carried over awaiting disposition from previous fiscal year	91																								
Total number of significant violations (sum of the three measures above)	106																								
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>																									
Resolved	7																								
Ongoing	99																								
<b>ENFORCEMENT ACTIONS</b>																									
Number of compliance assistance rendered	1																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Administrative</th> <th style="width: 25%;">Civil/Judicial</th> <th style="width: 10%;">Total</th> </tr> </thead> <tbody> <tr> <td>Number of show cause, remedial, corrective actions issued</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Number of stop work orders</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of injunctions obtained</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Number of penalty and other enforcement actions</td> <td style="text-align: center;">6</td> <td style="text-align: center;">0</td> <td style="text-align: center;">6</td> </tr> <tr> <td>Number of referrals to Attorney General for possible criminal action</td> <td colspan="2"></td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Administrative	Civil/Judicial	Total	Number of show cause, remedial, corrective actions issued	1	0	1	Number of stop work orders	0	0	0	Number of injunctions obtained	0	0	0	Number of penalty and other enforcement actions	6	0	6	Number of referrals to Attorney General for possible criminal action			0
	Administrative	Civil/Judicial	Total																						
Number of show cause, remedial, corrective actions issued	1	0	1																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	6	0	6																						
Number of referrals to Attorney General for possible criminal action			0																						
Number of show cause, remedial, corrective actions issued	1	0	1																						
Number of stop work orders	0	0	0																						
Number of injunctions obtained	0	0	0																						
Number of penalty and other enforcement actions	6	0	6																						
Number of referrals to Attorney General for possible criminal action			0																						
<b>PENALTIES</b>																									
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$36,527																								



# Wetlands and Waterways – Non-Tidal and Floodplain



# Wetlands - Tidal

## PURPOSE

Tidal wetlands are open water and vegetated estuarine systems affected by the rise and fall of the tide. In 1970, the Maryland General Assembly recognized that many tidal wetlands had been lost or despoiled throughout the State by unregulated activities such as dredging, dumping and filling, and that remaining tidal wetlands were in jeopardy. The Wetlands and Riparian Rights Act established a comprehensive plan to restrict and regulate activities conducted in tidal wetlands in order to preserve and protect them.

Prior to enactment of the Wetlands and Riparian Rights Act, over 1,000 acres of wetlands were being destroyed throughout tidewater Maryland every year. Today, through its regulatory program, MDE strives for a net resource gain over present conditions. Tidal wetlands are managed to provide reasonable use while furnishing essential resource protection. Licenses are issued for activities conducted in State wetlands by the Maryland Board of Public Works, based on recommendations from MDE. Permits are issued directly by MDE for activities conducted in private wetlands. A license or permit must be obtained before a person dredges, fills or otherwise alters a tidal wetland.

The following projects require authorization from MDE if conducted in tidal wetlands: dredging or filling; shoreline protection projects, including marsh creation, stone revetments and bulkheads; piers; boat ramps; jetties, groins and breakwaters; cable crossings; storm drain systems; and similar structures. The regulatory process for tidal wetlands is similar to that described for non-tidal wetlands and waterways. Applications are evaluated to insure that appropriate steps are taken to first avoid, and then minimize impacts to tidal wetlands. Mitigation is required for unavoidable impacts, with the amount of mitigation based on resources impacted; type of mitigation proposed; and location of mitigation. In-kind and on-site mitigation is preferred and required wherever appropriate site conditions exist.

## AUTHORITY

STATE: Environmental Article Title 16; Subtitle 2; COMAR 26.24

## PROCESS

Upon issuance of a license/permit/authorization, the file is transferred to the Compliance Program where an inspection priority is assigned. The inspectors then schedule routine inspections of the facilities adhering to the assigned priority as workload allows. Facilities are not given advance notification of routine inspections. At any time during the process, the inspection frequency can be adjusted as site conditions or workload demand. Inspections typically verify that the work being performed is in accordance with the work authorized and that all license or permit conditions are in compliance.

MDE does not have the statutory authority to collect administrative penalties for this program.

## **SUCSESSES/CHALLENGES**

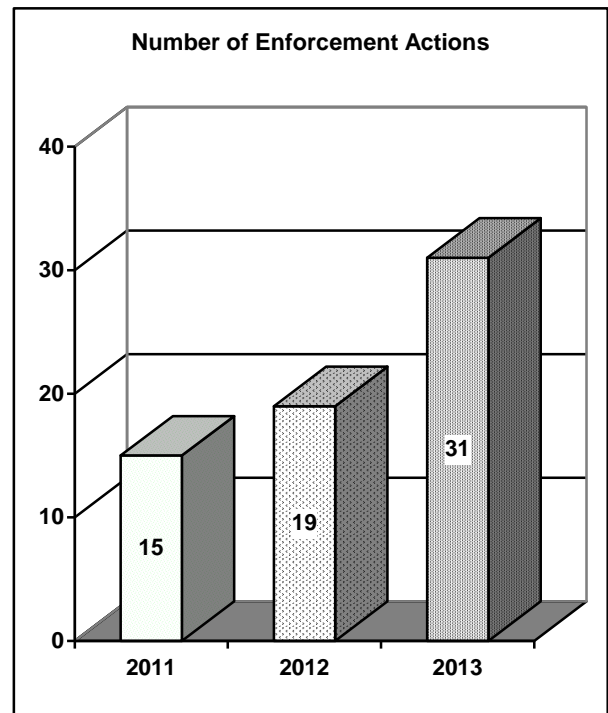
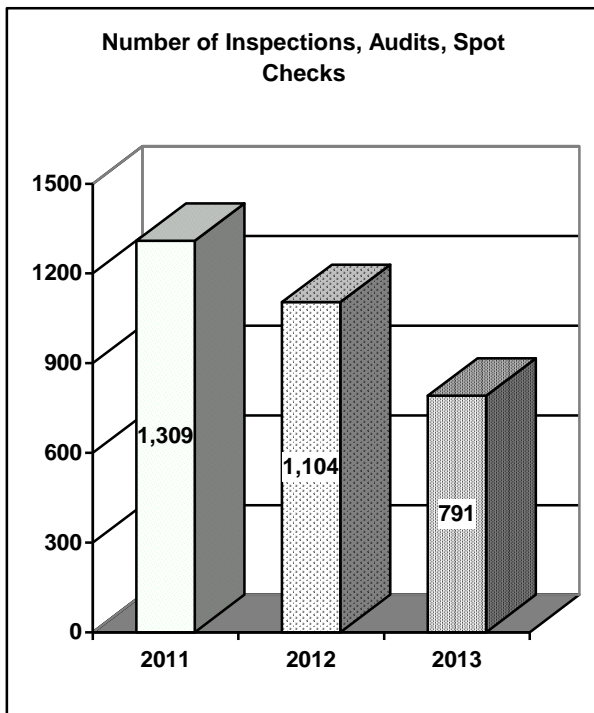
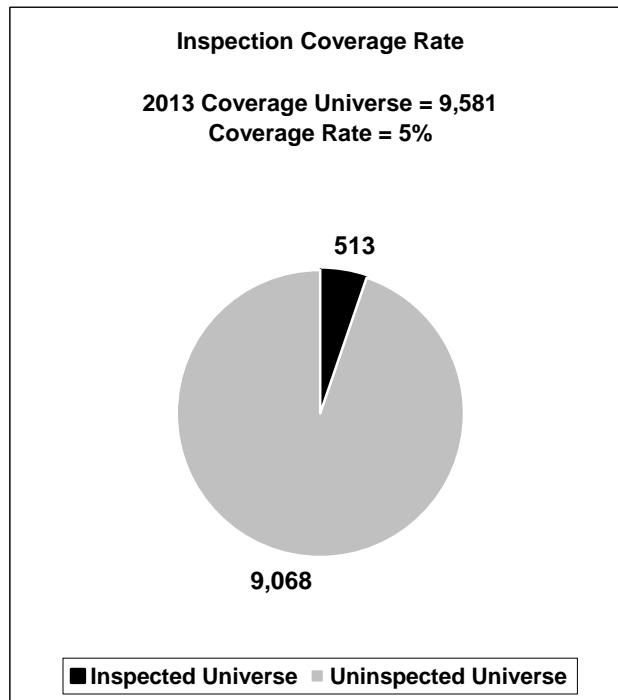
WMA actively worked in close cooperation with the Attorney General's Office to resolve numerous cases involving unauthorized impacts to tidal wetlands. Many of the cases are developed as the result of citizen complaints about pier extensions, adding boat lifts or boat houses, or building or extending bulkheads.

