

MDEStat Meeting

February 28, 2008



Definition

A violator is in **Significant Non-Compliance (SNC)** if the violation(s) meets any of the following criteria:

- exceeds SNC thresholds established by a corresponding federal program;
- has caused actual, or has the potential to cause adverse impact to public health or the environment;
- represents willful, chronic or recalcitrant behavior;
- substantially deviates from the terms of a permit, order, settlement agreement, or from statutory or regulatory requirements; or
- is not corrected within 60 days following the issuance of a Notice of Violation, Site Complaint or Inspection Report by the Department.

WAS Vacancies

	12/18/07	1/15/08	2/19/08
Total positions vacant	28*	30*	24*
Vacancies with exceptions approved by DBM	14	12	5
Positions vacant more than 4 months	21	21	14
Positions vacant more than 6 months	12	14	10

*2 Positions Assigned to AG Office

WAS VACANCIES (Con't)

PIN	Program/ Division	Vacancy Date	Classification/ Grade/	Excep- tions 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	Announ- cement Posted/ Closed	Notes
015557	Attorneys	1/2/07	Paralegal/12	12/12/07	2/20/08		NA	NA	NA	NA	NA	Assigned to AG Office
058915	Attorneys	01/16/07	Asst. Attorney General VI/22	6/04/07	6/26/07	7/18/07	NA	NA	NA	NA	NA	Candidate declined. – restarting process. Recruitment reassigned to AG Office
C-6009	Recycling/ Ops	03/05/07	Admin. Specialist I/10	3/06/07	DNR	5/09/07	1/24/08		??			**** Class Unit 2/1/08*
084024	Solid Waste/ Construct.	04/24/07	PH Engineer III/17	8/08/07	8/22/07	9/06/07	6/12/07	7/11/07	10/13/07	R 10/15/07 A 10/16/07	P11/30/07 C12/28/07	Selection made, start date 2/27/08
055587	Solid Waste	5/09/07	OS I/8	6/20/07	7/21/07	7/30/07	8/01/07 resub. 01/14/08	8/21/07 approve d 1/14/08	1/3/08	R 1/25/08 A 1/25/08	NA	2/20/08 Interviews completed, Selection made
058892	Lead/Lead Enforcement	07/04/07	Environmental Comp. Spec. IV/ 16	8/08/07	8/22/07	9/06/07	7/25/07	7/27/07	12/03/07	R 12/04/07 A 12/05/07	P1/09/08 C2/04/08	No qualified applications received. OHR working w/DBM on delimited listing.
062864	Oil Control/ Remediation	7/20/07	Geologist Lead/18	12/13/07			12/10/07	12/18/07	??			2/22/08*
072480	Lead/Lead Enforcement	8/10/07	Environmental Comp. Spec. III/15	2/1/08								** Funding Issue
014495	Recycling/ Ops	08/15/07	Administrative Aide/11	10/30/07			11/15/07	1/16/08	1/24/08	R 1/30/08 A 1/30/08		***
083383	Land Restoration/CHS	8/28/07	Geologist III/16	10/31/07			11/16/07	11/19/07	1/24/08	R 1/29/08 A ??		***
062857	Oil Control/ Compliance	9/7/07	Environmental Comp. Spec. III/15	10/30/07			11/27/07	11/29/07	1/22/08	R 1/31/08 A 2/1/08		***
063984	Solid Waste/ Design & Cert.	9/18/07	PHE III/17	10/30/07			11/8/07	11/19/07	??			2/20/08*

WAS VACANCIES (Con't)

PIN	Program/ Division	Vacancy Date	Classification/ Grade/	Except- ions to OB	Excep. To DBM	Excep. Apprvd by DBM	MS 22 to OHR	MS 22 Apprvd by OHR	Interv. Quests to OHR	Interview Questions Recvd & Approved by OFF	Announ- cement Posted/ Closed	Notes
018413	Recycling/Ops	10/1/07	Administrator II/17	10/30/0 7			1/29/07		2/22/07			****Class Unit
083385	Land Rest/CHS	10/23/07	Geologist III/16	10/31/0 7			11/13/0 7	11/19/0 7	1/24/08	R 1/29/08 A		***
014480	Land Rest/VCP	11/1/07	Environmental Program Mgr. 1/19	12/11/0 7			12/21/0 7	12/21/0 7	2/22/07			***
056422	Lead/Lead Enforcement	11/20/07	Environmental Comp. Spec. IV/16	12/13/0 7			12/10/0 7	12/18/0 7	1/24/08	R 1/25/08 A 1/25/08		***
047879	Hazardous Waste/ Enforcement	11/30/07	PHE III/17	1/17/08			1/3/08	1/16/08	1/17/08	R 1/25/08 A 1/25/08		***
014533	Oil Control/ Compliance	11/30/07	Environmental Comp. Spec. III/15	12/13/0 7			12/6/07	12/18/0 7	1/22/08	R 1/31/08 A 2/1/08		***
014625	Hazardous Waste/ Enforcement	12/19/07	PHE III/17	1/17/08			1/3/08	1/16/08	1/17/08	R 1/25/08 A 1/25/08		***
062860	Oil Control/ Compliance	12/31/07	Environmental Comp. Spec. III/15	1/17/08			1/30/08	1/30/08	1/22/08	R 1/31/08 A 2/1/08		***
047693	Solid Waste/ Design & Cert.	12/31/07	PH Engineer/17	12/12/0 7			12/12/0 7	12/18/0 7	??			2/21/08*
014484	Hazardous Waste/ Fed. Facilities	01/21/08	Geologist III/16	1/17/08			1/28/08	1/29/08	??			2/21/08*
068360	Oil Control/ Compliance	1/16/08	Environmental Comp. Spec. III/15	2/4/08			1/30/08	1/30/08	??			2/22/08*
078553	Lead/Lead Enforcement	2/12/08	Environmental Comp. Spec. IV/16	2/4/08			2/19/08					****Class Unit

WAS VACANCIES

Key

Yellow highlighting: date seems late or item seems overdue.

