

**MARYLAND DEPARTMENT OF
THE ENVIRONMENT**



**ANNUAL ENFORCEMENT AND
COMPLIANCE REPORT
FISCAL YEAR 2001**

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EXECUTIVE SUMMARY

This is the Maryland Department of the Environment's fifth annual enforcement and compliance report. Enforcement is one of MDE's core functions and in FY 2001 nearly \$8 million dollars was spent on salaries and support for 147 enforcement personnel. This report covers the Department's activities in State Fiscal Year 2001 (July 2000-June 2001). It includes information on 28 of the Department's enforcement and compliance programs in the Air, Waste and Water Administrations, as well as the Environmental Crimes Unit of the Attorney General's Office and, newly added to the report this year the Noise Program of the Technical and Regulatory Services Administration.

During this past fiscal year the Department continued to implement and improve its comprehensive performance measurement system, including the environmental indicators of the Performance Partnership Agreement with the United States Environmental Protection Agency, the Departmental performance measures under the Governor's Managing Maryland for Results initiative, and its system of enforcement output measurement in this report.

The Department is committed to being accountable for its work and to helping the public understand what it does and why. Beyond being a simple report however, this document is part of the ongoing commitment to continuous process improvement. By developing a clear picture of accomplishments and challenges this year, the Department has a point of reference against which to measure activities in future years. This year's effort builds on the progress made during the last four years towards making the numbers meaningful in the context of the Department's mission to protect the environment for the people of Maryland, while at the same time preserving the State's economic base.

Departmental Enforcement Coordination

Throughout FY 01 the Enforcement and Compliance Workgroup continued improving Department-wide communication of enforcement information. In particular, together with the Enforcement and Compliance Coordinator, the group began the task of writing an enforcement policy for the Department. This year's Enforcement Report contains language in the Penalty Policy that reflects the statutory factors the various enforcement programs take into account prior to assessing any penalty amounts. This new language however is only a beginning. The workgroup is engaged in creating a comprehensive policy which will track penalty amounts, the length of time involved in concluding enforcement actions, and possibly formulas or matrixes for determining general ranges or guidelines for various enforcement tools including penalties, injunctions, supplemental environmental projects (or SEPs), and compliance assistance. An overall enforcement policy, when it is completed, will represent the product of the collective effort of the major media administrations to find a set of understandable

terms and common standards with which the Department as a whole can track and explain individual enforcement decisions.

The Department recognizes that there are many different levels of sophistication among the many individual businesses and facilities within the regulated community. There are also different degrees of risk posed to the environment and public health by the broad spectrum of regulated activities that the Department must inspect. Consequently, the Department is committed to imposing penalties and taking enforcement actions that appropriately address and adequately punish any violations found. It is the overall goal of MDE's coordinated enforcement and compliance effort to continually push the regulated community towards better compliance with all legal requirements and encourage business practices that go beyond compliance towards active pollution prevention. It is the effective enforcement presence and appropriate punishment of violators that opens the door for compliance assistance and helping the regulated community understand how to achieve environmental excellence.

In this regard the Workgroup has continued to support the development of the MDE-wide database.

MDE also received a grant from EPA to work on a standard method for calculating and quantifying "compliance rates." The present definition of compliance rate has limited utility for targeting the Department's limited enforcement resources. At present sector compliance rates are calculated by dividing the number of inspected facilities where significant violations were found into the total number of inspected facilities. The problem with this method of calculation is that, in those sectors where many facilities are inspected, many facilities must be found in violation before the compliance rate drops by a single percentage point. In those sectors that have few facilities being inspected, a single facility in violation can drop the compliance rate by many percentage points. In short, the traditional manner of calculating compliance rates says more about how many regulated facilities were inspected than about how well the entire sector is complying with the law.

To address this problem, under the terms of the grant, MDE is piloting what has been called an Environmental Results Program (ERP). The basic concept is to use statistical methods to determine compliance rates. First the Department must determine the number of facilities in the particular sector. Then the Department inspects a sufficient number of randomly selected facilities to be able to draw statistical inferences about the entire sector's performance. Because this specialized "compliance rate inspection" would have to be conducted in addition to the normal, complaint driven or regularly scheduled inspections, the "compliance rate" inspections will focus on a limited number of what have been called "Environmental Business Performance Indicators" (EBPIs). Each inspected facility would get a "score" or "grade" based on its overall performance. These individual scores then would then be used to

analyze the behavior of the entire sector and calculate an overall compliance rate. The Department hopes to have the results of its first pilot project available by the middle of calendar year 2003.

In addition to working on the Environmental Results Program compliance rate methodology and the underlying categorical data definitions supporting the database, the Enforcement Workgroup also held its fifth Inspector Forum. During the 2001 Inspector Forum, inspection personnel received training in various aspects of integrated environmental enforcement strategies and collecting environmental data. In an effort to improve the communication of ideas from the field inspectors back up to senior management, the Forum continued the concept of the College of Inspectors. The College is a dynamic process of brainstorming and issue selection followed by voting to highlight those issues which a majority of inspectors feel upper management needs to address in order to help the agency satisfy its mission. This year the inspectors want the Department to address and hopefully improve the way complaints from the public about environmental conditions are processed, tracked, inspected and resolved. The inspectors also continue to request that the Department provide "MDE Network" connections to the field offices. In the area of Departmental Enforcement Coordination the agency remains committed to improving the manner in which enforcement data is collected and reported to the public.

Finally, the workgroup collectively compiled the statistics and information contained in this annual report. It is responsible for the present report format and is always seeking ways to improve the validity and presentation of the Department's enforcement and compliance performance measures. The workgroup's current members are:

Lorraine Anderson, Air and Radiation Management Administration
Frank Courtright, Air and Radiation Management Administration
Laramie Daniel, Air and Radiation Management Administration
Renee Fizer, Air and Radiation Management Administration
Bernard Penner, Enforcement Coordinator, Workgroup Chair and Report Manager
Bob Daniel, Environmental Permits Service Center
Hans Miller, Office of the Attorney General, Environmental Crimes Unit
Paul Stancil, Office of the Attorney General, Environmental Crimes Unit
Mel Knott, Technical and Regulatory Services Administration
Hilary Miller, Waste Management Administration
Roscoe Sincero, Waste Management Administration
Horacio Tablada, Waste Management Administration
Jack Bowen, Water Management Administration
Dave Lyons, Water Management Administration
Dave Pushkar, Water Management Administration
Nancy Reilman, Water Management Administration

The Enforcement and Compliance Process

It is important to understand MDE's air, water and waste enforcement and compliance processes. Each of the programs was established separately, with various terms being used in the applicable law to mean different things for different programs. Many programs also have federal rules and regulations that they must implement. In addition, the same company or type of industrial facility may fall under the jurisdiction of several different environmental enforcement programs at the federal, State or local level.

However, most enforcement programs share certain common functions. Most programs have an inspection and evaluation component. If an inspection reveals a violation, many programs have a discretionary component that allows a company to fix a minor problem without the risk of a fine, civil or criminal action. If an inspection reveals a significant violation, or if a minor problem indicates a pattern of non-compliance or develops into an on-going, significant violation, more serious action is warranted. This action may take the form of fines, shutdowns, and in some cases, criminal sanctions. As stated earlier, the Department's use of penalties reflect the severity of the violations. Where the law does not provide appropriate penalties, the Department has continued to seek legislation to address those deficiencies.

Environment Article Section 1-301(d)

Environment Article Section 1-301(d) enacted in 1997 requires MDE to report specified information on 15 programs as well as the penalty dollars collected and deposited into several funds. In addition to the required information, this report also includes information on 12 additional programs and additional data about the Department's enforcement activity at facilities that are subject to regulation under the Environment Article. The Department has voluntarily elected to provide this information so that the legislature, our stakeholders, and the public get the most complete picture of how the Department performs its enforcement responsibilities.

Performance Measures

The reader of this year's report will notice that the format in which the numbers are presented is the same as last four years' reports. This allows for an easy comparison of numbers between the years in keeping with the goal to extract common data for all of MDE's enforcement programs and provide information that could be tracked from one year to the next. The basic reporting format is further explained on page 31. In order to assist the reader graphic charts that compare the number of inspections, enforcement actions, and compliance rates over a three-year period dating back to FY1999 are included. This will provide a solid statistical baseline against which stakeholders and others can measure the Department's enforcement performance going back three years.

Summary and Conclusion

Enforcement is an important and necessary tool for bringing the regulated community into compliance with environmental regulation, but enforcement actions are not goals in themselves. MDE is a regulatory agency with an enforcement component. Our goal is to ensure improvements in environmental quality and to protect public health and the environment.

Following are Executive Summaries for the Department and each Administration.

**Maryland Department of the Environment
Performance Measures Executive Summary**

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	9573
Number of Permits/Licenses in effect at Fiscal Year End	62679
<u>INSPECTIONS</u>	
Number of Sites Inspected	39050
Number of Inspections, Audits, Spot Checks	103782
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance Rendered	15032
Number of Enforcement Actions Taken	1542
<u>PENALTIES*</u>	
Amount of Penalties obtained	\$1,334,499

*Amount of revenue obtained (“collected”) in FY 01 as a result of all enforcement actions regardless of specifically designated fund.

SECTION 1-301(d) PENALTY SUMMARY

TOTAL AMOUNT OF MONEY AS A RESULT OF ENFORCEMENT ACTIONS, AS OF THE END OF FY 2001 AS REQUIRED BY SECTION 1-301(d)*	Total
Clean Air Fund (includes Air Quality and Asbestos)	\$343,695
Clean Water Fund	\$674,159
Hazardous Substance Control Fund	\$43,778
Non-tidal Wetland Compensation Fund	\$0
Oil Disaster Containment Clean Up and Contingency Fund	\$134,961
Recovered from Responsible Parties (under §7-221)	\$27,612
Sewage Sludge Utilization Fund	\$2,220
Total	\$1,226,425

*Only includes only those funds required to be reported by the Environment Article, Section 1-301(d).

AIR AND RADIATION MANAGEMENT ADMINISTRATION EXECUTIVE SUMMARY

The Air and Radiation Management Administration's (ARMA) enforcement and compliance statistics for state FY2001 are contained herein. In general, the level of activity for most functions deviated only slightly from the previous year and from the average of past years. A few activities, however, experienced significant variations and are, therefore, noteworthy. For instance, in the air quality program, the High Impact Facilities category noted a decline in inspection activities, owing to the existence of several vacancies over an extended period. A decline was also evident in the amount of penalties collected. One reason for this decline is that FY2000 included several large penalties deriving from settlements in lieu of the Department proceeding with a court action for egregious violations at three major facilities.

Also, although the report category entitled "Number of Inspected Sites/Facilities with Significant Violations" for High Impact Facilities experienced little change between FY2000 and FY2001, it is noteworthy to mention that there were no repeat offenders from FY2000 to FY2001. Moreover, when the seventeen facilities for this report category for FY1999 are included in the mix, all but two facilities over the span of the three fiscal years were different.

In the Low Impact Facilities category, the number of sites inspected and the number of inspections conducted decreased significantly. This is due primarily to the existence of vacancies, as mentioned earlier, and the fact that a significant portion of available resources was directed toward maintaining a presence at high impact facilities. There is also a marked increase in compliance assistance efforts in 2001, which is reflective of increased follow-up activities at gasoline stations having vapor recovery equipment (non-significant compliance issues at small facilities are often successfully addressed through compliance assistance efforts). Gasoline stations and drycleaners, another area of focus in the Low Impact category because of the number of sources involved, account for nearly 2,500 of the over 10,000 Low Impact sources across Maryland. Based on the Department's experience with gasoline stations and drycleaners, there is a need to conduct more inspections at other small sources or categories of small sources, such as auto body shops, printers and facilities having small boilers, to ensure compliance with applicable requirements.

In the Asbestos Program, the compliance rate increased from 77% in FY 1999 to 88% in both FY 2000 and 2001, which is comparable to the FY 1998 compliance rate of 92%. It is worth noting that the FY1999 compliance rate of 77% is an example of an abrupt change that can occur occasionally in any regulatory program and one that, after further scrutiny, is unable to be explained based on resources in place, activities undertaken or other traditional indicators.