WMA is responding to a large number of citizen complaints in certain areas of the State to identify the majority of tidal wetlands violations through on-site inspections. Development of improved access to regular aerial photography of tidal coastlines with sufficient staff to review the information to identify work underway that has not been approved by MDE could help identify many other sites in violation. The on-site investigation and enforcement process is impacted by the limited number of inspectors, enforcement staff, and attorneys available to devote to tidal wetlands actions, and many cases will require significant time from identification to conclusion if a court action is needed.

## Wetlands – Tidal

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	1,028		
Number of permits/licenses in effect at fiscal year end	9,581		
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)	513		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	513		
Number of inspections, spot checks (captures number of compliance activities at sites)	791		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above)	791		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	28		
Percentage of inspected sites/facilities with significant violations	5%		
Inspection coverage rate (number of sites inspected/coverage universe)	5%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	27		
Number of significant violations based on technical/preventative deficiencies	1		
Number of significant violations carried over awaiting disposition from previous fiscal year	147		
Total number of significant violations (sum of the three measures above)	175		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	31		
Ongoing	144		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	3	1	4
Number of stop work orders	0	0	0
Number of injunctions obtained	0	1	1
Number of penalty and other enforcement actions	26	0	26
Number of referrals to Attorney General for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$70,460		

# Wetlands – Tidal



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**OFFICE OF BUDGET AND  
INFRASTRUCTURE FINANCING**

# Water Supply and Sewerage Construction

## PURPOSE

Adequate water and sewer infrastructure is essential to public health and water quality protection. Water and sewerage construction permits help ensure that projects for water and sewerage are designed and constructed in accordance with sound engineering principles and comply with the State design guidelines to protect water quality and public health. These permits are required before installing, extending or modifying community water supply and/or sewerage systems including treatment plants, pumping stations and major water mains and sanitary sewers greater than 15 inches in diameter. These permits also help to ensure compliance with local comprehensive land use and water and sewerage plans and are supportive of community revitalization and land redevelopment.

## AUTHORITY

STATE: Environment Article, Title 9, Subtitle 2, COMAR 26.03.12

## PROCESS

Pre-approval: The applicant must show that the proposed water or sewerage facility is included in the current county water and sewerage plans, has a valid NPDES discharge permit (if applicable), and will be operated either publicly or privately under a financial management plan.

Post-approval: The project must be constructed in accordance with the approved plans and specifications. Staff engineers perform inspections to verify the facility is constructed to the approved design and/or the permittee submits "as built" plans or certification that the project was built in accordance with original plans as approved by MDE. Other approvals associated with the construction (i.e. sediment control, wetlands, etc.) are inspected under those media and by those inspectors. This program does not have authority to pursue traditional enforcement actions. For projects where MDE is providing funding, construction violations would necessitate the return of state funds by the local jurisdiction. If a construction violation were to go unnoticed, the eventual result would be the failure of the facility to meet its discharge permit requirements or other performance requirements. At that time, traditional enforcement tools available under the discharge permit program would be utilized.

There is no correlation between the number of permits issued and the number of sites inspected because inspections are performed only at active construction sites for projects being financed by MDE. Once construction has begun, these funded projects are inspected on a routine basis through completion.

## SUCCESSSES/CHALLENGES

MDE monitors all projects for which State financial assistance is being provided. Accordingly, the annual number of inspections will vary as the number of financed projects initiate and complete construction. The program is on target with its goals.



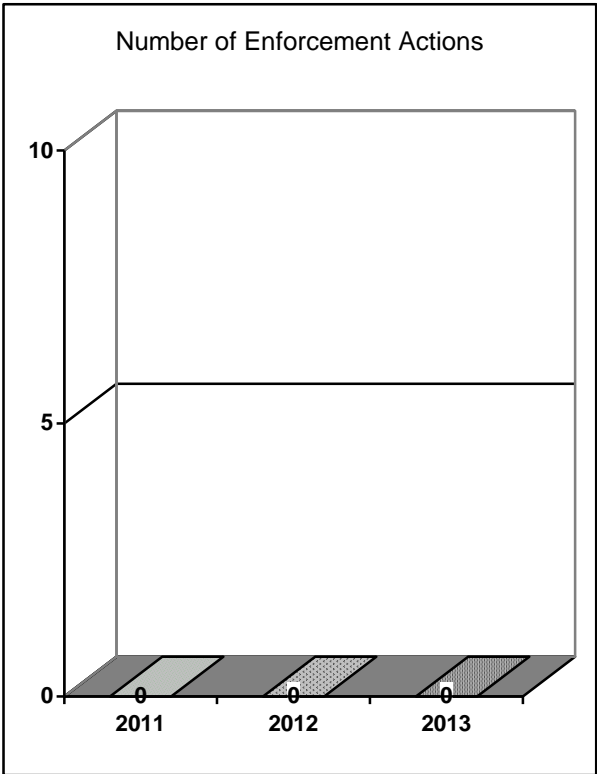
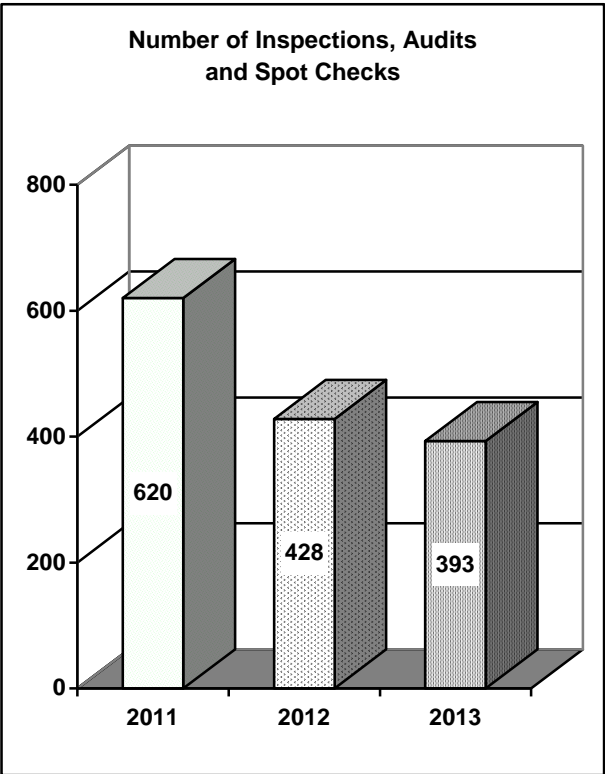
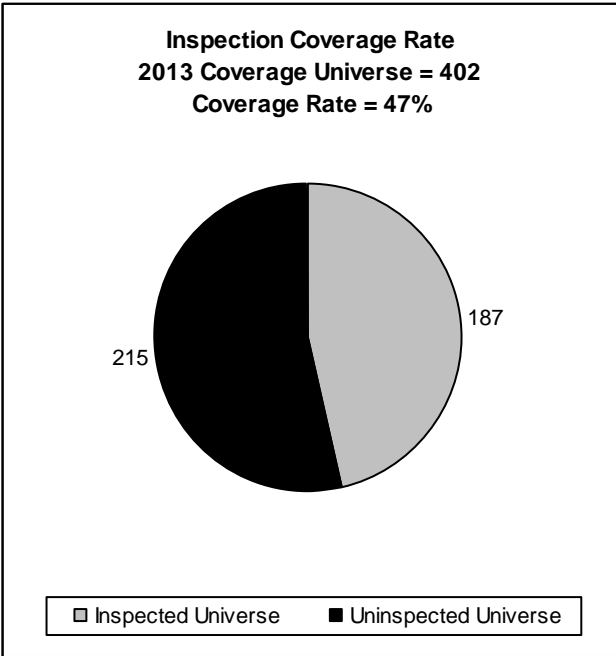
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# Water Supply and Sewerage Construction

