

# ***MDEStat Meeting***

## ***May 26, 2009***



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Shari T. Wilson, Secretary

Sue Battle-McDonald, Stat Director

# Table 1: Overdue MDE PEPs FY09

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Admin.	Number
ARMA	20
WAS	18
WMA	88
SSA	5
ASA	2
OS/CO	18

# Table 2: ARMA VACANCIES as of 5/21/09

PIN	Program/Division	Last Name & Vacancy Date	Classification	Exceptions to OB	Excep. To DBM	Excep. Apprvd by DBM	MS 22 to OHR	MS 22 Apprvd by OHR	Interv. Quests to OHR	Interview Questions Recvd & Approved by OFF	Announcement Posted/ Closed	Comments
018238	Planning/Reg. Development	Higa 11/27/07	PHE IV/18	2/25/08	7/8/08	8/20/08	2/14/08 Resubmit 1/6/09	2/29/08  1/6/09	2/1/08 Resub. 1/12/09	R 3/3/08 A 3/5/08 R 1/20/09 A 1/21/09		7, 19, 17, 11, 10, 12, 14 Hired, start date 5/27/09
016632	Compliance/Asbestos	Knight 3/1/08	PHE 1/13 (Class was changed)	5/2/08	6/23/08 Resub. 3/5/09	Denied approved 3/10/09	4/24/08	7/28/08	4/24/08	R 8/5/08 A 8/6/08	Applicant Response deadline 4/13/09	7, 19, 11, 15, 10, 2, 13, 12, 14 Selection made, EDC start date 7/15/09
087268	Air Monitoring/ Monitoring	Vacant 06/25/08	Research Statistician I	7/7/08	7/8/08	7/25/08	7/16/08 Resub 1/13/09	7/21/08 Resub. 1/23/09	7/17/08 Rec. 2/9/09	R 7/22/08 A 7/24/08 R 2/9/09 A 2/10/09	P 8/21/08 C10/10/08 Reposted 2/10/09 C 3/6/09	7, 19, 3, 7, 8, 9, 4 Selection made, EDC start date 6/24/09
018409	Compliance/Compliance Services	Buckley 7/1/08	DP Functional Analyst II/16	8/28/08	9/9/08	10/14/08	1/7/09	2/24/09	1/7/09	R 3/11/09 A 3/12/09	Applicant response deadline 4/2/09	19, 12, 14, 2, 20 Selection made, (Selection pkg in OFF)
066367	RHP/RAM	Webb 7/9/08	Health Physicist II/16	2/23/09			1/7/09	2/10/09	4/23/09	R 5/4/09 A 5/8/09		PRF submitted to OS 5/14
018181	Compliance/Asbestos	Speed 8/12/08	Sanitarian I/II/13	12/2/08	12/2/08	12/15/08	12/2/08	12/5/08	12/17/08	R 1/21/09 A 1/22/09	P 1/8/09 C 2/9/09	19, 17, 12, 13, 14 Interviews completed 5/22/09
047879	Planning/Policy & Plan	Vacant 10/29/08	NRP IV/18	3/27/09	4/17/09	4/28/09	12/18/08	3/16/09	5/4/09	EDC 5/29/09	P 5/15/09 C 5/29/09	4, 13, 15, 14, 10
058886	RHP/Regulations	Adams 12/31/08	Health Physicist III/17	2/10/09	3/5/09	3/10/09	2/10/09	2/25/09	4/23/09	R 4/28/09 A 4/29/09	P 4/1/09 C 5/1/09	4, 13, 14 Applicants contacted on 5/18/09

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054193	OPS Services/ Cont. Mgmt.	White 1/30/09	Env. Specialist I/13	ON HOLD			5/5/09		??			PRF approved 5/18
077321	Directors Office	Hurt 2/10/09	Administrative Aide/11	3/27/09	DNR	Denied	3/25/09		4/27/09			14, 12, 13,
C-7038	Planning/ Climate Change	Tntwistle 2/11/09	NRP I/II/III /18	4/6/09	4/17/09	4/28/09	5/7/09		5/4/09	EDC 5/22/09	EDC 5/21/09	14, 12, 13,

## Key

Yellow highlighting: date seems late or item seems overdue.