A major focus of the Radiological Health Program (RHP), Radiation Machines Division, in FY2001 was the continuation of outreach, administrative and

enforcement initiatives to maintain a steady rise in the compliance rate at facilities having x-ray machines. For example, administrative procedures put in place last year were maintained to avoid re-creating an extensive backlog of unprocessed machine certifications, which was virtually eliminated a year ago. The increased productivity of staff x-ray inspectors realized last year has held steady, which in turn has led to a small amount of violations being carried forward into FY2001. Outreach efforts were undertaken to make the dental community, the largest group within the x-ray machine community, aware of the compliance issues seen by MDE, particularly in the area of darkroom practices, and how these issues can affect the health of patients and workers. Measures are being developed in concert with the dental community, including the Maryland State Dental Association and the University of Maryland Dental School, to improve darkroom practices in the future. A curriculum for use as a continuing education credit, focusing on darkroom practices, is being developed and an evaluation of certain aspects of film development solutions is about to begin. Enforcement actions were taken in FY 2001 against serious offenders; and, as a result, the amount of penalties collected was more than double the previous year. These overall efforts led to an increase in the compliance rate (measured at the conclusion of an inspection) from 29% to 36%. The low significant compliance rate cited for all inspected facilities is heavily influenced by the extremely low compliance rate during initial inspections at dental facilities, which was only 22%. This rate for dental facilities increased to 90% after identifying areas of noncompliance and allowing for corrections to take place (usually within 45 days with no formal enforcement action).

Enforcement actions against noncompliant mammography facilities continue to be taken by the Food and Drug Administration (FDA). Maryland's only role is to conduct inspections at these facilities under a contractual arrangement with FDA. It is believed that, if Maryland were to assume full authority for all aspects of regulating mammography facilities, the current 44% compliance rate at these facilities could be improved through efforts such as targeted outreach, compliance assistance and strict and uniform application of enforcement measures. Staffing shortfalls, however, mandate that the present arrangement continue.

As an Agreement State, Maryland is in partnership with the Nuclear Regulatory Commission (NRC) with respect to regulating radioactive materials. Under this partnership, the NRC conducted a review of Maryland's radioactive materials program and found the program to be adequate to protect public health and compatible with the NRC's program requirements. Despite this finding, the NRC noted that two areas needed improvement: Sealed Source and Device (SS&D) reviews and radioactive materials licensing. Failure to improve in these areas could jeopardize maintenance of the overall finding of adequate and compatible. In response, the RHP's Radioactive Materials Division has implemented a formalized strategy that streamlined the licensing process, made progress in reducing a licensing backlog and formalized procedures to ensure that the

Department's 210-day processing period for radioactive materials license renewals is met. Progress has also been made in the review and updating of vital SS&D documents (documents submitted by manufacturers seeking approval for use of a source or device nationwide). Fifty-five such documents are currently under RHP's purview, with 32% of these having undergone an updated engineering and radiation safety review on the part of RHP. Despite these improvements in the licensing and SS&D areas, we estimate that two additional staff are needed to keep pace with new applications, to totally eliminate the backlog and to update the remaining SS&D documents.

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

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	1,567
Number of Permits/Licenses in effect at Fiscal Year End	25,619
 <u>INSPECTIONS</u>	
Number of Sites Inspected	4,336
Number of Inspections, Audits, Spot Checks	8,505
 <u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance Rendered	2,052
Number of Enforcement Actions Taken	176
 <u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$429,045

WASTE MANAGEMENT ADMINISTRATION EXECUTIVE SUMMARY

The Waste Management Administration (WAS) data collection methods ensure accurate and consistent reporting of the various performance measures for this Enforcement and Compliance Report and the Managing Maryland For Results (MFR) Workplan. WAS uses data from these reports to conduct quarterly reviews and tracking of performance and progress in accomplishing our environmental goals and to target effective use of our resources.

The data for WAS show some consistencies and individual program changes in FY 2001 as compared to previous years. The number of permits and licenses in effect and number of other regulated sites/facilities, which reflect the workload of the Administration, have continued to grow over the past three years. The total numbers of inspected sites, inspections, and enforcement actions for all WAS programs increased from FY2000, largely due to the increase in staff support for the Lead Poisoning Prevention Program (LPPP) as a result of the Governor's Lead Initiative. (See Lead Poisoning Prevention Program summary on pages 68 through 71 for additional details.)

Since the end of FY2000, the LPPP has doubled the number of inspections conducted that focused on housing with lead paint defects and more than tripled the number of enforcement actions taken. The majority of the inspections were conducted during the third and fourth quarters of the FY after five new inspectors were hired. As efforts continue related to the Initiative, the Program has taken a broader approach to enforcement by incorporating all of a property owner's rental units in an action, rather than just the unit that is the object of a notice of violation. Through this type of global enforcement, the Program is taking a proactive approach to preventing and treating lead hazards in rental units before lead poisoning occurs.

Inspections of underground storage tanks, above ground storage tanks, and oil pollution remediation sites increased over the last reporting year due to a nearly full staff of enforcement compliance specialists and permit writers. The Program numbers are beginning to reflect the change in emphasis from underground storage tanks, which were the focus in previous years due to the 1998 federal deadline for upgrade and replacement, to MTBE and case closure activities. The progress of the program can be measured through the percentage of inspected underground storage tanks in significant compliance, which increased from 80% in FY2000 to 83% in FY2001. With more emphasis being placed by the Program on remediation of leaking underground storage tanks and homeowner heating oil spills, there have been increased inspections of and compliance assistance rendered at above ground facilities and oil pollution remediation sites. These numbers reflect the multiple visits to individual sites to ensure compliance with corrective action plans and remediation of sites to reduce impacts to drinking water wells. Case closure of oil pollution remediation sites reduced the number

of identified locations where there is a leaking underground storage tank discharge impacting soil or groundwater from 4,358 in FY2000 to 3,702 in FY2001.

Inspections of refuse disposal, scrap tire, sewage sludge utilization, and natural wood waste recycling sites all decreased in FY2001 due to a nearly 17% inspector vacancy/turnover rate, coverage of vacant inspection areas, and training new staff. The percentage of inspected sites/facilities in significant compliance, however, increased or stayed the same for all program activities. In order to maximize the program's ability to protect public health and the environment, natural wood waste recycling facilities, which have the lowest risk among this program's authorities, had reduced oversight and inspections.

As program priorities change, WAS will continue to assess enforcement trends and consider changes to meet these needs and accomplish our MFR goals.

**Waste Management Administration
Performance Measures Executive Summary**

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	2,693
Number of Permits/Licenses in effect at Fiscal Year End	7,999
<u>OTHER REGULATED SITES/FACILITIES</u> (other sites)	
	99,589
<u>INSPECTIONS</u>	
Number of Sites Inspected	25,923
Number of Inspections, Audits, Spot Checks	35,317
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance Rendered	10,819
Number of Enforcement Actions Taken	957
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$269,979

WATER MANAGEMENT ADMINISTRATION EXECUTIVE SUMMARY

The past fiscal year marked a year of change for the Water Management Administration. Most notably, at the end of the fiscal year, was the departure of the Agency Director, and prior to that, approximately midway through the fiscal year was the departure of the Deputy Director. Nonetheless, the Agency stayed the course and pursued the goals identified in Managing Maryland For Results (MFR).

To that end, our measured efforts have been fairly stable. No large increases or decreases overall have been experienced, with the exception of the Amount of Administrative or Civil Penalties Obtained. Last year's total of \$1,316,226 was achieved through payment of penalties resulting from two unusually large enforcement cases. The total penalties this year at \$639,434, while less than FY 2000, exceed either FY 1998 or FY 1999 by more than \$250,000.

The Water Supply Program, previously identified in past reports as the Public Drinking Water Program, experienced a good year with respect to its activities. Looking at the overall picture, the Number of Inspections performed by this Program enabled the Administration to maintain an overall level performance result in that category. In FY2001, the Water Supply Program developed new initiatives related to source water assessment, water conservation, and capacity development.

The Water Supply and Sewerage Construction Capital Programs demonstrate the steady nature of funding and construction inspection of water and sewer projects. The numbers remain consistent with previous years, with inspection activities being determined by actual construction projects that are under way.

The Compliance Program has experienced a challenging year. The successes enjoyed by the Program were small rather than any "eye-catchers" in magnitude. The Program was able to adapt to a new challenge created by numerous sanitary sewer overflows. Because of the public health implications, the Program responded to the increased number of sanitary sewer overflows reported during this fiscal year. With this additional demand on the field staff, the number of inspections in the surface and groundwater discharge permits category increased from the previous year.

The past year also realized success in the enactment of legislation to allow local Soil Conservation Districts to assess fees for the purpose of conducting erosion and sediment control inspections on behalf of MDE. Prior to the passage of that legislation the Department was able to fund the participation of three Soil Conservation Districts in a pilot study of performing sediment control inspections for MDE. The study was successful in providing more field staff available to

physically inspect active sites. This resulted in a six percent increase in the number of sediment control inspections performed during the fiscal year.

For the Compliance Program, FY2001 continued a trend noted in the FY 2000 report, i.e., a challenge presented by staff turnover. The Program closed the fiscal year with four inspector and two supervisory positions vacant, which equates to eight percent of the staff. Filling staff vacancies throughout the year has been a problem because of budget deficits. Additionally, the Program reevaluated the manner of reporting its inspection FTE's in light of management and administrative demands. Five District Managers in the Program previously included in the inspector FTE count have not been performing inspections. Also, during the year, one inspector was reassigned to full time support duties. These positions amounting to 5.8 FTEs will no longer be considered in the inspector count. Also, as noted in the FY2000 Report, the inability to transfer the computerized inspection information from regional field laptops to the central office has continued to impact the time available to perform fieldwork. It appears that this challenge will continue into the new fiscal year.

A goal for the coming year is to receive the authority to issue administrative penalties for those programs that do not have it. Those five programs are Non-Coal Mining, Oil and Gas Exploration and Production, Waterway Construction - Dam Safety, Wetlands and Waterways Nontidal and Floodplain, and Wetlands - Tidal. While the tables for those programs show in the Numbers of Significant Violations and the % of Sites in Significant Compliance that we achieve enforcement success, the administrative penalty will provide an important compliance tool. Currently, beyond compliance assistance for minor violations, the only present recourse for dealing with more serious problem sites or contractors is to pursue criminal or civil judicial action. Most of the problems discovered are not believed to warrant a judicial remedy, but an administrative penalty would provide for a more rapid correction of problems and eliminate the need to use an already over-taxed court system. The administrative penalty authority for discharge permits and for stormwater management and erosion and sediment control reflect the usefulness of this tool in lieu of pursuing judicial remedy.

The Administration, by tracking and evaluating progress quarterly, is aware of the status of its programs and where they stand with regard to MFR goals. Where the quarterly review identifies shortfalls, adjustments will be made to redirect their efforts to meet the goals.

**Water Management Administration
Performance Measures Executive Summary**

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	5,632
Number of Permits/Licenses in effect at Fiscal Year End	29,061
<u>OTHER REGULATED SITES/FACILITIES</u>	
(other sites)	1,317
<u>INSPECTIONS</u>	
Number of Sites Inspected	9,106
Number of Inspections, Audits, Spot Checks	59,787
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance Rendered	2,164
Number of Enforcement Actions Taken	550
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$639,434

ENVIRONMENTAL CRIMES UNIT EXECUTIVE SUMMARY

The Environmental Crimes Unit (ECU) is a part of the Criminal Investigation Division of the Maryland Attorney General's Office. The Unit is responsible for the investigation and prosecution of Maryland's criminal environmental statutes. During FY 2001, the Baltimore City Police Department committed personnel to the Unit. ECU's investigator corps now includes one civilian and sworn personnel from the Maryland State Police and the Baltimore City Police Departments. FY 2001 was the first year the Unit operated the entire fiscal year with only two troopers. When fully staffed the unit has four troopers.

Typically, criminal prosecution is often a last resort used for the worst, most wanton and most recalcitrant of environmental offenders. During FY 2001 the ECU opened seventy-eight criminal investigations and filed charges in twenty-three of those investigations. Of the seventy-eight investigations thirty-two were the result of referrals from MDE administrations. By comparison in FY 2000, the Unit opened just sixteen investigations as a result of referrals from MDE administrations. Fourteen prosecutions reached conclusion during the fiscal year, with criminal courts imposing jail terms totaling eighty-seven months and fines and restitution exceeding \$190,000, in addition to probation, community work service and other penalties.

TECHNICAL AND REGULATORY SERVICES ADMINISTRATION EXECUTIVE SUMMARY

The Technical and Regulatory Services Administration (TARSA) provides technical analyses, scientific support and risk assessment guidance to all MDE programs, including those responsible for enforcement and compliance activities. Many of its field-based activities provide support to programs both within TARSA as well as to other Administrations. In addition, TARSA is responsible for compliance and enforcement of the Noise Control Program.

