



Maryland FFY 08 UST/LUST Activity Report Federal Fiscal Year-2008 End of Year

The UST/LUST activities are housed within the Oil Control Program (OCP) of the Maryland Department of the Environment (MDE). The Program's UST/LUST activities are summarized in this End of Year report. Each section of the report is designated with the Grant Guidance Element heading. Questions regarding this report can be directed to OCP at 410-537-3385.

Maryland FFY 08 UST Activities

End of Year

Achieve UST Compliance Goals

The percent of UST facilities in 1998 operational compliance at End Year FFY-08 is 58.9 percent with the 12 month rolling percentage (534 of the full compliance inspections qualified for counting the first six months of FFY-08 with 247 in compliance, 341 of the full compliance inspections qualified for counting the last six months of FFY-08 with 268 in compliance). The percentage of UST facilities in leak detection operational compliance for this same period is 51.8 percent (534 inspected the last first six months of FFY-08 with 213 in compliance, 341 inspected the last six months of FFY-08 with 240 in compliance). See SAARs table and UST-4.

The "Percentage of UST Facilities in Significant Operational Compliance with Release Detection and Release Prevention (spill, overfill, and corrosion protection) requirements" was 46 percent (534 inspected the first six months of FFY-08 with 190 in compliance, 341 inspected the last six months of FFY-08 with 212 in compliance). See SAARs, table 4 and table 6.

Initially with the increase in inspections brought on by the use of the Third Party program Maryland saw a decline in the compliance percentage during the first half of the fiscal year. The second half of the fiscal year has seen a rebound in the compliance rates. The initial decline was predicted and is now turning around due to the site corrections being performed by tank owners. MDE staff performs follow-up activities to ensure that the tank owners and operators have addressed the non-compliance issues and that any outstanding non-compliance is not an immediate threat to public health or the environment. The reader will note the increase in UST enforcement (Table 5). This level of enforcement will continue and has increased now that OCP has proper staffing support provided from the Maryland Attorney General's Office.

The number of petroleum tanks that are in temporary closure, as determined by registration information on file with MDE, is 293.

The number of active and closed hazardous substance USTs, as determined by registration information on file with MDE, is 552. Only 40 of the registered hazardous substance tanks are active and are located at 22 facilities. See SAARs table.

Maryland FFY 08 UST Activities

End of Year

Inspections

See attached Tables 4, 5 and 6 for the required data on compliance inspections and enforcement.

The MDE UST third party inspection program continues to be operational. There are approved initial and continuing education training courses provided by several vendors. The MDE/OCP continues to provide inspector orientation classes at MDE. There are 277 inspectors now certified by MDE. The MDE is measuring the number of inspections, compliance versus noncompliance, compliance after corrections and the regulation area where noncompliance is noted. MDE has required the completion of 1,013 third party inspections during FFY08.

MDE personnel continue to participate in the annual RCRA inspector's workshop. We have found this activity to be very useful to our inspection force.

Program Development/Implementation

MDE and the Ad Hoc Committee on Oil continue to work together to address current issues within the petroleum community. Meetings were held on, December 12, 2007, February 22, April 4, 2008, June 12, 2008 and September 5, 2008. All meetings have an average attendance of 70 people.

MDE continues to maintain a relationship with the Maryland Tank Installer Association, the Mid-Atlantic Petroleum Distributors' Association, the Washington Maryland Delaware Service Station Association and the Maryland Petroleum Council. MDE/OCP attends their meetings and works with each group on outreach activities associated with USTs.

Our partnership continues with the Clean Marina Program. This program is sponsored by the Maryland Department of Natural Resources and encourages Marinas to operate in an environmentally friendly manner. MDE/OCP is sharing data and UST outreach information with this group. We continue our partnership with other State level regulatory agencies. This includes the Department of Agriculture's Weights and Measures Division, the Comptroller's Office of Motor Fuel Tax and Maryland Occupation, Safety and Health Administration.