* HRC requested MS 22, exception, or interview questions from administration on this date and has not received.

** Funding Issues

*** Awaiting Exception Approval from DBM

****MS 22 being reviewed by Classifications Unit

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

Table 1: WAS Staff Time Devoted to Home Heating Oil Releases

Year	Number of Cases	Staff Time Spent	Average Hours Per Case
FY05	209	435 hours	2.1
FY06	121	273.5 hours	2.3
FY07	121	269.5 hours	2.2
TOTAL	451	978.0 hours	2.2

Table 2: WAS Coverage Rates

FY07 Data	Home Heating Oil	Permitted ASTs	Haz. Waste	Oil Poll. Remediation	USTs	Scrap Tires	Sludge Utilization
No. of sites inspected	121	188	163	504	625	502	217
Coverage rate	?	17%	1%	26%	16%	16%	31%

Table 3: Carbon Filtration Units Overseen by WAS Oil Control Program

County	State Lead	RP Lead	Total for County
AA	AA 2	AA 24	26
Baltimore*	BA 13	BA 43	56
Cecil*	CE 6	CE 54	60
Carroll*	CL 20	CL 68	88
Caroline		CO 1	1
Frederick*	FR 11	FR 39	50
Garrett		GA 1	1
Harford*	HA 4	HA 78	82
Howard	HO 6	HO 19	25
Kent		KE 1	1
Montgomery	MO 2	MO 19	21
Talbot	TA 1	TA 7	8
Washington		WA 3	3
Wicomico		WI 2	2
Worcester		WO 1	1
Totals	65	360	425
Total in HRGUA counties: 336			9

Table 4: Voluntary Notifications Relating To Historic Remediation Cases

County	Number of Open HRGUA Cases	Number of Sites Identified for Notification	Number of Letters Mailed
Baltimore	22	7	359
Carroll	26	6	296
Cecil	68	*	*
Frederick	17	12	614
Harford	42	19	188 (for 3 sites)**

* specific number of sites/letters for notification has not yet been determined

** completion targeted for 3/30/08; total letters to be mailed will approach 1,000

Table 5: Lead-Related MFR Performance Data 06-09

MFR Performance Measures	FY06 Actual	FY 2007 Actual	FY 2008 Est.	FY 2009 Est.
Number of children tested for blood lead*	99,148	102,974	105,000	108,000
Number of reported exceedances of elevated blood lead standard (10 micrograms per deciliter or more)*	1,331	1,274	700	464
Percentage of children tested for blood lead with the result of 10 micrograms per deciliter or more (elevated blood lead)*	1.3%	1.2%	0.7%	0.5%
Number of MDE inspections of residential properties with lead paint	2,076	2,625	2,500	2,500

* Blood lead information is collected on a calendar-year basis, so for these three measures, fiscal year data actually reflects previous calendar year. For example, FY2007 entry reflects CY2006 data.

Table 6: Lead Poisoning Prevention Program Enforcement Data

	FY07	FY08 Q1	FY08 Q2
No. of affected properties registered	119,512	122,841	123,240
No. of sites inspected	1,955 by MDE 25,548 by 3 rd -party inspectors 27,503 total ^[1]	800*	775*
coverage rate	23%	0.07%*	0.06%*
Number of sites inspected with significant violations	483	141	143
No. of enforcement actions excluding compliance assistance	596	236	220
Amount of penalties obtained	\$690,916	\$166,119	\$132,265
Value of SEPs entered into	NA	\$56,000	\$48,300
No. of units that passed inspections by private MDE-accredited inspection contractors	16,882	These data have not been requested yet by MDEStat and are not routinely reported by WAS.	
No. of those "passed" units audited by MDE	275		
Percentage of passes audited	1.6%		
No. of inspectors cited and fined ^[2] for failed inspections	20		

* These are the numbers WAS reported; we assume they are MDE-only. Numbers of third-party inspections are not reported quarterly.

[1] The private third-party inspectors perform basic compliance inspections for lead hazard reductions. They are making a determination of compliance/non-compliance with mandated lead dust test standards (in most cases) or lead hazard treatment completion. The MDE oversight inspections are conducted to verify the accuracy and work quality of the third party inspectors. Apart from these oversight inspections, MDE LPPP staff conduct a variety of investigations that may include dust tests and visual inspections, but third party inspectors perform essentially all basic compliance testing.

[2] Some MDE oversight inspections find that deteriorated paint conditions exist for a unit that passed a visual inspection. In those cases, the inspection certification is invalidated and the inspector is cited. Initial penalties for these citations can range from \$500 to \$1,000. For repeat failures, fines will escalate and inspectors may lose their certifications permanently.