The Noise Control program was established by the legislature in the mid 1970's to provide technical and enforcement assistance and enforcement help to citizens and local jurisdictions across the State regarding community intruding noise issues that are not, for whatever reason, adequately handled at the local level. Noise has become an increasingly contentious "Quality of Life" issue as the State's population increases and urban sprawl progresses. The Noise Control Program pursues its mission on a complaint driven basis since it frequently reflects tensions in land use categories addressing specific requests from individual citizens as well as governmental entities. Because of limited staff, the program actively encourages local jurisdictions to take a more active role in addressing noise problems and issues while the program stands ready to provide technical back-up, enforcement help, noise control training and advisory assistance. The program has been addressing approximately 150 noise complaints yearly across the State resulting in about 250 to 300 annualized visits. It is the program's goal when possible to resolve violations using compliance assistance as opposed to primarily pursuing enforcement and penalties. The State's Environmental Noise Advisory Council has been reconvened early in 2001 to consider any needed changes in noise regulations and statutes.

TARSA's field-based programs assist other MDE programs through its monitoring programs and also include MDE's emergency response activities. Ambient conditions monitoring for water quality and specific point discharge monitoring for compliance assessments provides information that supports the Water Management Administration's programs that enforce State and federal water pollution control regulations. These monitoring efforts help identify problems that may require further enforcement activity. TARSA's Emergency Response Division (ERD) responds to reports of spills of chemical or petroleum contaminants that may pollute surface and ground waters of the State. When these spills involve an activity that is regulated by other MDE programs, the ERD refers information about them to the appropriate program for follow-up enforcement. TARSA also administers the Shellfish Certification Program that monitors and certifies that harvest waters are safe for harvesting and eating raw molluscan shellfish. Future programs being developed that will have inspection and regulatory impacts include increased monitoring of beaches and ballast water from vessels entering the Chesapeake Bay and Baltimore Harbor.

MDE'S ENFORCEMENT AND COMPLIANCE ROLE

MDE'S MISSION AND GOALS

MDE'S MISSION IS TO PROTECT and restore the quality of Maryland's air, land, and water resources, while fostering economic development, healthy and safe communities, and quality environmental education for the benefit of the environment, public health, and future generations. MDE's vision is to ensure a clean environment and excellent quality of life for all Marylanders.

The Maryland Department of the Environment is continuing to implement Governor Glendening's initiative Managing Maryland for Results (MMFR). MDE's Fiscal Year 2001 Managing Maryland for Results Workplan emphasizes the Department's commitment to using results-based, quality planning and management approaches to achieving its public health and environmental protection goals, as well as the agency's "management" goals. The following are MDE's 10 environmental and management goals:

- Goal 1** - *Encouraging Smart Growth and Community Revitalization as well as Protecting and Maintaining Maryland's Natural Resource Land Base.*
- Goal 2** - *Ensuring that Marylanders are not Exposed to Unnecessary Levels of Radiation*
- Goal 3** - *Ensuring Safe and Adequate Drinking Water*
- Goal 4** - *Reducing the Threat to Public Health from the Presence of Hazardous Waste and Hazardous Materials in the Environment*
- Goal 5** - *Ensuring Water is Clean and Safe for Harvesting of Fish and Shellfish*
- Goal 6** - *Improving and Protecting Maryland's Water Quality*
- Goal 7** - *Ensuring Adequate Protection and Restoration of Maryland's Wetland Resources*
- Goal 8** - *Ensuring the Air is Safe to Breathe*
- Goal 9** - *Providing Excellent Customer Service to Achieve Environmental Protection*
- Goal 10** - *Maximizing Resources to Support Environmental Protection*

Within MDE's MMFR work plan, enforcement, compliance, and inspection activities are reported under each environmental goal. Capturing the activities counted in this report under the related environmental goal shows how regulatory activities help the Department achieve environmental and public health goals. This year each enforcement program has a section describing which of the Department's goals their enforcement activities serve. The text also describes the successes and challenges that the programs encountered in meeting those goals. Relating the information in this report to management goals aligns our enforcement and compliance activity to the appropriate environmental and public health indicator.

ENFORCEMENT WORKFORCE

	FY 2001 Actual*	Number of FTE Inspectors**	Number of FTE Inspector Vacancies***
Air & Radiation Mgmt Adm.	\$2,338,063	47.50	8.00
Waste Management Adm.	\$2,752,183	46.25	3.25
Water Management Adm.	\$2,776,893	53.08	3.30
Total	\$7,867,139	146.83	14.55

* Appropriation includes wages plus 28% fringe for permanent employees and 8% fringe for contractual employees. 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.

***FTE vacancies represent the total amount of time that positions were vacant equivalent to a full year. This can be more or less than 6 positions vacant depending upon the total amount of time a position is vacant.

MARYLAND DEPARTMENT OF THE ENVIRONMENT

GOVERNOR

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Merrylyn Zaw-Mon, Deputy Secretary
(410) 631-3086
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Office of the Secretary

- Policy Coordination
- Strategic Planning
- Smart Growth
- Quality Management
- Enforcement and Compliance Coordination
- Environmental Justice
- Fair Practice
- Legislation
- Audit

Terri Wilson, Director
Office of Budget
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- Operating Budget
- Capital Budget
- Board of Public Works
- Water Quality Financing

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- Events Coordination
- Educational Outreach
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Environmental Permits Service
Center
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- Permits Coordination
- Permits Tracking
- Pollution Prevention
- Small Business Assistance

Ann Marie DeBiase, Director
Air & Radiation Management
Administration
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- Air Quality Permits
- Air Quality Planning
- Air Quality Compliance
- Asbestos & Industrial Hygiene
- Air Monitoring & Information Systems
- Mobile Sources
- Radiological Health

Richard Collins, Director
Waste Management
Administration
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- Waste Management Permits
- Waste Management Planning
- Hazardous Waste
- Hazardous Materials Transportation
- Underground Tank Remediation
- Oil Control
- Recycling
- Scrap Tire Management
- Lead Program
- Superfund (Federal/State)
- Federal Facilities Activities
- Sewage Sludge
- Voluntary Cleanup/Restoration

Robert Summers, Acting Director
Water Management
Administration
(410) 631-3567

- Water Pollution Control Permits
- Water/Sewer Planning
- Water/Wastewater Compliance
- Capital Projects, Grants & Loans
- Water Supply/Drinking Water
- Tidal/Non-Tidal Wetlands
- Water Appropriations
- Coal and Non-Coal Mining
- Engineering/Construction
- Sewage Treatment
- Sediment/Erosion Control
- Stormwater Management
- Wells/Septics
- Environmental Boards

Robin Grove, Director
Technical & Regulatory Services
Administration
(410) 631-3572

- Environmental Assessments
- Compliance Monitoring & Sampling
- Geographic Inform. Systems
- Information Systems & Communications
- Data Mgmt. & Integration
- Environmental Risk Mgmt.
- Toxics Reduction Inventory
- Regulations Coordination
- Public Information Act Coord.
- Graphics Services
- Emergency Response
- Shellfish Sanitation
- Multi-media Technical Services

Allan Jensen, Director
Administrative & Employee
Services
(410) 631-3116

- Fiscal & Accounting
- Personnel
- Procurement
- Human Resources Development and Training
- Central Services
- Fleet Management
- Building Security
- Building Operations
- Library Services
- Employee Safety
- Charities & Campaign Coordination

MDE'S ENFORCEMENT POLICIES

MDE Penalty Policy

MDE's Approach to Determining the Appropriate Response to Violations

The Maryland Department of the Environment (Department) 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 the Department'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 the Department 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.

The Department 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 the Department's determination of a reasonable penalty.

COMMITMENT TO PUBLICIZING ENFORCEMENT ACTIONS

MARYLAND CITIZENS ENTRUST MDE with the responsibility of achieving compliance with the environmental laws of the State. With that in mind, the Department has an obligation to inform the public about the State's progress in achieving compliance with applicable federal and State requirements.

Commitment to Public Information

The Department will keep the public informed of activities that contribute to our mission of protecting the environment and public health. In addition to enforcement and compliance actions, the Department will publicize projects and actions that yield beneficial environmental results through cooperative partnerships and alliances with businesses, community groups, environmental groups, and others who support environmental protection.

Individual Enforcement and Compliance Actions

The Department has established a process for the review and dissemination to news media sources of significant enforcement and compliance actions. The following factors are considered:

- *Significant Threats to Public Health or Environment* -- An action taken by the Department in response to acute and/or chronic conditions which cause significant damage to the environment, or which pose significant risks to public health;
- *Significant Public Interest* -- An action taken by the Department which, for any number of reasons, creates a high level of public interest; and,
- *Significant Penalty Impacts* -- An action taken by the Department which has significant economic impacts related to fine amounts, corrective action expenditures or other costs related to the violation(s) and the resulting enforcement action.

The Department responds to requests for information on any specific case as outlined in the State Public Information Act consistent with protections that apply to ongoing enforcement actions and proprietary business information.

In addition to routine press releases (available on MDE's web site at www.mde.State.md.us), the Department incorporates into its monthly newspaper, the *MDEnvironment*, a listing of enforcement actions and fines assessed. This is an effective way to provide enforcement information to a wide audience in a timely manner.

ENVIRONMENTAL AUDIT POLICY

THE MARYLAND DEPARTMENT OF THE ENVIRONMENT recognizes the benefit from companies that regularly evaluate their internal work processes for compliance with State environmental requirements. Equally as important as identifying violations is the reporting of such violations to MDE for proper and complete remediation and abatement. The Department encourages self-auditing as an effective environmental management technique. Companies that disclose environmental hazards to the Department, under specified requirements, may receive immunity from administrative penalties, pursuant to the Department's enforcement discretion.

This is not intended nor should it be interpreted to be a regulation as defined in Section 10-101, State Government Article. It sets forth criteria and guidelines to be used by the Department staff in settlement of enforcement cases, and does not confer any legal rights.

Statement of Guidance:

- A. The Department will not assess a civil penalty for violations of environmental requirements, which are voluntarily disclosed following an environmental audit if:
 - 1. Disclosure is made within 21 days after the information or knowledge concerning the violation is discovered;
 - 2. Action is promptly initiated 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, a compliance plan must be submitted to the Department within 60 days for review. Compliance with the plan must be maintained as approved by the Department;
 - 3. The applicant agrees in writing to take steps to prevent recurrence of the violation; and
 - 4. The regulated entity fully cooperates with the Department regarding investigation of the disclosed condition.
- B. Disclosure is considered voluntary if it is not required to be made in accordance with an established environmental requirement.
- C. The relief granted in Section A is not applicable if any of the following exist:
 - 1. The disclosure was not voluntary as described in Section B;
 - 2. The violation was discovered by the Department or a third party prior to disclosure by the regulated entity to the Department or the disclosure was made 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 making the disclosure;

4. Action is not promptly initiated and diligently pursued to correct or eliminate the violation;
 5. Significant environmental harm or a significant public health effect was caused by the violation or is imminent due to the violation;
 6. The specific or a closely related violation has occurred within the past three years at the same facility or the violation is part of a pattern of recurrent violations. For purposes of this section, violation includes any violations of a federal, State or local environmental law identified in a judicial or administrative order, consent agreement or order, complaint, or notice of violation, conviction or plea agreement; or
 7. The disclosure is made for a fraudulent purpose.
- D. The relief provided under this guidance shall not be applicable when 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 federal environmental program.

MDE'S ENFORCEMENT PROCESS AND DEFINITIONS

ENFORCEMENT AND COMPLIANCE PROCESS

DESCRIBING ENFORCEMENT AND COMPLIANCE activities can be difficult, and measuring those activities is a challenge. Over the last 25 years a number of separate environmental programs were developed, some under federal law and still others under State law. Each of these programs has its own terminology and rules governing the type of sanctions and when they can be used. Also, many programs have some overlap with other programs. In FY 2001 MDE had 27 distinct environmental enforcement programs.

The development of common policies across programs is difficult. The level of flexibility that a program has varies greatly and is usually written into federal or State law. What follows is a general explanation of how enforcement works at MDE and what is expected at each level. Keep in mind that some programs may vary from this model. A diagram of the enforcement process is included on page 29. It may be helpful to refer to the diagram when reading this document.

INSPECTIONS: The first step in determining a course of action is to conduct a site inspection, audit, record review, or spot check. The purpose of such activity is to determine whether a facility is in compliance with all applicable permits, regulations and statutes. During an inspection, an inspector may conduct a visual observation of a facility's operation, review records or take samples for analysis, or any combination thereof. The results of these activities constitute the Department's findings. At the conclusion of an inspection, a written record of these findings is prepared, either at the time of the inspection or at a later date. A copy of the written record is either presented to the facility before the inspector leaves or it is mailed.