MDE continues a State agency project that is geared to assist other Maryland agencies with environmental compliance. UST compliance is part of this project and is being addressed with these agencies. MDE has developed an environmental workbook and has held training courses for State agencies. The USEPA inspections of State owned facilities have helped to encourage the need for this project. At the federal facility level we are active in the DOD Pollution Prevention Partnership with federal facilities in Maryland.

MDE continues to make improvements to our web site at www.mde.state.md.us. We post a large number of fact sheets and other program information regarding USTs, petroleum products and our third party inspection program.

MDE/OCP has an active certification program that tests and provides licenses related to UST installation, removal and inspections. The program currently has 577 individuals certified with MDE/OCP.

Maryland FFY 08 UST Activities

End of Year

State Program Approval/Codification

MDE has proposed additional regulations related to USTs. The regulations require increased release detection and reporting of inventory failures. Many of the changes are associated with the Federal Energy Act requirements. An industry review committee has completed their recommendations on the regulations and the Attorney General's Office has signed off. MDE's missed the goal to propose the regulation changes during the summer of 2008 and has proposed the changes in October 2008. MDE will provide the final changes to EPA upon their adoption.

Become Self-Sustaining

MDE's "Oil Fund" is in good standing. MDE/OCP continues to seek spending authorizations to make program improvements. Special State funds makeup 80% of the MDE/OCP budget. We will continue to monitor funding actions and report progress to EPA.

Data Management

Between October 1, 2007 and September 30, 2008, there were 605 federally regulated USTs entered into UST Access, as actions, for a cumulative total of 41,602 registered USTs with 8,580 of those being active USTs found at 3,342 facilities and 293 in temporary closure at 123 facilities. See SAARs table. MDE will continue to review and research the data and make corrections as needed. Regular maintenance of the information includes updating ownership of the USTs as businesses are transferred. MDE also has an additional 3,936 active state regulated UST systems within our database. The majority of these state regulated tanks are heating oil systems.

The MDE/OCP has a contract in place with an IT support group to reconfigure the UST database. This project has been completed and is now functioning properly.

Grant Funding Drawdown

No report required for this period based on past performance. Federal expenditures have been drawn in a timely manner; final draw will be done prior to submission of final FSR in December 2008.

Regional Strategic Overview

MDE will continue to play an active role in supplying information on State activities and issues to support EPA's strategic planning activities.

Grant Negotiation/Oversight

End of Year meeting will be held November 6, 2008.

Quality Management/Quality Assurance Project Plans

MDE continues to implement the generic QAPP submitted to EPA. We received approval of our revised QAPP on February 3, 2006.

Table 4: UST Inspection Tracking Chart

Inspection Type	Reporting Periods (non-cumulative)											
	2 nd half FY07			1 st half FY08			2 nd half FY08			1 st half FY09		
	State Inspections	State Inspections	State Inspections	State Inspections	3 rd Party Inspections	Total	State Inspections	3 rd Party Inspections	Total	State Inspections	3 rd Party Inspections	Total
Significant Operational Compliance (initial) *	301	301	301	42	492	534	12	329	341			
% of SOC inspections above that include Financial Responsibility (i.e., “full compliance” inspections)	100%	100%	100%	100%	100%	100%	100%	100%	100%			
Follow-up**	1163	1163	1163	815	0	815	756	0	756			

* See Achieve UST Compliance Goals.