Performance Measure	TOTAL
<b>PERMITTED SITES/FACILITIES</b>	
Number of permits/licenses issued	124
Number of permits/licenses in effect at fiscal year end	402
<b>INSPECTIONS</b>	
Number of sites inspected ("inspected" defined as at the site)	187
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0
Number of sites evaluated for compliance (sum of the two measures above, same as #11 on the prior charts)	187
Number of inspections, spot checks (captures number of compliance activities at sites)	393
Number of audits (captures number of reviews of file/submittals for compliance)	0
Number of inspections, audits, spot checks (sum of the two measures above)	393
<b>COMPLIANCE PROFILE</b>	
Number of inspected sites/facilities with significant violations	0
% of inspected sites/facilities with significant violations	0%
Inspection coverage rate (number of sites inspected/coverage universe)	47%
<b>SIGNIFICANT VIOLATIONS</b>	
Number of significant violations involving environmental or health impact	0
Number of significant violations based on technical/preventative deficiencies	0
Number of significant violations carried over awaiting disposition from previous fiscal year	0
Total number of significant violations (sum of the three measures above)	0
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>	
Resolved	0
Ongoing	0
<b>ENFORCEMENT ACTIONS*</b>	
Number of compliance assistance rendered	0
	Administrative      Civil/Judicial      Total
Number of show cause, remedial, corrective actions issued	0                      0                      0
Number of stop work orders	0                      0                      0
Number of injunctions obtained	0                      0                      0
Number of penalty and other enforcement actions	0                      0                      0
Number of referrals to Attorney General for possible criminal action	0
<b>PENALTIES</b>	
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0

\* Program does not have direct legal authority to pursue traditional enforcement actions for violations. It may require the return of State funding if significant problems arise. MDE may indirectly use its general water pollution authority if a constructed facility violates the law.

# Water Supply and Sewerage Construction



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**OFFICE OF THE ATTORNEY GENERAL  
ENVIRONMENTAL CRIMES UNIT**

# **Environmental Crimes Unit Executive Summary**

The Environmental Crimes Unit (ECU) of the Criminal Division of the Maryland Attorney General's Office investigates and prosecutes environmental crimes in Maryland. During FY 2013, ECU handled 173 inquiries, referrals, and requests. Of that total, ECU opened 56 in-depth criminal investigations. ECU filed charges in 39 of the cases opened. Of the 56 cases, 21 were the result of referrals from MDE administrators. Thirty-nine prosecutions were completed in the state courts during the fiscal year, resulting in ordered jail terms totaling eight years, probation terms totaling 57 years and imposed fines totaling \$287,809. Courts additionally ordered community work service and other penalties. Generally, when a situation is investigated and reviewed without opening a full-scale criminal investigation, it is either readily resolved, sent to a more appropriate agency for handling, or lacking sufficient information to justify a full-scale investigation.

## **Environmental Crimes Unit**

### **PURPOSE**

The Attorney General's Environmental Crimes Unit (ECU) investigates and prosecutes environmental crimes in Maryland. ECU is a criminal investigation and prosecution unit under the direction of the Criminal Division of the Attorney General's Office. ECU utilizes the prosecutorial authority of the Attorney General and also, in part, when available, the investigative skills and law enforcement authority of the Maryland State Police, Natural Resources Police and local police departments to investigate environmental violations. When appropriate, ECU files criminal charges against both corporate and individual offenders. Criminal enforcement is an effective and necessary tool in the compliance effort because it ensures that the offenders are subjected to criminal sanctions. This is important to protect public health and ensure a level playing field for those that do comply with Maryland's environmental laws. Criminal investigations will be pursued based on an assessment by the attorneys. Criminal charges are pursued when repeated unsuccessful civil actions have been attempted, or when the offenses are particularly significant or involve immediate danger to the environment, as well as under other circumstances. Criminal enforcement is used whenever the prospect of imprisonment and/or being stigmatized by a criminal conviction is deemed a necessary tool to protect health and the quality of Maryland's air, land and water resources.

ECU has jurisdiction throughout the State. ECU's statewide multi-media responsibilities are currently carried out with a smaller staff than in the past, numbering six at the end of the fiscal year. Staff currently includes two investigators and three prosecutors, all of whom are directly involved in the criminal investigation and enforcement work of the unit throughout the State. Additionally, various outside police agencies which have historically had officers assigned to this division have taken all officers out of the unit completely because of their

own budgetary constraints. It is only through complete and full investigation that criminal cases can be properly assessed and charges filed.

## **AUTHORITY**

**STATE:** The General Assembly, through the *Environment Article*, provides the Attorney General exclusive or concurrent authority to prosecute criminal violations stemming from investigations involving water pollution, air pollution and hazardous waste. Additionally, through the *Natural Resources Article*, the Critical Area Commission may refer matters to the Attorney General for prosecution. The Attorney General also has authority under Article V, Section 3 of the Constitution of Maryland to investigate and prosecute other crimes as directed by the Governor. Historically the Governor has granted ECU continuing authority to investigate and prosecute violations of Maryland's Litter Control Law (§10-110 of the *Criminal Law Article*), and other broadly defined related offenses. ECU seeks the Governor's authorization to investigate and prosecute other violations not within the *Environment Article* on either a case-by-case basis, or based on specific areas of concern.

## **PROCESS**

ECU receives complaints about possible criminal activity from multiple sources: citizen complaints, other governmental and law enforcement agencies, the MDE Administrations, or from their own initiatives. Complaints are initially reviewed by an ECU prosecutor and investigator to determine the appropriateness and available resources for a full investigation. Cases deemed potentially appropriate for prosecution are subjected to full investigations for the purpose of gathering sufficient evidence to accurately assess whether the filing of criminal charges is warranted. If charges are filed or indictments returned by grand juries, ECU prosecutors and investigators work the case through trial and any appeals.

## **MDE REFERRALS**

In FY 2013, ECU successfully assisted MDE in furthering its compliance and enforcement goals by opening 21 new in-depth criminal cases referred by MDE and filing charges in 21 cases based upon referrals from MDE. Fourteen prosecutions were completed during the fiscal year from cases referred by MDE.

## **SUCCESSES/CHALLENGES**

A continuing challenge is to improve attorney and investigative resources for better effectiveness. Sworn law enforcement personnel with statewide authority assigned to this Unit have now been reduced by 100%. At points in the past there were as many as seven sworn law enforcement officers assigned to the unit for investigation. Since FY 1999, ECU has had no sworn law enforcement officers assigned to the unit. The lack of sworn police officers assigned to the division limits the actions ECU can pursue.

Restoration to higher staffing levels will allow ECU to be more proactive in the pursuit of businesses and individuals who commit environmental crimes. The cases can be complex and involved, and without full staffing, results will be hampered.

**CHART 1** shows the number of investigations conducted by ECU during FY 2013 and the source of the complaints leading to the investigations.

FY 2013 INVESTIGATIONS OPENED		
SOURCE OF COMPLAINTS		INVESTIGATIONS OPENED
<b>M D E</b>	ARMA	0
	LMA	15
	WMA	3
	ERD	3
MDE TOTAL		21
OTHER SOURCES		35
<b>TOTAL</b>		<b>56</b>

The MDE administrations, ARMA, WAS, and WMA, have traditional enforcement programs. The Emergency Response Division responds to environmental emergencies and they may be caused by criminal activities.