POST-INSPECTION EVALUATION: At some point, either while the inspector is on the site or at a later date, the Department reviews the inspector's findings to determine whether the facility is in compliance with applicable requirements. The need to review findings also arises through other activities, such as the periodic submittal of self-monitoring reports by permittees. If the review determines that the facility is in compliance, no further action is warranted. If the post-inspection review reveals that a violation of an applicable requirement has occurred, a determination is made concerning the seriousness of the violation. Different courses of action are recommended for significant violations versus those that are determined to be not significant. In most situations where a violation has occurred, a report of the violation is served on the facility. This report can either be the written record of the inspection itself or a separate document.

MINOR VIOLATIONS: Sometimes a violation is discovered that is minor in nature and does not have the potential to affect human or environmental health. These may include:

- Minor excursions from prescribed numerical standards.
- Minor record keeping violations.
- First offenses that present no imminent harm or potential harm to public health or the environment.
- Minor violations that can be corrected immediately or in short order.

Minor violations should not be confused with technical violations. Technical violations are often significant. For example, technical violations involving radiation or asbestos are frequently counted as “*significant*”. An intentional falsification of self-monitoring reports is considered significant. Also, repeated minor violations or recalcitrant behavior can be elevated to the significant violation status and appropriate enforcement actions are taken.

If a violation is minor and a facility is cooperative, the inspector can request that the facility correct the violation within a specified time frame. A follow-up inspection is then conducted or other measure taken until adequate assurance exists to verify that the correction has occurred. The inspector may request that a violation be corrected prior to leaving the facility, in which case no follow-up is needed. For certain technical matters, MDE provides assistance to help facilities achieve compliance with federal and State laws. If the facility needs technical assistance to correct a minor violation, the inspector can either provide the assistance directly, or arrange to have assistance provided at a later date. If a minor violation results in a Report of Observation, or similar document, it is not reported in this report as a violation. Many documented minor violations are tracked under the category of Compliance Assistance.

Minor violations may become significant if they are a part of a reoccurring pattern. Such a violation could become serious if it remains uncorrected or is only partially corrected at the time of a follow-up inspection. Whether this occurs is left to the judgment of the inspector (and/or supervisor) considering factors such as: past compliance history, willfulness of the violation, the degree of harm or potential harm, the ability of the facility to make timely corrections and any other appropriate factor.

SIGNIFICANT VIOLATIONS: Certain violations uncovered during an inspection are considered significant on their face. Examples of significant violations are:

- Major excursions from prescribed standards.
- Offenses that pose a direct threat to public health or the environment.
- An offense that is part of a pattern of chronic, non-compliant behavior.
- An offense that requires a significant amount of time or capital to correct.
- A violation deemed significant under federal criteria.

EVALUATION OF ENFORCEMENT OPTIONS: Once a violation has been deemed significant, it generally follows that enforcement action is warranted. An evaluation of the available enforcement options is conducted to determine the most appropriate course of conduct given the particulars of the situation. Generally the options available are:

- Issue a directive
- Issue a show-cause order
- Issue a corrective order
- Enter into a consent order
- Seek judicial relief
- Make criminal referral
- Assess a penalty (can be done in conjunction with the options above)
- Or in some circumstances no action

Some programs have specific sanctions spelled out in law. The enforcement option that is pursued depends on a variety of factors and circumstances, including: whether certain actions are prescribed by State/federal delegation or enforcement agreements, the severity of the violation, the degree of harm or potential harm to public health or the environment, the willingness of the facility to correct the violation, the past compliance history of the facility and the willfulness of the act. If a penalty is thought to be warranted, there are often factors, incorporated in the statute, that must be considered as part of the decision-making process.

There are rare occasions where circumstances require the Department to decline taking further action. It may be that upon a review of the available evidence, the Department's case is found to be too weak, or is precluded by statute of limitations, or other legal defenses. It is also possible that a case is more appropriately pursued by a federal oversight agency such as the EPA. These circumstances are, however, the exception, not the rule.

COMPLIANCE ASSISTANCE

Compliance assistance is both a valuable customer service and an efficient, effective way to improve environmental safeguards. 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 of the report generally identifies the types of contacts MDE has with businesses to help them come into compliance.

One specific form of contact between businesses and MDE’s enforcement and compliance inspectors is counted in the programs’ performance measures charts under the category of “compliance assistance.” As an element of MDE’s enforcement process, an inspector renders an identifiable and countable act of compliance assistance when he or she:

- (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.

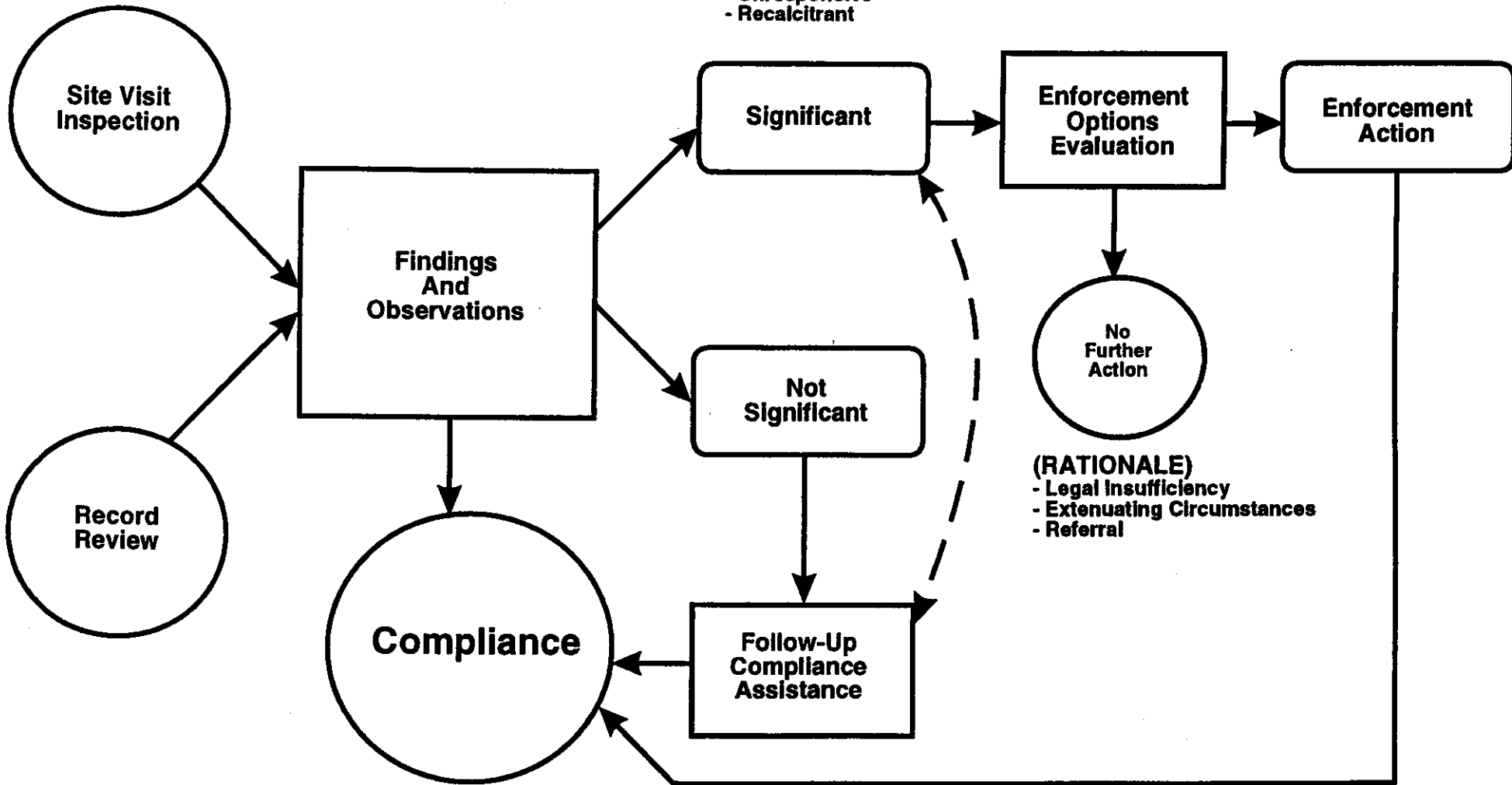
In either (a) or (b), the MDE inspector must document the manner in which the regulated entity voluntarily achieved compliance. This definition of “compliance assistance” has the advantage of being measurable, and objectively verifiable by a third party.

Beyond the enforcement process, the concept of compliance assistance also involves MDE’s public outreach and assistance activity which helps the regulated community understand the law and assists the regulated community in complying with the law’s requirements. Although the count of these public outreach activities is not included in this report, examples of these activities include:

- The Environmental Permits Service Center which assists businesses, that need MDE permits or approvals, to understand their responsibilities under the law and establish lines of communication between those businesses and the Department through which assistance may be sought and rendered.
- The Department operates a Small Business Assistance Program (SBAP) which helps small businesses understand and comply with Maryland’s environmental programs and regulations, and provides pollution prevention and waste minimization information to businesses, explaining how businesses can save money, and reduce environmental liabilities as well as the need for permits by changing their operations to avoid creating pollution. In the past, the SBAP has conducted site visits and workshops to dry cleaners, auto body shops, printers, and metal platers. The SBAP is developing new outreach programs to focus on small business and industry sectors that have the potential to significantly impact the environment.
- The Department publishes and distributes a *Business Guide to Environmental Permits and Approvals* which provides detailed information about each of MDE’s permits, such as the purpose of the permit, the permit requirements, the permit application process, the standard turnaround time, the term of certification, the permit fee, and the Department contact for further information and assistance if needed. The Department has made a number of permit applications and instructions for completing them available through the Internet at MDE’s website. The Department is also working to enable businesses to submit their permit applications via the Internet.

ENFORCEMENT PROCESS

- Major
- Chronic
- Unresponsive
- Recalcitrant



NO FURTHER ACTION

PERFORMANCE MEASURES OVERVIEW AND DEFINITIONS

THE TASK OF EVALUATING the performance of the enforcement and compliance programs is difficult but not impossible. Three of MDE's administrations handle the bulk of the enforcement actions taken by the Department. For that reason we have broken down our evaluation of MDE's programs by media:

- Air:** This includes programs that deal with air pollution and radiation.
- Waste:** This includes oil control, solid and hazardous waste as well as the sewage sludge, scrap tire, lead poisoning, natural wood waste and Superfund remediation programs.
- Water:** This includes the drinking water, tidal and non-tidal wetlands, the NPDES program, coal and mineral mining, oil and gas exploration and production, water appropriation, waterway and floodplain construction, dam safety, stormwater management, sediment and erosion control programs.

The first step in assessing performance was the development of measures. This proved to be more difficult than anticipated because each program used different statistics to measure their performance. In an effort to gauge performance, and take a step forward to achieve consistency, the Department developed the Measures of Success program.

In 1997 the Department's first attempt was to create a consistent system of performance measurement. In that effort it was necessary to use three sets of definitions to adequately explain all of the statistics. Trying to implement 1997's system proved difficult and, as it turns out, unnecessarily complicated. The Department believes that the format employed for the last four years is better because it is simpler. The six pages of definitions used in the 1997 report continue to be valid, but they are not repeated here because the more generic definitions which follow are sufficient for purposes of this report. If the reader needs more details concerning specific categories of numbers as applied to any given program, the Department stands prepared to provide that detail on a program by program basis.

CHART FORMAT

Because of the many favorable comments received in the past, the Department continues to use the same chart format as used in previous years. The advantage of this format is that all programs are reporting their numbers in a consistent manner, making the information accessible to the reader without having to refer to different definitions. Repeated use of the same format also facilitates comparison of information from one year to the next, hopefully making enforcement activity trends more apparent.

The Logic of the Chart

The purpose of this document is to report and attempt to measure the performance of MDE's enforcement effort. Each program's performance chart consistently follows the same logic and is designed to give the citizens of Maryland a common sense, plain English, accounting of the program's activity. A blank example of the chart with the lines numbered to correspond to the following definitions can be found on page 34.

1. *Identify the total universe of facilities over which the program has regulatory responsibility.*

Lines 2 - 9

Line 3 shows the number of new permits or permit renewals issued during the year. Line 4 accounts for the total number of permits that were in effect at fiscal year end. Lines 5 through 9 are used by those programs that have regulatory responsibility for sites and facilities that are not required to obtain a formal permit.