EDC: Estimated Date of Completion DNR: Did not Record P: Posted C: Closed R: Received A: Approved

Codes: 1-Budget/funding holds, 2-Admin. has not responded to Notice of Vacancy letter sent by HRC within 10 working days, 3-Testing or developing test for position specific requirements, 4-Testing or developing test to produce new eligibility list, 5-Position was advertised, but received no qualified applicants, 6-Insufficient applicant continue recruitment, 7-Selection made, 8-Appointment pending, 9-Applicant declined position, 10-Office of Budget did not submit hiring exception to DBM within 15 days of receipt, 11-DBM did not approve hiring exception within 30 days of receipt, 12-Admin. did not submit MS-22 within 30 days of vacancy, 13-Admin. did not submit hiring exception within 30 days of vacancy, 14-Admin did not submit interview questions within 30 days of vacancy, 15-OHR did not approve MS-22 within 45 days of receipt, 16-OFP did not approve interview questions within 10 days of receipt, 17-Hold pending organizational decisions, 18 key codes don't apply, 19 in process of interviewing, 20 Position Review Form PRF

# Table 3: Asbestos Violations, FY05-FY09

COMAR 26.11	Type of Violation <b>Bold = Significant</b>	FY05	FY06	FY07	FY08	FY09 through 3/31
<b>21.03 A</b>	<b>NESHAP Notifications</b>	<b>18</b>		<b>4</b>	<b>4</b>	<b>2</b>
21.03 C	Non-NESHAP notifications	3	3	4		
21.04	License Requirement	3	2	1	2	1
<b>21.05 A</b>	<b>Respiratory Protection Program</b>	<b>2</b>	<b>2</b>		<b>2</b>	<b>1</b>
21.05 B	Physical Exam				2	1
<b>21.05 C</b>	<b>Training</b>		<b>1</b>		<b>1</b>	
21.05 D(1)	Disposable Clothing	8	4	3	6	1
<b>21.05 D(2)</b>	<b>Respirator</b>	<b>1</b>			<b>4</b>	<b>1</b>
<b>21.05 E</b>	<b>Smoking, Eating or Drinking</b>					
21.05 F	Supervisor Present for NESHAP				2	1
21.05 G	Variance Requests					
21.06 A	NESHAP Danger & Project Signs	3	2		6	2
<b>21.06 B</b>	<b>NESHAP Engineering Controls</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>8</b>	<b>4</b>
21.06 C	Demolition	4			1	
21.06 D	Renovations	2	1	3	12	2
21.06 E	Exemptions (Variances)					
21.07	Non-NESHAP Projects	2	8	6		
21.08 A	Waste Disposal (labeling, etc.)	3	5	2	8	1
21.08 B	Removing Waste from Site	1		1	1	
21.08 C	Interim Storage		3	3		
21.08 D	Transport & Disposal	3		4		
21.09	Records	2		1		1
21.10	Licenses	1				1
23.03 C	Photo ID	2	3		3	1
40 CFR 61.145	Asbestos NESHAP	3		2	10	4
<b>Total Violations</b>		<b>66</b>	<b>35</b>	<b>36</b>	<b>71</b>	<b>23</b>
<b>Total of Significant Violations Above</b>		<b>26</b>	<b>5</b>	<b>6</b>	<b>19</b>	<b>8</b>
<b>(for comparison) Number of Sites Inspected With Significant Violations per Enforcement Reports</b>		<b>4</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>3</b>
<b>Total Violations for Which Penalties Were Imposed</b>		data not requested			<b>0</b>	<b>5</b>

# Table 4: Asbestos Enforcement Data

	FY05	FY06	FY07	FY08	FY09 through 3/31
Notifications Received	3,273	3,201	3,277	3,283	1,953
Number of Inspections, Audits, and Spot Checks	1,267	1,217	1,008	916	582
Number of Sites Inspected	961	922	814	723	480
Number of Sites Inspected for Which a Notification Was Received	*	*	*	708	465
Number of Sites Inspected for Which No Notification Was Received	*	*	*	15	15
Number of Sites Inspected Where Asbestos-Related Activity Was Performed by a Party Other Than a Licensed Asbestos Contractor				1	1
Coverage Rate	29%	29%	25%	22%	25%
Total Number of NOV's Issued	66	35	36	43	19
Number of NOV's Issued to Parties Other Than Licensed Asbestos Contractors	*	*	*	46	20
Total Significant Violations	39	15	5	4	4
Total Penalties Collected	\$75,000	\$15,000	\$750	\$6,750	\$4,500
Penalties Collected From Parties Other Than Licensed Asbestos Contractors	\$75,000	0	0	0	0