**CHART 2** shows the number of cases prosecuted by ECU during FY 2013. The chart distinguishes between the number of cases where prosecution was initiated during FY 2013 and the number of cases concluded during FY 2013. In prosecuting criminal cases, it is not uncommon for charges in a case to be filed during one fiscal year and concluded during a subsequent fiscal year. Charges may also be formally filed in a different fiscal year than when the investigation was opened by ECU.

FY 2013 PROSECUTIONS			
SOURCE OF COMPLAINTS		NO. OF CASES FILED	NO. OF CASES CONCLUDED
<b>M D E</b>	ARMA	1	0
	LMA	9	7
	WMA	7	3
	ERD	4	4
	OS	0	0
MDE TOTAL		21	14
OTHER SOURCES		18	14
<b>TOTAL</b>		<b>39</b>	<b>28</b>



**CHART 3** The Report of Enforcement Activities mandated by §1-301(d) of the Environment Article requires reporting of information for criminal cases prosecuted under specified subtitles of the Environment Article. The chart reflects all ECU activity for the fiscal year.

FY 2013 YEARLY TOTALS	ENVIRONMENT ARTICLE (EN)						CL	NR					TOTAL
	Title 2	Title 4		Title 7	Title 9		Title 10	Title 4		Title 8		Title 10	
	Subtitle 6	Subtitle 1	Subtitle 4	Subtitle 2	Subtitle 2	Subtitle 3	Subtitle 1	Subtitle 7	Subtitle 10	Subtitle 7	Subtitle 18	Subtitle 11	
* Number of Convictions Obtained	3	1	2	5	2	10	4	8	6	1	3	1	46
Imprisonment Time Ordered (Years)	9 mos	0	7 mos	65 mos	6 mos	7 mos	1 mon	0	0	1.5 mos	0	0	8 yrs
Imprisonment Time To Be Served	0	0	12 days	18 mos	0	0	0	0	0	1.5 mos	0	0	19.9 mos
Probation Ordered (Years)	5	5	4	13	10	18	1	0	0	0	1	0	57 yrs
Community Service Ordered (Hours)	100	0	20	850	300	100	100	0	0	0	80	0	1550 hrs
Criminal Fines, Restitution & Costs Ordered	20,022.50	30,145	10,790	106,453.50	25,178	60,542.50	31,667.50	330	1,490	45.50	0	1,145	\$287,809.50
Criminal Fines, Restitution & Costs to be Paid	10,022.50	10,145	4,790	29,453.50	5,178	31,042.50	10,667.50	330	1,490	45.50	0	1,145	\$104,309.50

\* Note – A single case may involve charges from any number of the various titles.

**Environment Article (EN)**

Title 2 – Air Quality  
 Title 4 – Water Management  
 Title 7 – Hazardous Materials & Substances  
 Title 9 – Water, Ice, and Sanitary Facilities

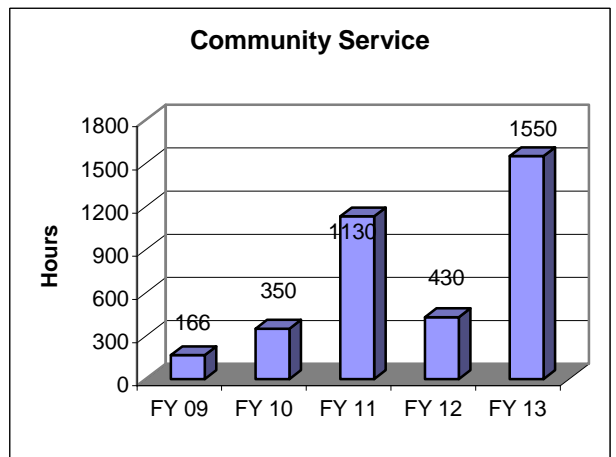
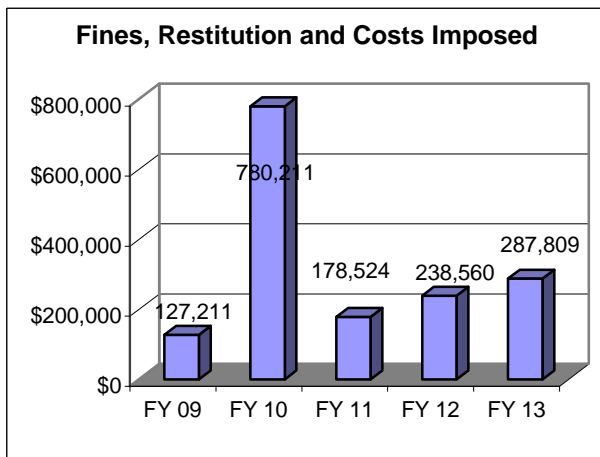
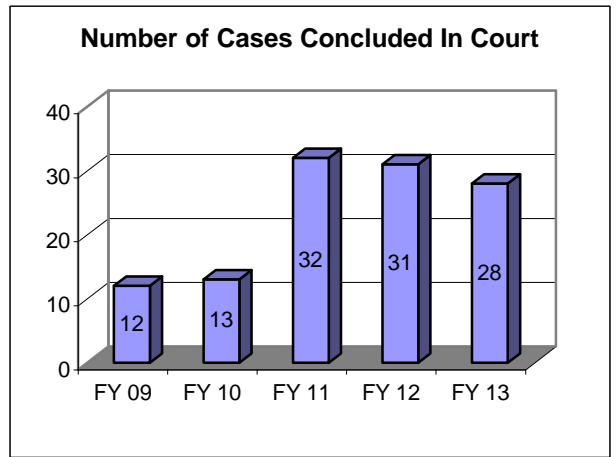
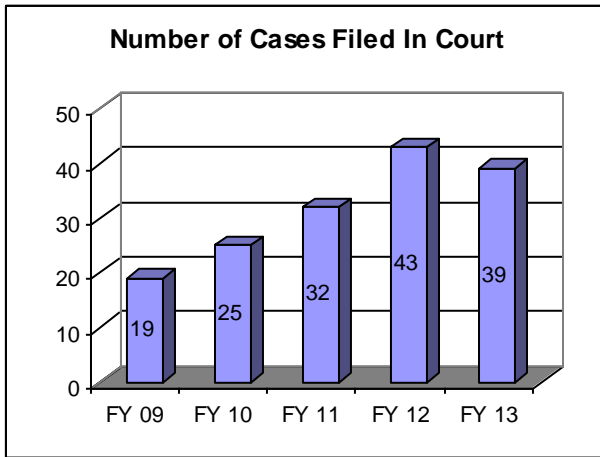
**Criminal Law Article (CL)**