2. *Count the number of inspections audits and spot checks conducted*

Lines 10 - 12

Lines 11 and 12 provide a count of the individual sites inspected and the total number of inspections conducted including record reviews, audits and spot check activities. It should be noted that a record review, audit, or spot check is counted the same as a full inspection for purposes of this report. Individuals familiar with these activities know that often a full inspection involves a whole set of activities including record reviews, interviews, and site visits. Because different types of inspections conducted by the various enforcement programs involve many diverse activities, the "number of inspections, audits, and spot checks" reported here includes some activities that do not amount to full formal inspections. Also, the reason the number of inspections is often substantially higher than the number of sites is because some sites are inspected or checked more than one time during the year. Another reason is that some individual sites are sufficiently large or diverse to warrant having different portions of the site, or pieces of equipment, inspected separately.

3. *Compliance Profile*

Lines 13 – 16

The Compliance profile portion of the chart is a snapshot of the overall compliance status of the facilities inspected during the fiscal year. Line 14 identifies how many of the inspected

sites were found with significant violations, providing a key element used to determine the overall compliance rate. The percentages on lines 15 and 16 show the percentage of inspected sites that had significant violations. 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. These percentages, along with the number of compliance assistance actions rendered, reflect some measure of how responsive the regulated community is to the Department's enforcement efforts.

4. *How many significant violations did the inspections, audits, and spot checks reveal?*

Lines 17 – 21

Lines 18 through 21 record the total number and nature of the significant violations the program identified during the Fiscal Year. Line 18 indicates how many significant violations resulted in an *environmental or health impact*. Line 19 counts how many significant violations were *technical/preventative* in nature. The distinction here is based on evidence or proof that the Department must present to establish the violation in a contested case. Cases which require proof of actual physical damage to the environment or a human being, such as samples, photographs, or direct observations of a discharge 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 19. It is a mistake to infer that only environmental/health violations are significant and technical/preventative are not significant. Both types of violations are considered significant or insignificant depending on the circumstances of the violations. It is necessary to make the distinction between physical and technical violations in order to avoid the misperception that all violations involve pollution. This report reveals that a substantial amount of effort goes into enforcing the many technical requirements of the law.

The specific definition of what constitutes a **significant** violation ultimately rests with the individual programs that have unique statutory and regulatory threshold requirements. The Department's general definition of a significant violation is any violation that requires the Department to take some form of remedial or enforcement action to bring the facility into compliance. Consequently, the Department is under a self-imposed obligation to account for how it handles each and every significant violation.

Line 20 accounts for the number of significant violations carried over from last year. Thus, adding lines 18 through 20, gives the total number of significant violations (line 21) which the program attempted to resolve during the fiscal year.

5. *How were those significant violations resolved? What did the Department do with them?*

Lines 22 - 24

Lines 23 and 24 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 the Department'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. Simply put, the "ongoing" enforcement responses are those not yet finished.

6. *Use of Enforcement Tools*

Lines 25 – 31

The Department has a number of different enforcement tools that can be used to achieve compliance. Line 26 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 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. 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.

Lines 27 through 29 cover specific types of enforcement actions that are required to be reported under Environment Article Section 1-301(d).

Line 30 is 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 31 records 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.

7. *Penalties*

Line 32 - 33

Line 33 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 part in FY 2000.

EXAMPLE – PERFORMANCE MEASURES CHART

1		Totals
2	<u>PERMITTED SITES/FACILITIES</u>	
3	Number of Permits/Licenses issued	
4	Number of Permits/Licenses in effect at Fiscal Year End	
5	<u>OTHER REGULATED SITES/FACILITIES</u>	
6	(other sites)	
7	(other sites)	
8	(other sites)	
9	(other sites)	
10	<u>INSPECTIONS</u>	
11	Number of Sites Inspected	
12	Number of Inspections, Audits, Spot Checks	
13	<u>COMPLIANCE PROFILE:</u>	
14	Number of Inspected Sites/Facilities with Significant Violations	
15	% of Inspected Sites/Facilities in Significant Compliance	
16	% of Inspected Sites/Facilities with Significant Violations	
17	<u>SIGNIFICANT VIOLATIONS</u>	
18	Number of Significant Violations involving Environmental or Health Impact	
19	Number of Significant Violations based on Technical/Preventative Deficiencies	
20	Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	
21	Total	
22	<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
23	Resolved	
24	Ongoing	
25	<u>ENFORCEMENT ACTIONS</u>	
26	Number of Compliance Assistance rendered	
27	Number of Show Cause, Remedial, Corrective Actions Issued	
28	Number of Stop Work Orders	
29	Number of Injunctions Obtained	
30	Number of Penalty and Other Enforcement Actions	
31	Number of referrals to Attorney General for possible Criminal Action	
32	<u>PENALTIES</u>	
33	Amount of Administrative or Civil Penalties obtained	

ENVIRONMENT ARTICLE

§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 §1-246 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.



**AIR AND RADIATION MANAGEMENT
ADMINISTRATION**

AIR AND RADIATION MANAGEMENT ADMINISTRATION

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-Combustion & Metallurgical
-Technical Support

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-Industrial Compliance
-Process Compliance
-Field Services
-Compliance Services Office

Asbestos & Industrial Hygiene
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-Industrial Hygiene
-Asbestos Accreditation & School
Assistance

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-Quality Assurance &
Data Management
-Toxics & Special
Sampling Office

Air Quality Planning Program
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Planning
-Regulation Development
-Special Projects Office

Mobile Sources Control
Program
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-Engineering &
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-Certification & Auditing
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-Radiation Machines
-Radioactive Materials
Licensing & Compliance

Ambient Air Quality Control

PURPOSE

There are approximately 10,000 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 nearly 400 priority sources are the primary focus of this program. 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 are considered to have the potential for significant risk to public health or the environment. Combined, this group of nearly 600 sources includes facilities such as large industrial operations, paper mills, asphalt plants and incinerators. This group varies slightly in number from year to year due to 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 10,000 sources are generally smaller in terms of their emissions or their impacts and are considered to be of potential low risk to public health or the environment. Examples of these smaller sources include dry cleaning operations, 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 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.

SUCSESSES / CHALLENGES

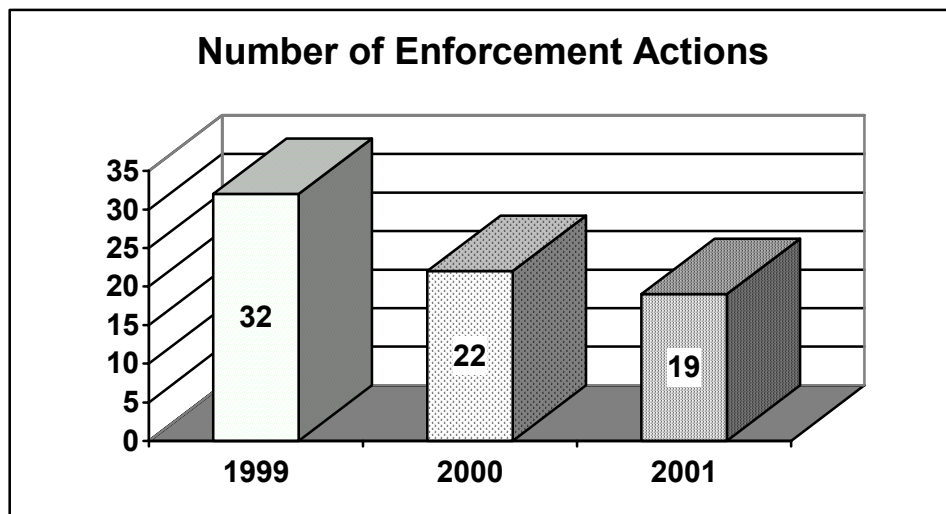
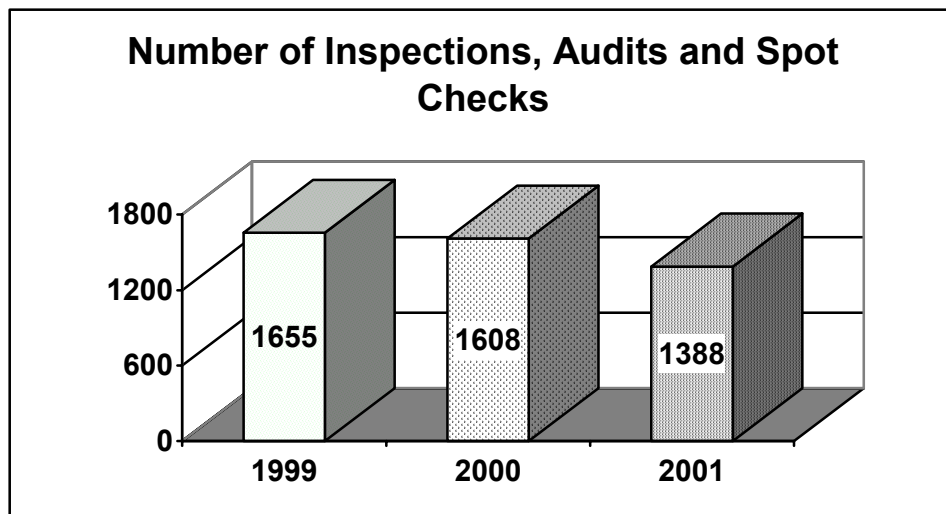
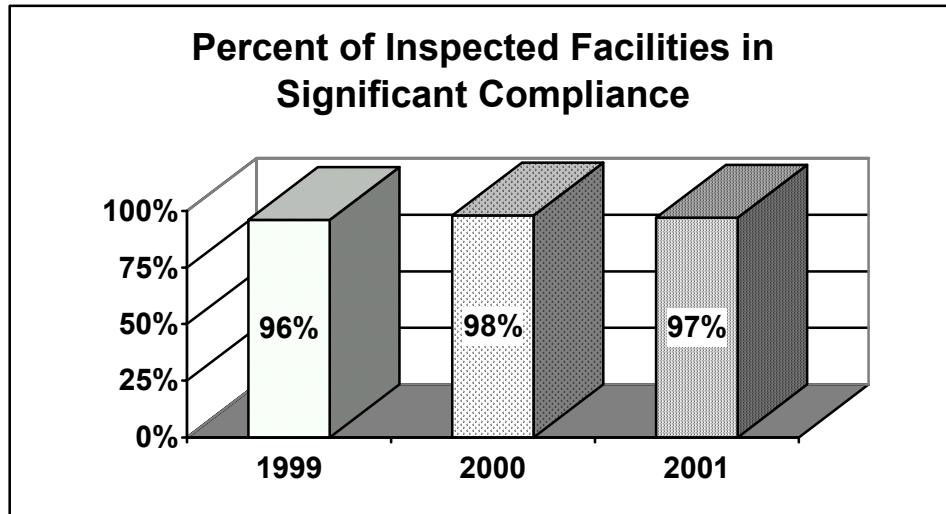
This Program addresses MFR Goal 8: Ensuring the Air is Safe to Breathe. The Air Program was challenged in FY 2001 with staff shortages, resulting in a decrease in both total inspections and number of facilities inspected from the previous year. Five of the 23 inspector positions in the Program were vacant, resulting in a vacancy rate of 22%. The existence of these vacancies contributed to a 32% reduction in the number of inspections conducted. Maintaining a presence at high impact facilities, at the expense of inspections at low impact facilities, also contributed to the dramatic fall-off in inspections at these smaller facilities compared to last year. Of the sites inspected, compliance rates remained about the same. The number of enforcement actions also remained about the same. The amount of penalty dollars collected was lower than last year, influenced partially by three large penalty settlements in lieu of court actions last year.

Another challenge currently facing the Air Program is the need to inspect more numerous smaller sources of air emissions. While these smaller sources may not contribute a large amount of emissions individually, as an aggregate group they are becoming a larger fraction of total emissions to the atmosphere. They also can be sources of air toxics. The current approach of using existing staff to attempt to cover small sources as well as the larger sources results in the unsatisfactory situation where both groups are receiving less attention than is necessary to ensure compliance. In an effort that will help address this concern, the Air Program is participating in a multi-media MDE initiative to determine compliance rates for one category of small sources (paint spray booths) with the help of federal funds and inspectors.