** Number derived from Table 6 Compliance Assistance Follow-up

Table 5: UST Enforcement Tracking Chart

Enforcement Type	Reporting Periods (non-cumulative)			
	2 nd half FY07	1 st half FY08	2 nd half FY08	1 st half FY09
Informal Actions				
NOVs	28	20	24	
Directive Letters	-	0	0	
Field Directives	-	0	0	
Letters of Agreement	-	0	0	
Letters of Warning	-	0	0	
Notices of Non-Compliance	324	545	438	
Other (Define)	-	0	0	
Formal Actions				
Field Citations	-	0	0	
Complaints	-	1	0	
Consent Orders	2	0	0	
Emergency Compliance	-	0	0	
Administrative Complaints (includes NOV-P)	24	85	73	
Unilateral Orders		0	0	
Field Orders	-	0	0	
Penalties Collected	\$13,444	\$62,776	16,957.50	

The Enforcement Tracking Chart above is to be used to track UST facility operation enforcement only. States can either report a single number for each category or break it down. Also, the minimum requirement to qualify as an Informal Action is that the action requires the facility to return to compliance within a given time period and notification is given to the State. For example, leaving a copy of the inspection report which requires the following would qualify as an informal action: requires the facility return to compliance within a certain period of time, and requires the facility certify to the State that they have returned to compliance. Leaving a copy of an inspection report, which does not require the above, does not qualify as an informal action.

Table 6
Maryland Data
FFY 2008 – End of Year

Inspection Type	Initial	Follow-up
Full Compliance	341*	56
1998 Upgrade **	341	652
Release Detection **	341	717
Financial Responsibility **	341	9
Spill and Overfill Protection**	341	0
Corrosion Protection **	341	56
Compliance Assistance ***	110	756
* Includes third party and MDE inspections		
** Item included in full compliance		
*** See breakdown chart page 7		

Table 7
Maryland Data
FFY 2008 – End of Year
 (see table 5)

Informal Actions:	
Notices of Violation	24
Formal Actions:	
Administrative Complaints	73
Penalties Assessed	\$107,100
Penalties Collected	\$16,957

Breakdown of Table “6” FFY 2008 – End of Year

Breakdown of Codes for Initial MDE Inspections:

Compliance Assistance	
B1	7
C1	12
C4	4
C5	1
C7	23
C9	1
C10	0
C11	8
C12	0
C13	3
C14	2
C16	49
Total	110

Breakdown of Codes for Follow-up Inspections:

Release Detection		Upgrade		Full Compliance		Spill & Overfill		Financial Responsibility	
B1	14	C1	126	C11	56	C10	0	C12	9*
C1	126	C4	18						
C4	18	C7	184						
C5	27	C10	0*						
C7	184	C11	56						
C9	20	C13	30*						
C11	56	C16	238						
C14	34								
C16	238								
Total	717*		652		56		0		9*

*Total Follow-up Inspections (not counted twice): 756

B1 Tank test failure
 C1 New Installation
 C4 Registration
 C5 Inventory
 C7 Retrofit/Repair
 C9 Release Detection
 C10 Overfill Protection
 C11 Full Compliance
 C12 Financial Responsibility
 C13 Cathodic Protection
 C14 Compliance Testing
 C16 MDE Follow-up to Third Party Inspection
 10/22/08
 Maryland

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF UNDERGROUND STORAGE TANKS
FFY08 SEMI-ANNUAL ACTIVITIES REPORT**

MARYLAND

	DEFINITION	PREVIOUS TOTAL	ACTIONS THIS REPORTING PERIOD	CORRECTIONS TO PREVIOUS DATA	TOTAL (Cumulative, if applicable)
UST-1	Total Number of Petroleum UST Systems Regulated under Subtitle I (active and closed)	41,534	+68		41,602
UST-2	Total Number of Permanently Closed Petroleum UST Systems Regulated under Subtitle I	32,434	+588		33,022
UST-3	Total Number of Hazardous Substance UST Systems (active and closed)	548	+4		552
UST-4	Percentage of UST Facilities in Significant Operational Compliance with UST Release Prevention, (spill, overfill, and corrosion protection requirements ("1998" Regulations)				58.9%
UST-5	Percentage of UST Facilities in Significant Operational Compliance with UST Release Detection Requirements				51.8%
UST-6	Percentage of UST Facilities in Significant Operational Compliance with UST Release Detection and Release Prevention (spill, overfill, and corrosion protection) requirements.				46.0%
UST-7	Number of On-Site Inspections Conducted	534	+341		875
UST-8	Number of USTs (or UST Facilities) Identified as Being Ineligible for Delivery, Deposit or Acceptance of Product.	3	+4		7
LUST-1	Number of Confirmed Releases	11,026	+103	(20)	11,109
LUST-2a	Number of Cleanups Initiated (RP lead and/or State lead with State money)	10,739	+104	(20)	10,823
LUST-2b	Number of Cleanups Initiated (State lead with TF money)	39	-1	0	38
LUST-3a	Number of Cleanups Completed (RP lead and/or State lead with State money)	10,244	+178	(2)	10,420
LUST-3b	Number of Cleanups Completed (State lead with TF money)	9	+3	0	12
LUST-4	Number of Emergency Responses (DAF – B5 Code – Vapors)	336	+1	0	337