Title 10 – Crimes Against Public Health

**Natural Resources Article (NR)**

Title 4 – Fish and Fisheries  
 Title 8 – Waters  
 Title 10 – Wildlife

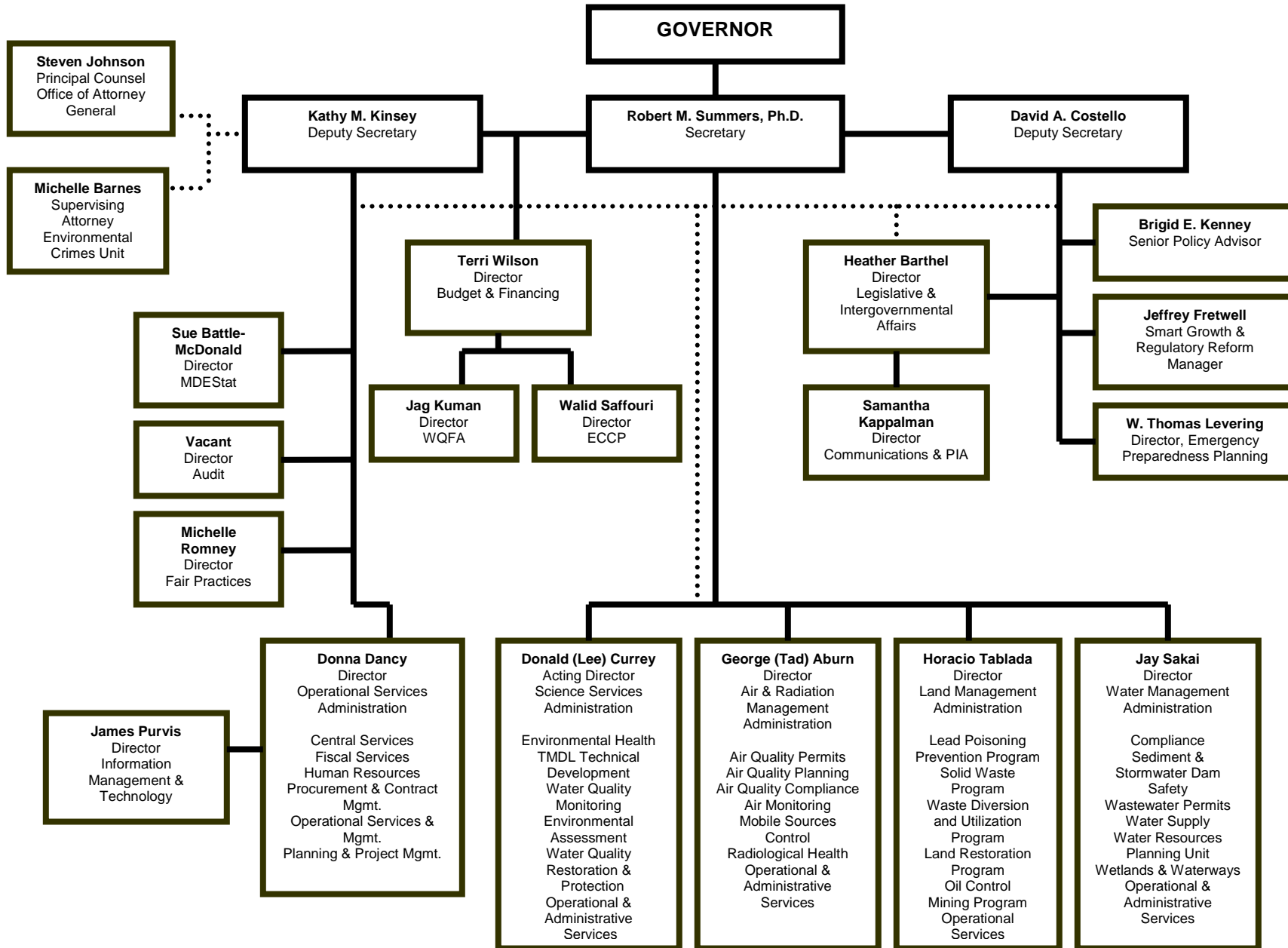
# Environmental Crimes Unit



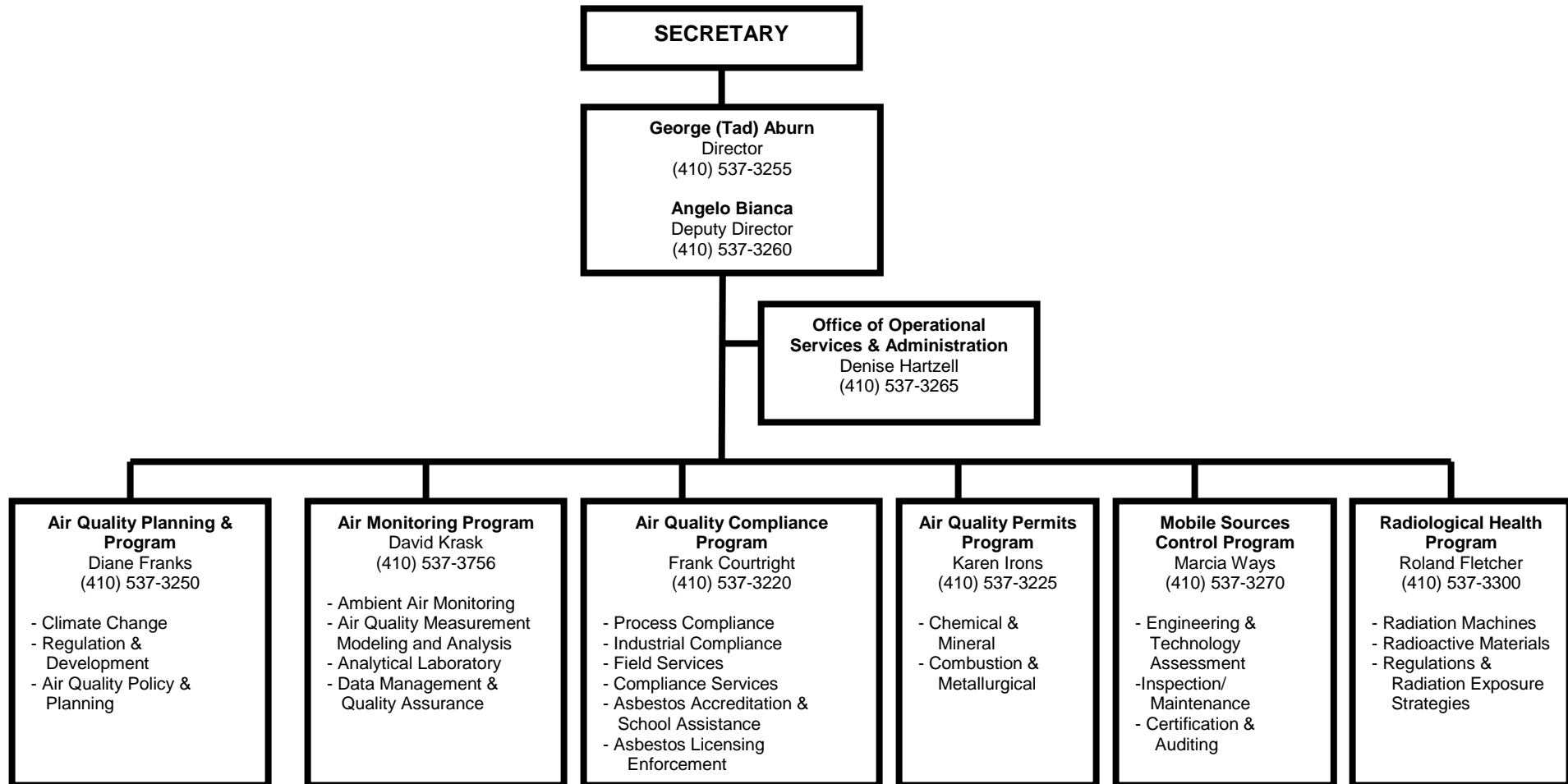
**SECTION THREE**  
**APPENDICES**

**APPENDIX A**  
**MDE Organization**

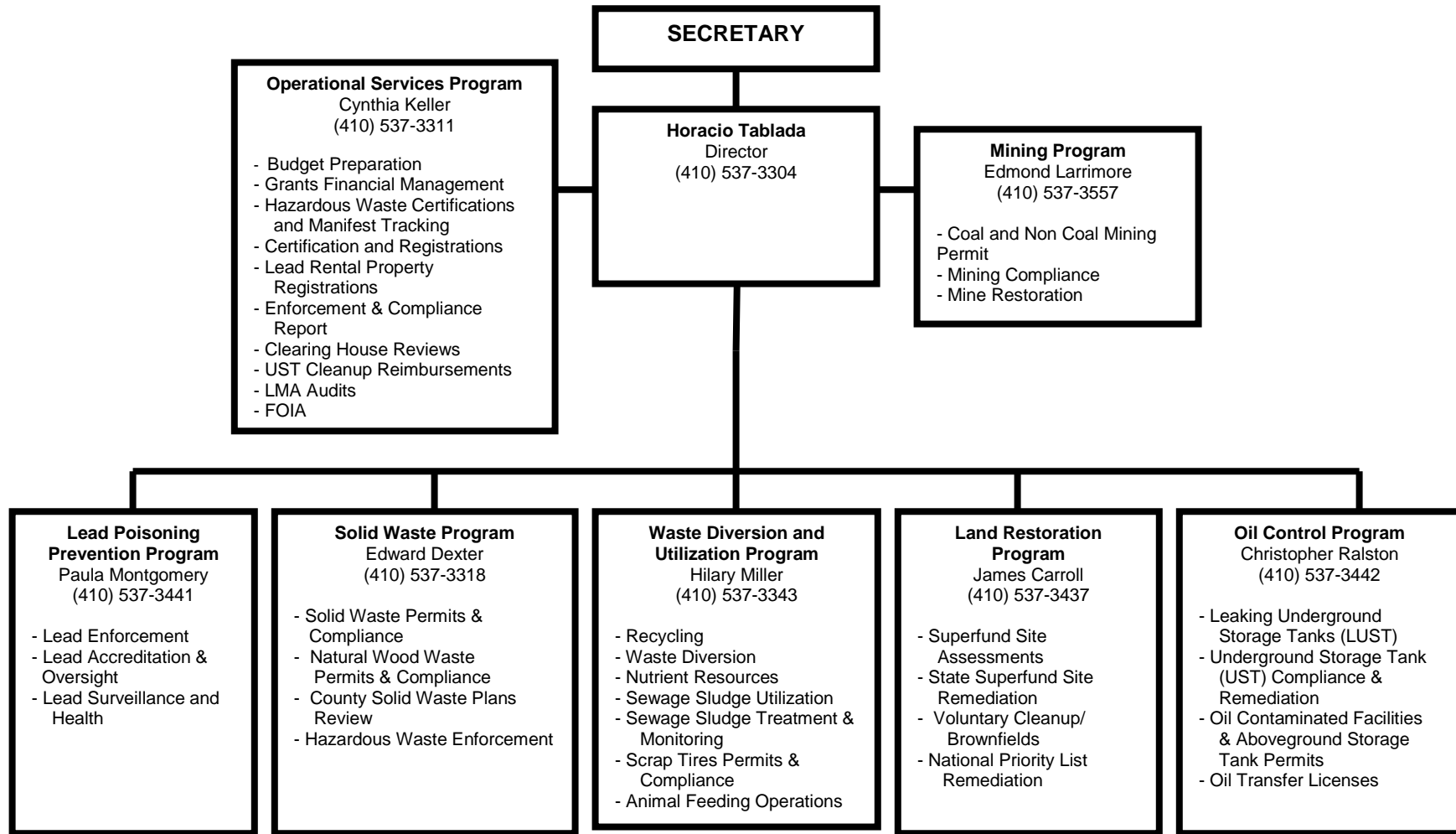
# MARYLAND DEPARTMENT OF THE ENVIRONMENT



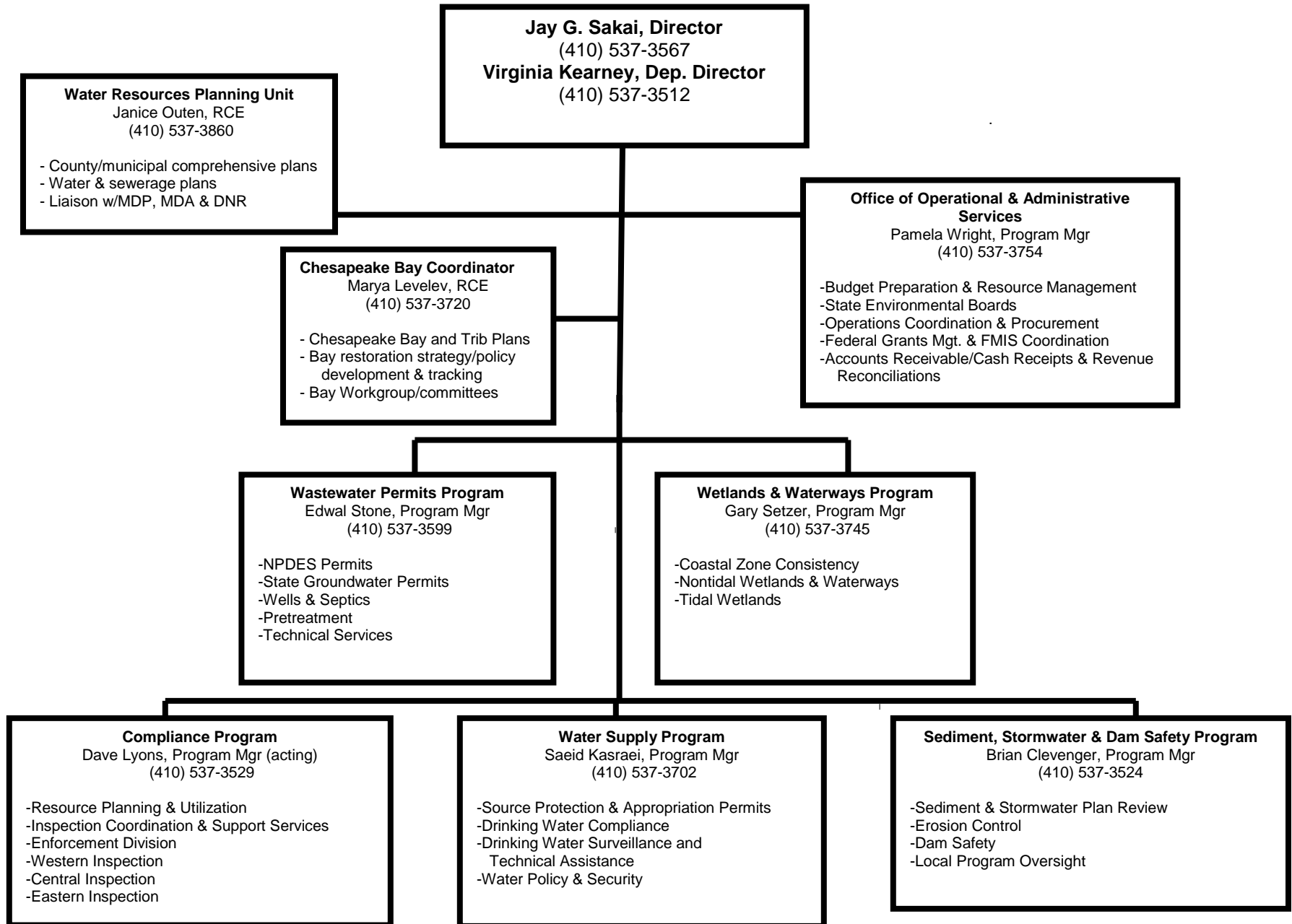
# Air and Radiation Management Administration



# Land Management Administration



# Water Management Administration





## **APPENDIX B**

### **List of Enforcement Areas Included In This Report**

#### **ENFORCEMENT AREAS INCLUDED IN ANNUAL ENFORCEMENT AND COMPLIANCE REPORT**

1. Ambient Air Quality Control
  - a. High-Impact Facilities
  - b. Low-Impact Facilities
2. Air Quality Complaints
3. Asbestos
4. Radiological Health Program
  - a. Radiation Machines Program
  - b. Radioactive Materials Licensing and Compliance
5. Environmental Restoration and Redevelopment
6. Hazardous Waste
7. Lead Poisoning Prevention
8. Oil Aboveground Facilities
9. Oil Pollution Remediation Activities
10. Oil Underground Storage Tank Systems
11. Refuse Disposal
12. Scrap Tires
13. Sewage Sludge Utilization
14. Animal Feeding Operations
15. Natural Wood Waste Recycling
16. Mining – Coal
17. Mining – Non-Coal
18. Oil and Gas Exploration and Production
19. Discharges – Groundwater (Municipal and Industrial)
20. Discharges – Surface Water (Municipal and Industrial) State and NPDES Permits
21. Discharges – Pretreatment (Industrial)
22. Stormwater Management and Erosion and Sediment Control for Construction Activity
23. Water Supply Program – Community and Non-transient Non-community Water Systems
24. Water Supply Program – Transient Non-community Water Systems
25. Water Supply Program – Laboratory Certification
26. Water Supply Program – Water Appropriation and Use
27. Waterway Construction – Dam Safety
28. Wetlands and Waterways – Non-tidal and Floodplain
29. Wetlands – Tidal
30. Water Supply and Sewerage Construction
31. Environmental Crimes Unit

## **APPENDIX C**

### **Environmental Article Section 1-301(d)**

#### **§1-301(d) Report on Enforcement Activities.**

(1) (i) On or before October 1 of each year, the Secretary, in consultation with the Attorney General, shall submit to the Legislative Policy Committee, in accordance with §2-1246 of the State Government Article, a report on enforcement activities conducted by the Department during the previous fiscal year.