Ambient Air Quality Control High Impact Facilities

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
	575
Number of Permits/Registrations issued	315
Number of Permits/Registrations in effect at Fiscal Year End	3386
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	410
Number of Inspections, Audits, Spot Checks	1388
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	12
% of Inspected Sites/Facilities in Significant Compliance	97%
% of Inspected Sites/Facilities with Significant Violations	3%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	10
Number of Significant Violations based on Technical/Preventative Deficiencies	5
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	7
Total	22
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	15
Ongoing	7
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	109
Number of Show Cause, Remedial, Corrective Actions issued	7
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
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$304,750

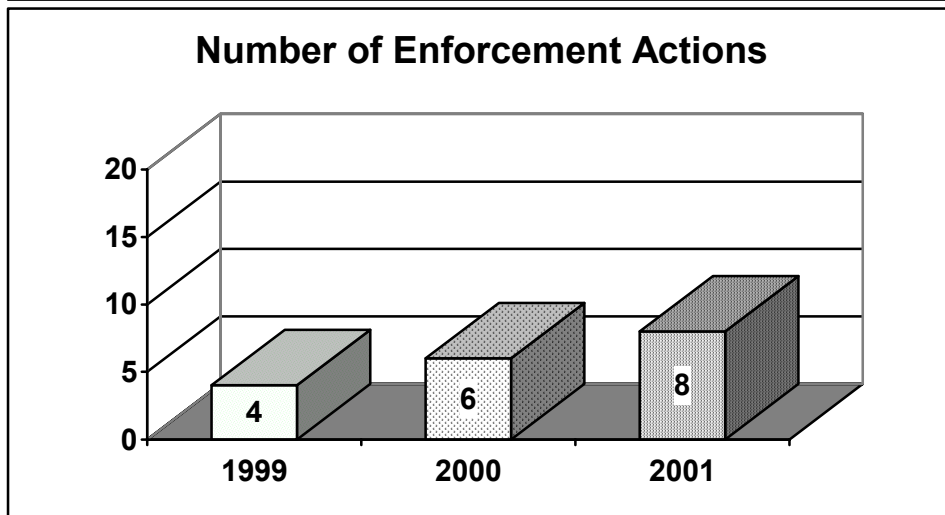
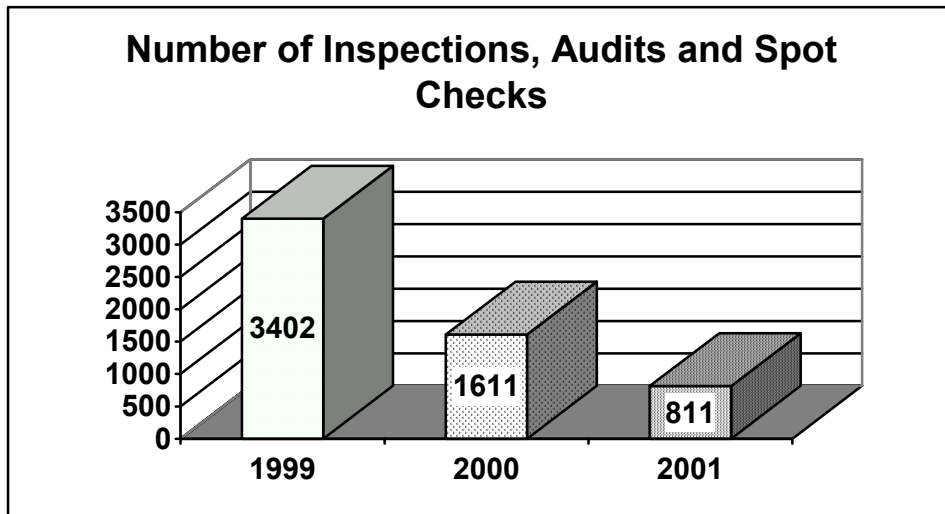
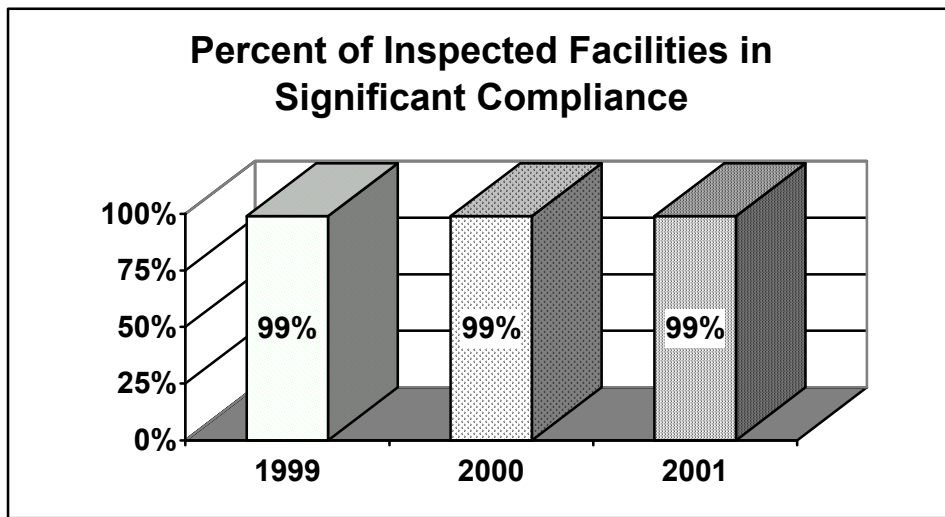
Ambient Air Quality Control High Impact Facilities



Ambient Air Quality Control Low Impact Facilities

<u>PERMITTED SITES/FACILITIES</u>	2001 Totals
	10623
Number of Permits/Registrations issued	338
Number of Permits/Registrations in effect at Fiscal Year End	16908
 <u>OTHER REGULATED SITES/FACILITIES</u>	
None	
 <u>INSPECTIONS</u>	
Number of Sites inspected	578
Number of Inspections, Audits, Spot Checks	811
 <u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	4
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%
 <u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	6
Number of Significant Violations based on Technical/Preventative Deficiencies	3
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	8
Total	17
 <u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	11
Ongoing	6
 <u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	149
Number of Show Cause, Remedial, Corrective Actions issued	4
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	4
Number of Referrals to Attorney General for possible Criminal Action	0
 <u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$5,000

Ambient Air Quality Control Low Impact Facilities



Air Quality Complaints

PURPOSE

In addition to the approximately 10,000 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 Pollution Complaints Program responds to complaints regarding nuisance odors and dust from both permitted and non-permitted operations. Close to 900 complaints are received each year. After investigation, some complaints reveal no basis for potential harm to 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 the site in an attempt to verify the existence of a problem, which could then generate a need to conduct 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 which 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.

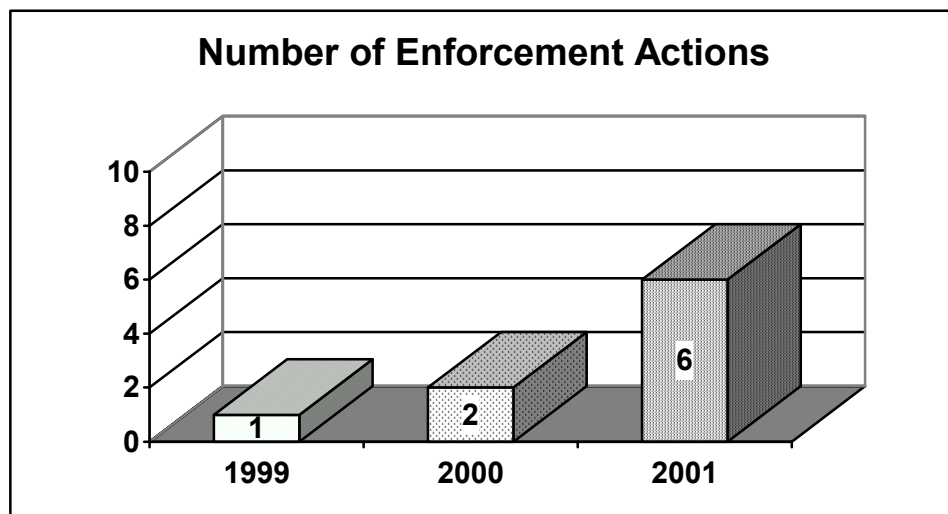
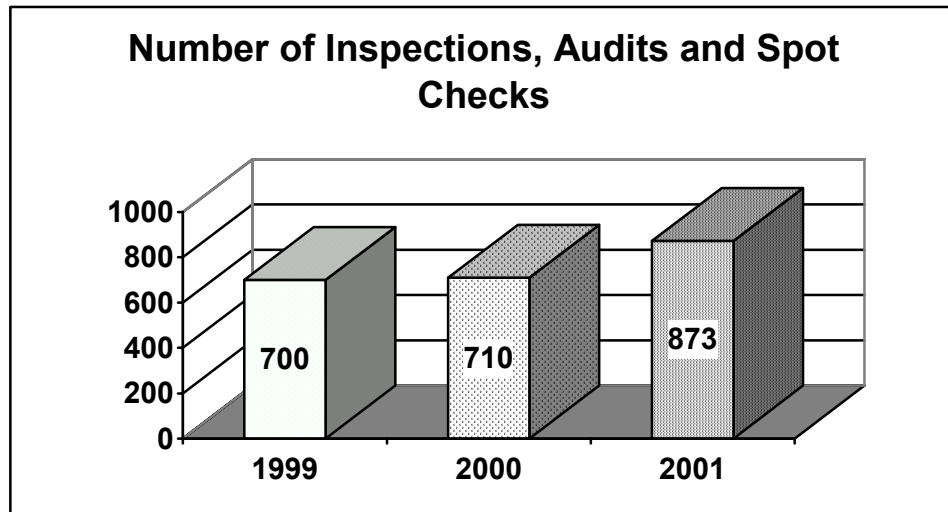
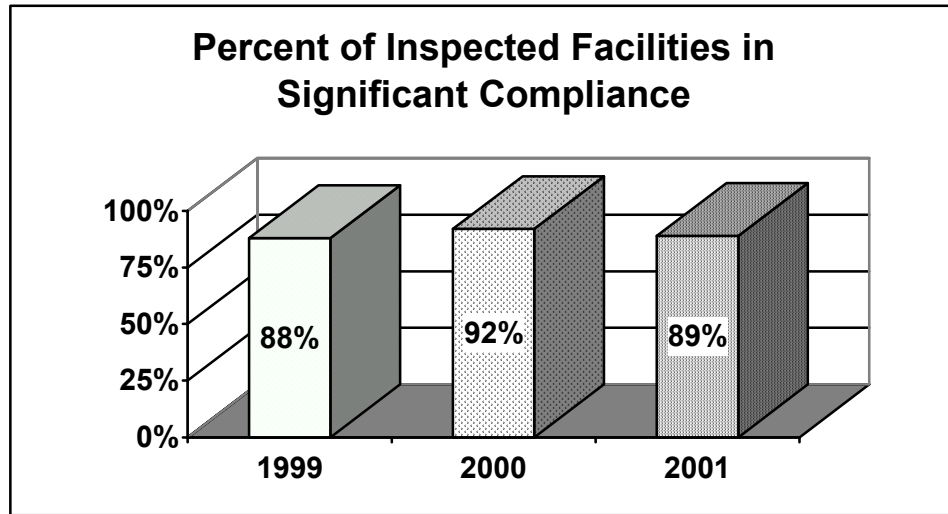
SUCSESSES / CHALLENGES

This Program supports MFR Goal 8: Ensuring the Air is Safe to Breathe. This Program continues to successfully respond to complaints about air quality. One challenge being faced by this Program is the increasing number of air quality complaints being generated by agricultural activities. More residences are being built in farming communities, leading to odor complaints from the new residents.

Air Quality Complaints

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	n/a
Number of Permits/Licenses in effect at Fiscal Year End	n/a
<u>OTHER REGULATED SITES/FACILITIES</u>	
Complaints received at all sites	967
Complaints received at unregistered/unpermitted sites	706
<u>INSPECTIONS</u>	
Number of Sites inspected	414
Number of Inspections, Audits, Spot Checks	873
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	44
% of Inspected Sites/Facilities in Significant Compliance	89%
% of Inspected Sites/Facilities with Significant Violations	11%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	58
Number of Significant Violations based on Technical/Preventative Deficiencies	0
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	18
Total	76
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	55
Ongoing	21
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	89
Number of Show Cause, Remedial, Corrective Actions issued	2
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	4
Number of Referrals to Attorney General for possible Criminal Action	4
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$9,945

Air Quality Complaints



Asbestos

PURPOSE

The Asbestos and Industrial Hygiene Program manages the licensing of asbestos removal contractors and oversees their efforts when removing or encapsulating asbestos to assure that it is removed 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 safety 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 similarly large facility.

AUTHORITY

FEDERAL: Clean Air Act, Title 1, Section 112

STATE: Environment Article, Title 6, Subtitle 4; COMAR 26.11

PROCESS

Removing or encapsulating asbestos is required to be done by a contractor licensed by MDE for such purposes. 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 strict safety standards designed to protect workers and the public from exposure to asbestos. Because there is no safe level of exposure to asbestos, almost any violation is considered significant.