Maryland FFY 08 LUST Activities **End of Year**

Achieve LUST Corrective Action Goals

For FFY-08, 460 LUST cleanups have been completed. See SAARs table. Maryland has been able to achieve case closure on 93% of our reported confirmed releases. One reason MDE/OCP has been able to maintain a high level of closure is by having a full staff within our Remediation Division. The MDE also uses a Risk Base approach to LUST management. This approach allows the closure of LUST sites that do not pose a risk to human health or the environment. The OCP continues to review and manage the remaining 689 open release cases related to federally regulated tank systems. In addition, MDE/OCP is managing 227* releases from state regulated sources.

(*All open "B" lust cases in the case database minus federal regulated sites)

Adequate Cost Recovery Program

MDE OCP sought \$27,138.71 in cost recovery in FFY 08.

Corrective Action Streamlining

The MDE case managers encourage new technologies in investigations and cleanup in order to streamline remediation activities. Direct MDE case manager involvement has proven to be very successful in moving cases to closure.

Staff continues to follow the national developments on indoor air vapor intrusion investigation and risk assessment. MDE/OCP is receiving assistance from our Voluntary Clean-up Program in the review of vapor intrusion issues. At this time we do not see the need to develop a Maryland specific vapor intrusion policy. The MDE/OCP requires vapor intrusion modeling at sites where there is a potential threat. When such a threat is determined, MDE/OCP works directly with MDE toxicologists to determine site-specific requirements.

MTBE/Oxygenates

MDE continues to assess the extent of MTBE and other oxygenates contamination to the waters of the State. MDE has been tracking the number of domestic wells with MTBE detections ≥ 5 ppb since the summer of 1999. A review of our database reveals that 584 domestic wells have been impacted at one time with MTBE ≥ 5 ppb.

Maryland must now provide notification to property owners who are within a ½ mile of a new petroleum contamination discovery in the High Risk Groundwater Use Area of our state (five counties); MDE was not required to make any notifications during this reporting period. The MDE continues to notify property owners who are within a ¼ mile of an historic open petroleum contamination case in the high-risk groundwater use counties. We provided notification for 52 sites through a total of 2,500 letters to property owners. The High Risk Counties of Baltimore, Carroll, Frederick, Harford and Cecil have been completed. Anne Arundel County will be completed the by the first half of FFY 09.

Maryland FFY 08 LUST Activities

End of Year

During the spring of 2006 the petroleum industry in Maryland switched the majority of gasoline from MTBE blended gasoline to ethanol blend. We have seen very little adverse impact from this switch. However, MTBE groundwater issues continue to be discovered and are a major factor and concern at the majority of Maryland cleanup sites.

Perform LUST autopsies

No actions to report.

LUST Grant Bonus Pool

In FFY-08 there were 22 LUST enforcement actions. MDE sought \$11,500 in administrative penalties and collected \$16,369.10. Furthermore, MDE settled a civil suit against ExxonMobil for four million dollars. This suit was related to the 26,000 gallon gasoline release in Jacksonville Maryland. On all our sites MDE continues to have an active field presence to ensure there is minimal delay in the initiation of investigation and cleanup activities. MDE/OCP's recalcitrant Responsible Party policy is in place.