(ii) The report shall:

1. Include the information required under this subsection and any additional information concerning environmental enforcement that the Secretary decides to provide;
2. Be available to the public as soon as it is forwarded to the Legislative Policy Committee;
3. Include information on the total number of permits and licenses issued by or filed with the Department at any time and still in effect as of the last date of the fiscal year immediately preceding the date on which the report is filed;
4. Include information concerning specific enforcement actions taken with respect to the permits and licenses during the immediately preceding fiscal year; and
5. Include information on the type and number of contacts or consultations with businesses concerning compliance with State environmental laws.

(iii) The information required in the report under paragraph (3) of this subsection shall be organized according to each program specified.

(2) The report shall state the total amount of money as a result of enforcement actions, as of the end of the immediately preceding fiscal year:

- (i) Deposited in the Maryland Clean Air Fund;
- (ii) Deposited in the Maryland Oil Disaster Containment, Clean-up and Contingency Fund;
- (iii) Deposited in the Nontidal Wetland Compensation Fund;
- (iv) Deposited in the Maryland Hazardous Substance Control Fund;
- (v) Recovered by the Department from responsible parties in accordance with §7-221 of this article;
- (vi) Deposited in the Sewage Sludge Utilization Fund; and
- (vii) Deposited in the Maryland Clean Water Fund.

(3)(i) The report shall include the information specified in subparagraphs (ii), (iii), (iv), and (v) of this paragraph for each of the following programs in the Department:

1. Ambient air quality control under Title 2, Subtitle 4 of this article;
2. Oil pollution under Title 4, Subtitle 4 of this article;
3. Nontidal wetlands under Title 5, Subtitle 9 of this article;
4. Asbestos under Title 6, Subtitle 4 of this article;
5. Lead paint under Title 6, Subtitle 8 of this article;
6. Controlled hazardous substances under Title 7, Subtitle 2 of this article;
7. Water supply, sewerage systems, and refuse disposal systems under Title 9, Subtitle 2 of this article;
8. Water discharges under Title 9, Subtitle 3 of this article;

9. Drinking water under Title 9, Subtitle 4 of this article; and
10. Wetlands under Title 16, Subtitle 2 of this article.

(ii) For each of the programs set forth in subparagraph (i) of this paragraph, the Department shall provide the total number or amount of:

1. Final permits or licenses issued to a person or facility, as appropriate, and not surrendered, suspended or revoked;
2. Inspections, audits, or spot checks performed at facilities permitted;
3. Injunctions obtained;
4. Show cause, remedial, and corrective action orders issued;
5. Stop work orders;
6. Administrative or civil penalties obtained;
7. Criminal actions charged, convictions obtained, imprisonment time ordered, and criminal fines received; and
8. Any other actions taken by the Department to enforce the requirements of the applicable environmental program, including:
  - A. Notices of the removal or encapsulation of asbestos under §6-414.1 of this article; and
  - B. Actions enforcing user charges against industrial users under §9-341 of this article.

(iii) In addition to the information required in subparagraph (ii) of this paragraph, for the Lead Paint Program under Title 6, Subtitle 8 of this article, the report shall include the total number or amount of:

1. Affected properties registered; and
2. Inspectors or other persons accredited by the Department, for whom accreditation has not been surrendered, suspended, or revoked.

(iv) In addition to the information required in subparagraph (ii) of this paragraph, for the Controlled Hazardous Substances Program under Title 7, Subtitle 2 of this article, the report shall include the following lists, updated to reflect the most recent information available for the immediately preceding fiscal year:

1. Possible controlled hazardous substance sites compiled in accordance with §7-223 (a) of this article.
2. Proposed sites listed in accordance with §7-223 (c) of this article at which the Department intends to conduct preliminary site assessments; and
3. Hazardous waste sites in the disposal site registry compiled in accordance with §7-223 (f) of this article;

(v) In addition to the information required in subparagraph (ii) of this paragraph, for the Drinking Water Program, the report shall include the total number of:

1. Actions to prevent public water system contamination or to respond to a Safe Drinking Water Act emergency under §§9-405 and 9-406 of this article; and
2. Notices given to the public by public water systems under §9-410 of this article.

## **APPENDIX D**

### **Legislation Enacted During 2013 Affecting Enforcement and Penalties**

#### **HB0097 - Environment - Sediment Control and Stormwater Management Plans – Authority**

This bill authorizes a designee of MDE to serve as the approval authority for erosion and sediment control plans and stormwater management plans related to State and federal construction activities. This will be done through the establishment of a process of self-certification with the State Highway Administration (SHA), or any other State or federal agency that seeks to serve as an approval authority. MDE plans to maintain authority to review plans related to large and complex projects and to institute a periodic audit to ensure quality control and compliance with State and federal law.

#### **HB1440 - Recycling - Composting Facilities**

This bill requires MDE to regulate the operation of composting facilities. The bill provides for enforcement through existing enforcement provisions in the water pollution control subtitle of the Environment Article.

#### **HB1514 – Howard County – Noise Control – Outdoor Concert Venues**

This bill prohibits State noise control rules, regulations, and sound level limits that prohibit the electronic amplification of sound up to specified levels at an outdoor concert venue with a capacity of over 15,000 individuals in Howard County.

#### **SB0302 – Environment – Water Pollution Control - Reporting**

This bill requires MDE to annually publish on its website the total amount of sewage overflow, in gallons, from sewerage systems into the Chesapeake Bay and its tributaries during the previous year, as well as the fines collected as a result of the sewage overflows.

#### **SB0854 - Environment - Gas and Oil Drilling - Financial Assurance**

This bill repeals current performance bond requirements for the holder of a permit to drill an oil or gas well, and instead requires compliance with specified financial assurance requirements. The bill prohibits a permit, or the transfer of a permit, from becoming effective until all financial assurance requirements have been satisfied.

#### **SB1029 – Maryland Agricultural Certainty Program**

This bill establishes a voluntary Maryland Agricultural Certainty Program to accelerate the implementation of agricultural best management practices to meet State agricultural nitrogen, phosphorus, and sediment reduction goals. The Maryland Department of Agriculture (MDA) must develop the program in coordination with MDE

The Program would exempt qualifying farms for a period of ten years from certain new State or local requirements associated with water quality requirements. An agricultural operation may be certified as meeting the requirements of the program if the agricultural operation is determined by MDA to meet a list of criteria representing good environmental stewardship.

MDA may only certify a farm after providing notification to MDE; conducting an on-site inspection with MDE, as appropriate; and approval from MDE if the farm is permitted or has submitted a permit application to MDE. To qualify the farm must enter into a certainty agreement with MDA that requires the farm to maintain and verify Best Management Practices required for certainty and to provide records to MDA, which will be made available to MDE upon request. Participating farms are required to be inspected at least once every three years.