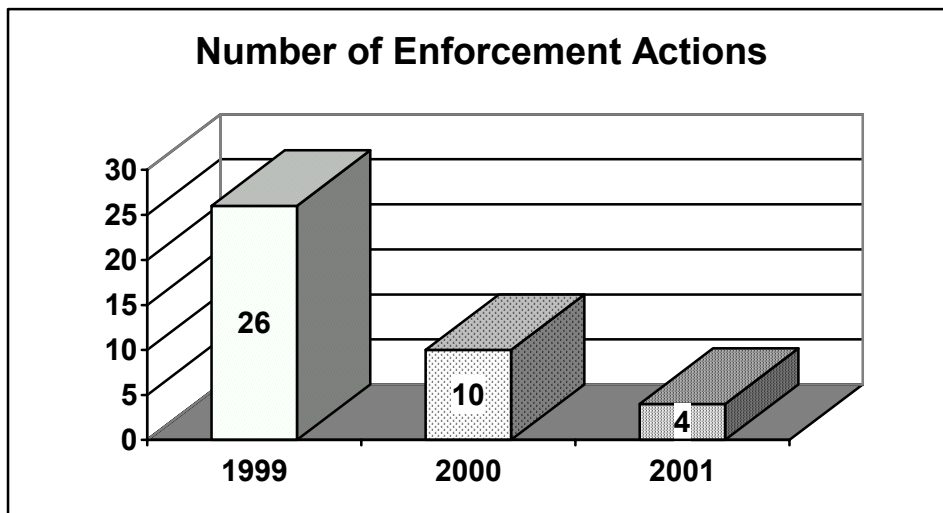
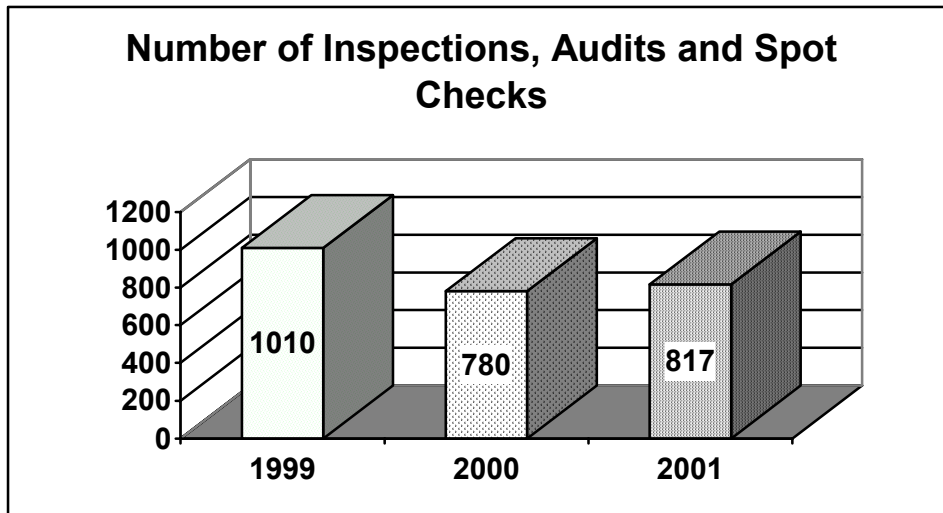
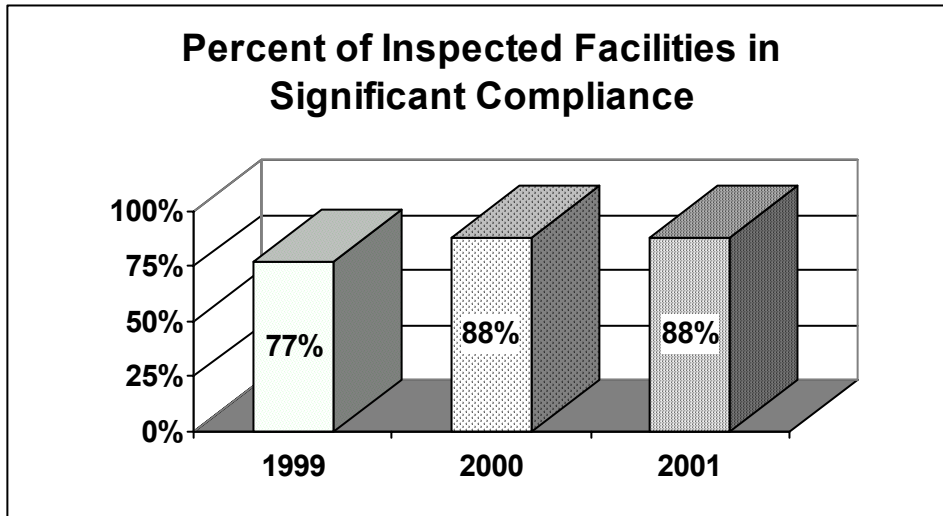
SUCCESSSES / CHALLENGES

This Program addresses MFR Goal 8: Ensuring the Air is Safe to Breathe. 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 2001, the Program inspected 31% of sites that provided notification to MDE vs. 23% in FY 2000. The compliance rate for FY 2001 held steady at 88%. The drop in enforcement actions from FY 2000 to FY 2001 may be attributable to several factors, including less egregious violations in FY 2001 and a focus by the Program on a single large case still under development that is not reflected in the FY 2001 statistics.

Asbestos

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	n/a
Number of Permits/Licenses in effect at Fiscal Year End	n/a
<u>OTHER REGULATED SITES/FACILITIES</u>	
Number of contractor licenses issued in FY 00	198
Number of licenses in effect at fiscal year end	238
Number of asbestos removal notifications received	2605
<u>INSPECTIONS</u>	
Number of Sites inspected	524
Number of Inspections, Audits, Spot Checks	817
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	99
% of Inspected Sites/Facilities in Significant Compliance	88%
% of Inspected Sites/Facilities with Significant Violations	12%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	103
Number of Significant Violations based on Technical/Preventative Deficiencies	0
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	37
Total	140
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	110
Ongoing	30
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	76
Number of Show Cause, Remedial, Corrective Actions issued	2
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	2
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$24,000

Asbestos



Radiological Health Program (RHP)

Radiation Machines Division

PURPOSE

The RHP's Radiation Machines Division (RMD) mission is to regulate man-made electronic sources of radiation so as to minimize the amount of radiation exposure to the general public. These sources include dental and veterinary x-ray machines, mammography machines, radiation machines used in medical settings to diagnose or treat illnesses, and radiation emitting devices used in research or industry.

State regulations, which derive in part from federal statutory requirements, require that all radiation exposures be "As Low As Reasonably Achievable" (ALARA). Such a requirement is necessary since excess radiation exposure can cause adverse health effects. Radiation protection is based on evidence that receiving numerous small exposures over time may have a detrimental effect similar to receiving a single large exposure since the radiation dose is cumulative. Although medical benefits of radiation diagnostic, therapy and treatment procedures far outweigh the potential risk of sustained biological damage, it is prudent to take every reasonable precaution when dealing with radiation. Documented human health impacts from radiation machine procedures have been rare but are on the rise with the increase in the use of fluoroscopic procedures to replace invasive surgical procedures.

AUTHORITY

FEDERAL: Radiation Control for Health and Safety Act;
Mammography Quality Standards Act; 21-CFR-1020
STATE: Environment Article, Title 8 "Radiation"
COMAR 26.12. Radiation Management

PROCESS

Dental and veterinary x-ray machines are inspected by the RMD on a 3-year cycle. Under a contractual arrangement with the U.S. Food and Drug Administration (FDA), mammography machines in facilities certified by the FDA are inspected annually by the RMD. The mammography inspection reports are provided to FDA for follow up enforcement actions. FDA's enforcement actions are not included in the statistics presented in this report. Inspections of all radiation-emitting machines in hospitals, private medical or industrial facilities and academic institutions are performed by inspectors licensed by the RMD. Licensing requirements include an education and a health physics experience element. Inspection priorities for these machines are based on the type of the machine, with inspection intervals ranging from 1 to 3 years. Following the RMD's review and approval of an inspection report from a private licensed inspector, the inspected machine is issued a certification. An inspection in any of the program categories below involves testing the accuracy and intensity of the radiation beam, testing the accuracy of the dosage timer, and checking for proper film development procedures. A review of operator credentials and adherence to safety procedures may also be included as part of an inspection.

Following an inspection, appropriate follow-up activities are conducted to verify that all violations uncovered during the inspection are corrected. Facilities with significant violations and those that are not corrected in the required time frame (20 days) are targeted for enforcement action.

Successes/Challenges:

This Program addresses MFR Goal 2: Ensuring that Members of the Public are not Exposed to Unnecessary Levels of Radiation. The significant compliance rate for inspected facilities has increased collectively from 29% (FY00) to 36% this fiscal year. The dental compliance rate is still low but has improved to 22%. Violations cited at dental facilities have revealed a pattern that implies facilities could have exposed the public to unnecessary levels of radiation. Education seminars, speaking exhibitions, and escalated enforcement against non-compliant facilities are examples of actions by the RMD throughout dental community that have increased awareness of the potential danger to patients and resulted in the increased compliance rate with a projected increase of 15% per year over the next four years. As a result of the focus on the dental community, the RMD has noted an increase in compliance from all of the other registered radiation machine facilities which can reduce unnecessary radiation exposure to patients and the general public.

The chart below shows the types of facilities regulated by the RMD listed in terms of radiation machine type or purpose, and the frequency at which they are inspected.

Facility Type	Registered X-ray Tubes*	Inspection Frequency
High Energy & Particle Accelerators	4 facilities, 6 Certified Tubes	Annual
Therapy	37 facilities, 55 Certified Tubes	Annual
Hospitals	67 facilities, 1111 Certified Tubes	Biennial
Physicians: MD, GP, Chiropractic, Podiatric	1256 facilities, 1801 Certified Tubes	Biennial
Industrial	172 facilities, 418 Certified Tubes	Triennial
Dental	2526 facilities, 7745 Tubes	Triennial
Veterinary	401 facilities, 472 Tubes	Triennial
Mammography (MQSA)	154 facilities, 231 tubes	Annual