Land Revitalization

The MDE Voluntary Cleanup Program, now housed within our Land Restoration Program has 24 active sites that have some level of petroleum contamination involvement. The LRP and OCP continue to play a vital role in the redevelopment and land revitalization actions throughout Maryland.

Maryland also has 12 sites with a total of 44 inactive tanks that are orphaned. These sites remain on a list of sites that are waiting funding for MDE action or other means to resolve the abandon tank violation.

Grant Funding Draw Down

No report required for this period based on past performance. Federal expenditures have been drawn in a timely manner; final draw will be done prior to submission of final FSR in December 2008.

State Program Approval/Codification

See MDE comments provided for the UST Grant Report, page 2.

Regional Strategic Overview (Planning)

MDE will continue to play an active role in supplying information on State activities and issues to support EPA's strategic planning activities.

Grant Development/Negotiations Reporting

End of Year meeting is scheduled for November 6, 2008.

Quality Management/Quality Assurance Projects Plans

MDE continues to implement the generic QAPP submitted to EPA. We received approval of our revised QAPP on February 3, 2006.

**Progress Report on Maryland's actions related to the
2005 Federal Energy Policy Act.
USTCA**

I. Inspection Underground Storage Tanks (Section 1523)

DEADLINE	REQUIREMENT	PROGRESS
August 8, 2007	Complete inspections of tanks not inspected since 12/22/98	The State of Maryland is pleased to report it has achieved 100% compliance. We acknowledge the support provided by EPA Region III. The Region provided Maryland with a Senior Environmental Employee to assist with the substantial record review. The Region also provided inspection support for government owned facilities..
August 8, 2010	Complete first three year inspection	On target with the use of the third party inspection program.

II. Public Records (Section 1526)

Make available to the public a record of USTs regulated under this subtitle. EPA Administrator must prescribe the manner and form for the information after consulting with states. The public record shall include the number, sources and causes of UST releases; the record of compliance by USTs in the state with Subtitle I or approved state program; and data on equipment failures.

DEADLINE	REQUIREMENT	PROGRESS
October 1, 2007	Begin gathering required data.	All required information is available to the public with the exception of cause and release data.
December 2008	Make public records available to the general public.	MDE has posted a report on our website.

III. Secondary Containment (Section 1530)

DEADLINE	REQUIREMENT	PROGRESS
February 8, 2007	States must implement secondary containment or financial responsibility requirements.	MDE already requires new piping to have secondary containment. MDE has drafted regulations for complete system secondary containment statewide. We will have regulations in place by January 2009.

Delivery Prohibition (Section 1527)

DEADLINE	REQUIREMENT	PROGRESS
August 8, 2007	Implement the delivery prohibition requirements described in EPA guidance.	Law has passed and is being enforced by MDE. MDE has drafted supporting regulations. We will have regulations in place by January 2009
<p>During this FFY08 MDE issued seven delivery bans. The facilities involved were: #1056 Ridgell Oil (returned to compliance) #3906 Harned's Food Store #5789 John T. Tighman & Sons (returned to compliance) #6258 Parsonsburg Quick Shop #3447 Aberdeen BP #10942 Shymansky's Marina #18125 Bozel Transfer</p>		

IV. State Compliance Report (Section 1526)

DEADLINE	REQUIREMENT	PROGRESS
August 8, 2007	Submit a compliance status report on all government owned USTs including location, owner, date of last inspection, compliance and enforcement status.	MDE has submitted the required report.

V. Operator Training Program (Section 1524)

DEADLINE	REQUIREMENT	PROGRESS
August 8, 2009	States must develop a state-specific operator-training program in accordance with EPA guidance.	MDE is working with industry on compliance with this section.