# Table 5: FY08 and FY09 Asbestos Penalties

Date	Type	Significant Violation?	Licensed Contractor	Penalty Amount	Status
8-19-08	Civil Opportunity to Settle Letter	Yes	No	In civil court	In civil court
9-29-08	Administrative Settlement Letter (ASL)	Yes	Yes	750	Paid
9-29-08	ASL	Yes	Yes	1,500	Paid
9-29-08	ASL	Yes	Yes	750	Paid
9-29-08	ASL	Yes	Yes	1,500	Paid
5-5-09	Assessed Civil Penalty	Yes	Yes	6,000	Paid

# Table 6: Title V Permitting Summary

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	7/14/08	5/18/09
Applications pending for new Title V permits	10	1
applications pending for new Title V permits that were received three years prior	4	1
Applications pending for renewal Title V permits	18	33
Applications pending for renewal Title V permits that were received 12 months prior	NA	1
facilities with expired Title V permits	8	7

# Table 7: Facilities with Applications Pending for New Title V Permits

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Facility	Date Application Received	Projected Issuance Date
Mirant Chalk Point	6/5/02	Unresolved compliance issue - not under Permits Program's control.

# Table 8: Facilities with Expired Title V Permits

Facility	Permit Expiration Date	Date Renewal App. Received	Projected Issuance Date
U. S. Gypsum	6/30/06	1/26/06	Delayed due to compliance issue. Delayed again due to company making significant changes to plant operations. Public comment period ends on 5/7/09; EPA 45-day review period ends on 6/20/09. <b>Projected issuance date 7/1/09.</b>
Wheelabrator	8/31/06	3/1/06	<b>Issued effective 6/1/09.</b>
AES Warrior Run	8/31/08	2/28/08	Tentative determination to issue permit on 5/7/09. Newspaper notice published on 5/11/09 <b>Projected issuance date 8/1/09.</b>
Millennium Inorganic Chemicals	8/31/08	2/29/08	<b>Issued effective 6/1/09.</b>
Lehigh Union Bridge	9/30/08	3/31/08	Permit is being drafted but there is a pending enforcement case. <b>Projected issuance date unknown.</b>
Transconti-nental Pipeline	11/30/08	5/30/08	Tentative determination to issue permit on 3/25/09. 30-day public comment period began on 4/2/09 followed by EPA's 45-day review period. <b>Projected issuance date 7/1/09</b>
Sunoco Baltimore Terminal	2/28/09	8/12/08	<b>Issued effective 5/1/09.</b>
Newland Park Landfill	3/31/09	10/1/08	<b>Issued effective 6/1/09.</b>
Johns Hopkins School of Medicine	3/31/09	10/2/08	<b>Issued effective 6/1/09.</b>
Fort Detrick	3/31/09	10/3/08	Draft permit is under internal review. <b>Projected issuance date 9/1/09</b>
Constellation Westport	4/30/09	10/30/08	<b>Issued effective 5/1/09</b>
Redland Brick	4/30/09	8/5/08	Company has requested synthetic minor status. Redland installed controls to meet the requirements of the now-vacated brick manufacturing MACT. As a result, Redland's emissions are less than the Title V applicability thresholds. The issue is whether EPA's policy of "Once in, always in" applies where the MACT has been vacated. Preliminary guidance from EPA Region III indicated that it does not and that Redland Brick should be able to become a synthetic minor, but Region III is deferring final decision-making authority to EPA Headquarters. As usual, EPA Headquarters is taking its time on providing guidance. If Redland Brick becomes a synthetic minor, it will be a State permit-to-operate source.
Holcim	4/30/09	11/14/08	Ongoing Compliance issue <b>Projected Issuance date unknown</b>

# *Table 9: ARRA DERA Funds: Recent and Upcoming Milestones*

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4/17/09	MDE received the \$1.73M state grant award.
4/23/09	MDE applied for \$7.5M in competitive funds for school bus retrofits throughout the state.
6/1/09	EPA's target date for awarding competitive grants.
7/6/09	State component project selections finalized.
7/31/09	Competitive component project selections finalized.
9/30/09	Execute agreements with project partners.
10/31/09	Projects begin.
6/30/10	Projects completed