**SB1049 - Recycling - Apartment Buildings and Condominiums - Ocean City**

This bill exempts a property owner or manager of an apartment building or a council of unit owners of a condominium in Ocean City from certain recycling requirements

## APPENDIX E

### MDE Penalty Policy

#### MDE's Approach to Determining the Appropriate Response to Violations

MDE is committed to a consistent, timely and appropriate compliance assurance program, which is protective of the public health and the environment while creating a credible deterrent against future violations. It is MDE's policy to assess fair and equitable penalties in keeping with the factors specified by the governing statute, and commensurate with the nature of the violations. The statutory factors that MDE must consider in assessing administrative penalties are:

1. The ***willfulness of the violation***, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;
2. Any ***actual harm to the environment or to human health***, including injury to or impairment of the air, waters, or natural resources of this State;
3. The ***cost of cleanup and the cost of restoration*** of the natural resource;
4. The ***nature and degree of injury to or interference*** with general welfare, health, and property;
5. The extent to which the ***location of the violation***, including the location near waters of this State or areas of human population, creates the potential for harm to the environment or to human health and safety;
6. The ***available technology*** and economic reasonableness of controlling, reducing, or eliminating the violation;
7. The degree of ***hazard posed by the particular pollutant*** or pollutants involved;
8. The extent to which the current violation is part of a ***recurrent pattern*** of the same or similar type of violation committed by the violator.

MDE will consider each of the specific factors on a case-by-case basis. While all factors set forth in the statute will be considered, it is not necessary for all of the factors to be applicable before the maximum penalty may be assessed. A single factor may warrant the imposition of the maximum penalty. Furthermore, all factors, even if applicable in a given case, are not necessarily of equal weight in MDE's determination of a reasonable penalty.

# APPENDIX F

## Environmental Audit Guidance

### (Revised 5/15/2006)

The Maryland Department of the Environment (MDE) recognizes the benefit from regulated entities that routinely evaluate their internal work processes for compliance with federal and State environmental requirements. Equally as important as identifying violations is the reporting of such violations to MDE for proper and complete remediation and abatement. MDE encourages self-auditing and compliance management as effective environmental management techniques. MDE may use its enforcement discretion in evaluating penalties for regulated entities that disclose violations of environmental laws or regulations as provided herein.

*This guidance is not intended nor should it be construed to be a regulation as defined in Section 10-101, State Government Article. It sets forth criteria and guidelines for use by MDE staff in resolution of enforcement cases, and does not confer any legal rights upon any person.*

### **Definitions**

“Department” means the Maryland Department of the Environment.

“Environmental Audit” and “Compliance Management System” have the definitions used in the Environmental Protection Agency’s “Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations,” Final Policy Statement effective May 11, 2000:

“Environmental Audit” is a systematic, documented, periodic and objective review by regulated entities of facility operations and practices related to meeting environmental requirements.

“Compliance Management System” encompasses the regulated entity’s documented systematic efforts, appropriate to the size and nature of its business, to prevent, detect, and correct violations through various procedures, policies, mechanisms, and efforts.

“Environmental Requirement” means a requirement in (1) a state or federal law or regulation enforced by the Department, a rule adopted by the Department, a permit or order issued by the Department, or (2) an ordinance or other legally binding requirement of a local government unit under authority granted by state law relating to environmental protection.

“Regulated Entity” means a corporation, partnership, individual, municipality, governmental unit, or any other legal entity regulated under federal, state, or local environmental laws or regulations.

## **Statement of Guidance**

- A. The Department may reduce a civil or administrative penalty for violations of environmental requirements that are voluntarily disclosed following an environmental audit or as a result of compliance management if:
1. The regulated entity discloses the violation to the Department in writing within 21 days after the violation is discovered, or within a shorter time limit, if required by statute or regulation;
  2. The regulated entity promptly initiates action to correct or eliminate the violation and all public or environmental harm caused by the violation. If the violation cannot be fully corrected within 60 days, the regulated entity shall submit a compliance plan to the Department within 60 days for review. The regulated entity shall maintain compliance with the plan as approved by the Department;
  3. The regulated entity provides the Department with a plan that includes steps to prevent recurrence of the violation; and
  4. The regulated entity fully cooperates with the Department regarding investigation of the disclosed violation.
- B. The relief outlined in Section A is not available if the Department determines that:
1. The violation was discovered through a legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement. The violation must be discovered voluntarily and not as a result of an environmental requirement;
  2. The Department or a third party discovered the violation prior to disclosure by the regulated entity to the Department, or the regulated entity made the disclosure after commencement of a federal, State, or local agency inspection, investigation, or request for information;
  3. The violation was committed willfully, wantonly, intentionally, knowingly, or with gross negligence by the regulated entity;
  4. The regulated entity did not promptly initiate or diligently act to correct or eliminate the violation;
  5. The violation made imminent or caused significant environmental harm or had a significant effect upon public health;
  6. The same or a related violation has occurred within the past three years or the violation is part of a pattern of recurrent violations by the regulated entity. For purposes of this section, violation includes any violation of a federal, State or local environmental law or regulation identified in a judicial or



administrative order, consent agreement, order or decree, complaint, or notice of violation, conviction or plea agreement; or

7. The disclosure is made for a fraudulent purpose.
- C. This guidance is not intended for use under circumstances in which the violation(s) at issue would result in the regulated entity gaining an economic advantage over its competitors.
- D. This guidance does not affect individual liability for criminal misconduct.
- E. This guidance does not apply to liability under a judicial or administrative order, consent agreement, order or decree, complaint, notice of violation, conviction or plea agreement.
- F. Relief under this guidance shall not be available if the Department receives formal notification from the delegating federal agency of that agency's intention to propose rescission of the Department's authority over the applicable federal environmental program.

Original signed by Secretary Philbrick  
Kendl P. Philbrick  
Secretary, Maryland Department of  
the Environment

May 15, 2006  
Date

## APPENDIX G

### Supplemental Environmental Projects

A Supplemental Environmental Project (SEP) is an enforcement tool that augments traditional penalty actions. They are important because the projects provide direct environmental benefits to communities beyond those achieved by facilities returning to compliance. The Air and Radiation Management Administration, the Land Management Administration, and the Water Management Administration made use of SEPs during FY 2013 totaling \$140,000. The administrations issued three SEPs during FY 2013. Details about each administration's SEPs are on the following pages.

Administration	Number of SEPs		Total Value of SEPs	
	2012	2013	2012	2013
Air and Radiation Management Administration	0	1	0	\$60,000
Land Management Administration	9	2	\$8,435,000	\$20,000
Water Management Administration	0	1	\$0	\$60,000
<b>TOTALS</b>	<b>9</b>	<b>4</b>	<b>\$8,435,000</b>	<b>\$140,000</b>

## **Air and Radiation Management Administration SEPs, FY 2013**

Total SEPs: 1

Total Value: \$60,000

May 2013 Consent Order - Middle River Aircraft Systems - \$60,000 project to install Electric Vehicle (EV) Charging Station in area designated non-attainment for ozone under the Clean Air Act.

## Land Management Administration SEPs, FY 2013

Total SEPs: 2

Total Value: \$20,000

All of the Land Management Administration SEPs in FY 2013 were for lead enforcement cases. Two SEPs required property owners to replace all windows in rental units containing lead based paint. The following table lists the individual SEPs:

<b>Program</b>	<b>Case #</b>	<b>Property Owner</b>	<b>Units</b>	<b>SEP Value</b>
Lead	12-30-16732	Beverly Price-Evans	3 – Units requiring window replacement	\$12,000
Lead	12-07-16484	Charles Johnson, et al.	2 – Units requiring window replacement	\$8,000

## **Water Management Administration SEPs, FY 2013**

Total SEPs: 1

Total Cost: \$60,000

WMA used a SEP with Cecil County for the removal and disposal of the Mill Lane bridge over Scotchmans Creek, and the permanent stabilization of the affected embankments.

**APPENDIX H**  
**Land Restoration Program State Master List**  
(ON CD)

**APPENDIX I**  
**Formerly-Investigated Sites List**  
(ON CD)