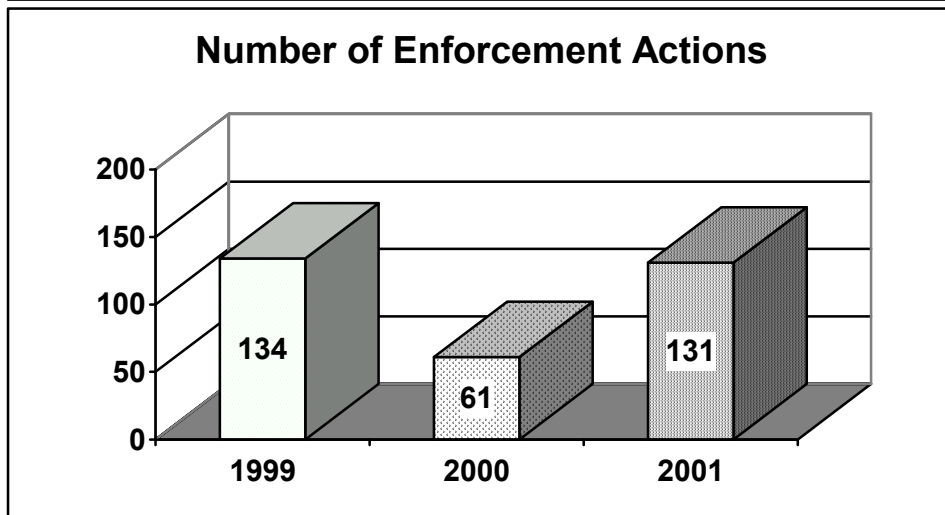
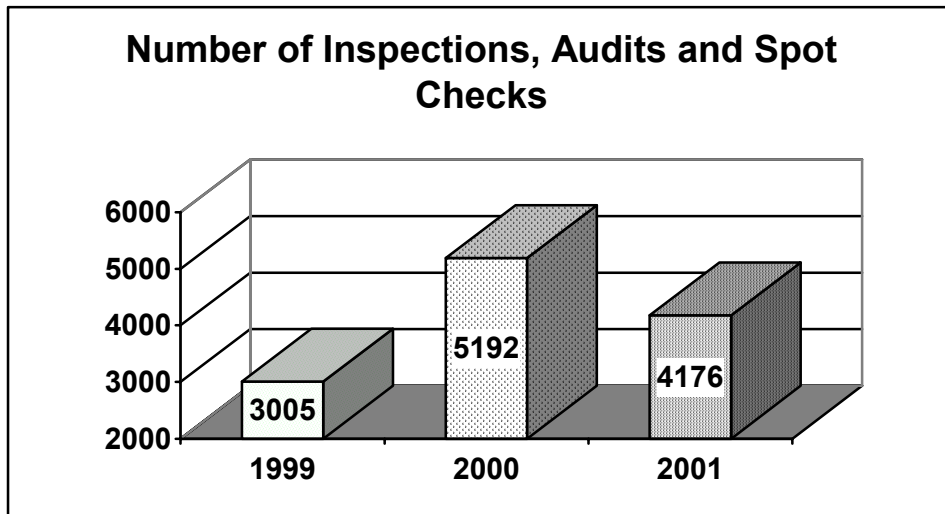
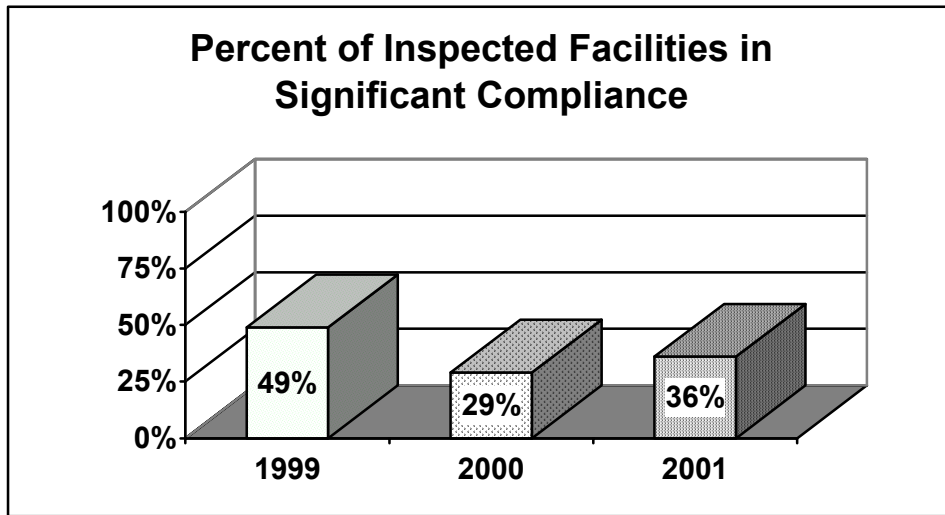
***Code of Maryland Regulations (COMAR) 26.12.03** states that “Radiation Machine”: means a device that is capable of producing radiation. On any radiation producing equipment with more than one x-ray tube, or other single point from which radiation may be emitted, each x-ray tube or radiation emission 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.

Radiation Machines

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of New Facility Registrations Issued	365
Number of Facility Registrations in effect at Fiscal Year End	4763
<u>INSPECTIONS</u>	
Number of Sites inspected	1970
Number of Inspections, Audits, Spot Checks	4176
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Violations	1251
% of Inspected Sites/Facilities in Significant Compliance	36%
% of Inspected Sites/Facilities with Significant Violations	64%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environment of Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	2787
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	838
Total	3625
<u>DISPOSITION OF VIOLATIONS</u>	
Resolved	3156
Ongoing	469
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	1493
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*	131
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$45,000

*Increase of Notices of Violation generated for Registration Renewal Enforcement initiative implemented April 2001.

Radiation Machines Program



Radiological Health Program(RHP) Radioactive Materials Licensing and Compliance

PURPOSE

The RHP's Radioactive Materials Licensing and Compliance Division (RAMLCD) regulates the use, handling and control of radioisotopes in Maryland to protect the health and safety of radiation workers and the members of the public and minimize radioactive contamination of the environment. Examples of facilities that use and handle radioactive materials are hospitals, private medical practices, manufacturers, industries, research and development firms, academic institutions, nuclear pharmacies, and distributors of sealed sources. RAMLCD issues specific radioactive material licenses to these facilities based on the nature and use of the radioisotopes, the training and experience of the facility's Radiation Safety Officer and radioactive material users and the sufficiency of the radiation safety program submitted.

AUTHORITY

FEDERAL: Atomic Energy Act of 1954 as amended
STATE: Environment Article, Title 8; "Radiation"
COMAR 26.12. Radiation Management

PROCESS

RAMCLD conducts inspections of the above-described facilities to determine compliance with the Maryland radiation regulations and specific license conditions. Inspections may be performed over a 1-4 day period by one inspector or a team of inspectors, depending upon the size and complexity of the license. Inspection frequencies range from annually up to every 5 years. For several years, however, the frequency of inspection of one Maryland facility has been increased to more than annually, due to the continued unresolved compliance issues at Neutron Products, Incorporated, the only cobalt-60 teletherapy source manufacturer in the nation. Otherwise, the frequency of an inspection is determined by the quantity, activity and toxicity of the radioisotope(s), the potential hazards resulting from the radioactive material use, and the nature of the facility itself. Inspections routinely focus on a compliance review of Maryland radiation regulations, the conditions of the specific license and the licensee's adherence to radiation safety procedures and practices.

Additionally, RAMLCD conducts investigations throughout Maryland where radioactive material incidents have occurred and complaints regarding radiation safety at licensed facilities or worksites have been received, or upon notification to RAMCLD that a facility has relocated their radioactive material use areas without proper authorization. The Division also oversees the decommissioning of previously licensed radioactive materials facilities and conducts safety evaluations on radioactive material sources and devices distributed by Maryland manufacturers. Additionally, the division performs inspections on at least 25% of the radiation operations conducted in Maryland by out of State licensees under reciprocal recognition of their license. Finally, the RAMLCD responds to emergencies such as transportation accidents involving radioisotopes, and is also prepared to respond and assist with nuclear power plant accidents. Each year the Division participates in an exercise involving a mock accident at either the Calvert Cliffs Nuclear Power Plant or Peach Bottom Atomic Power Station to test the Department's preparedness for responding to a nuclear accident.

SUCCESSSES / CHALLENGES

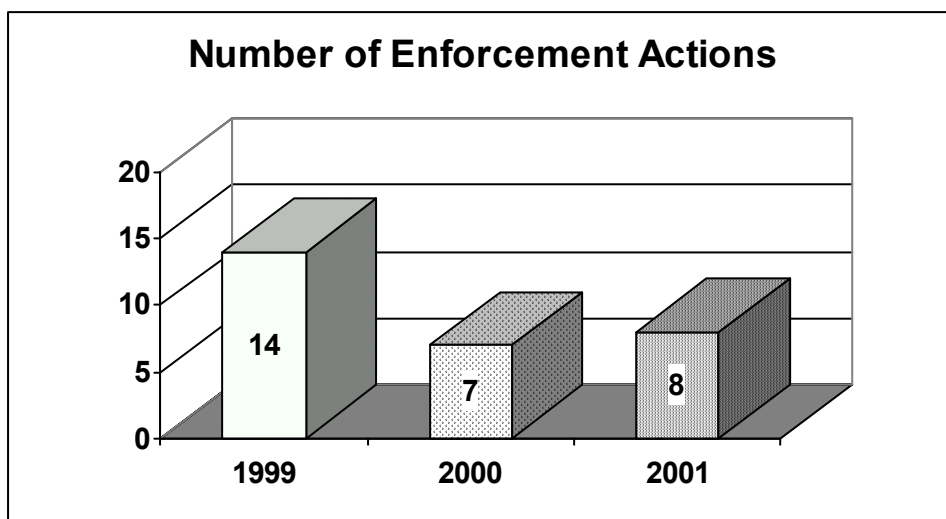
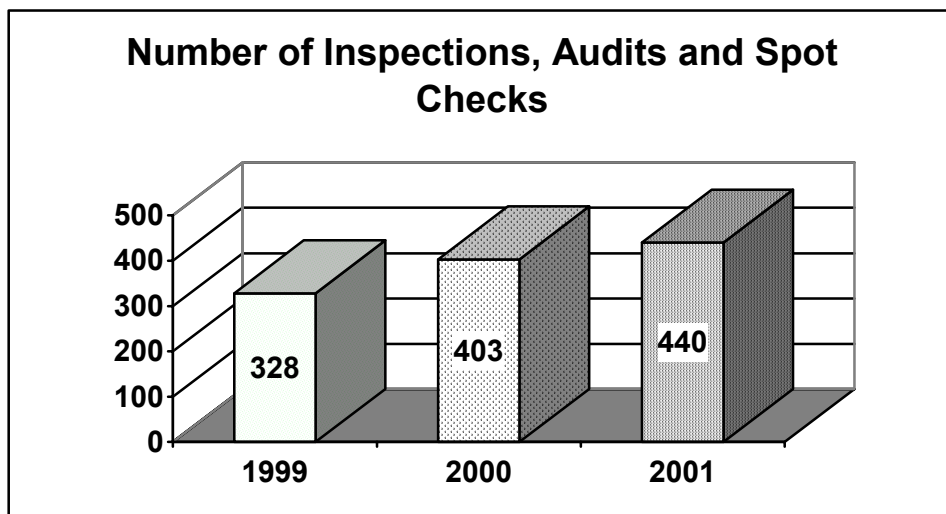
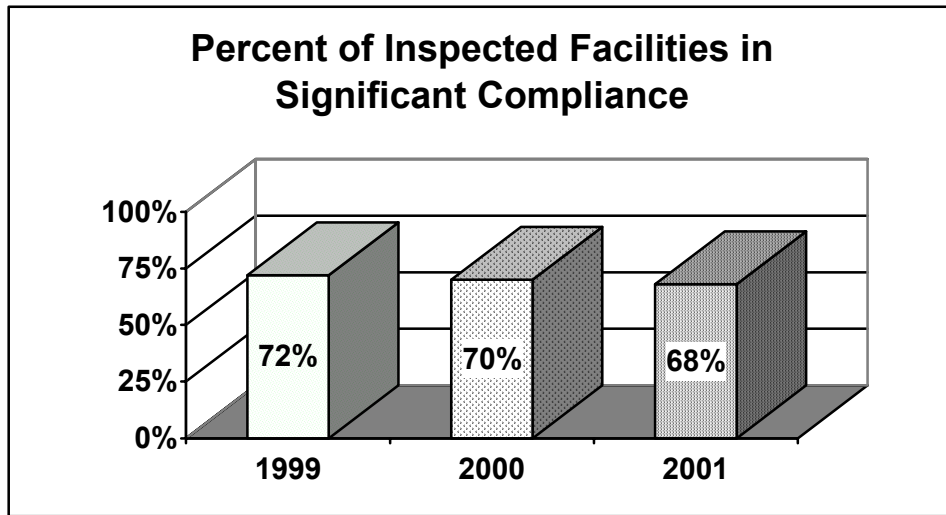
This Program addresses MFR Goal 2: Ensuring that Members of the Public are not Exposed to Unnecessary Levels of Radiation. One of the success stories of FY 01 involves the improved relationship between a large state-owned hospital and MDE. For many years this relationship was strained, which made it very difficult to resolve issues when they arose. The relationship has improved of late and, as a result, the hospital and MDE now meet more frequently. These more recent meetings include representation from the hospital's senior management who, along with the hospital's Radiation Safety Department, have expressed their willingness to discuss the various issues and render their full cooperation to work together to resolve the differences the two parties have experienced in the past.

The continuing trend in the RAMLCD is toward more production and greater efficiency of operations. In comparing FY'00 with FY '01, there was an increase of 9% (37 sites) from 403 sites in FY '00 to 440 in FY '01. Additionally, the number of significant violations increased by 55 (17%) from 327 in FY '00 to 382 in FY'01. Also, the number of significant violations resolved rose from 266 in FY00 to 344 in FY01. Finally, administrative penalties paid increased from \$34,850 in FY00 to \$40,350 in FY01.

Radioactive Materials

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	549
Number of Permits/Licenses in effect at Fiscal Year End	562
<u>OTHER REGULATED SITES/FACILITIES</u>	
Sources from Other Jurisdictions	432
<u>INSPECTIONS</u>	
Number of Sites inspected	440
Number of Inspections, Audits, Spot Checks	440
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	140
% of Inspected Sites/Facilities in Significant Compliance	68%
% of Inspected Sites/Facilities with Significant Violations	32%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	376
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	6
Total	382
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	344
Ongoing	6
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	136
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	1
Number of Penalty and Other Enforcement Actions	7
Number of Referrals to Attorney General for possible Criminal Action	1
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$40,350

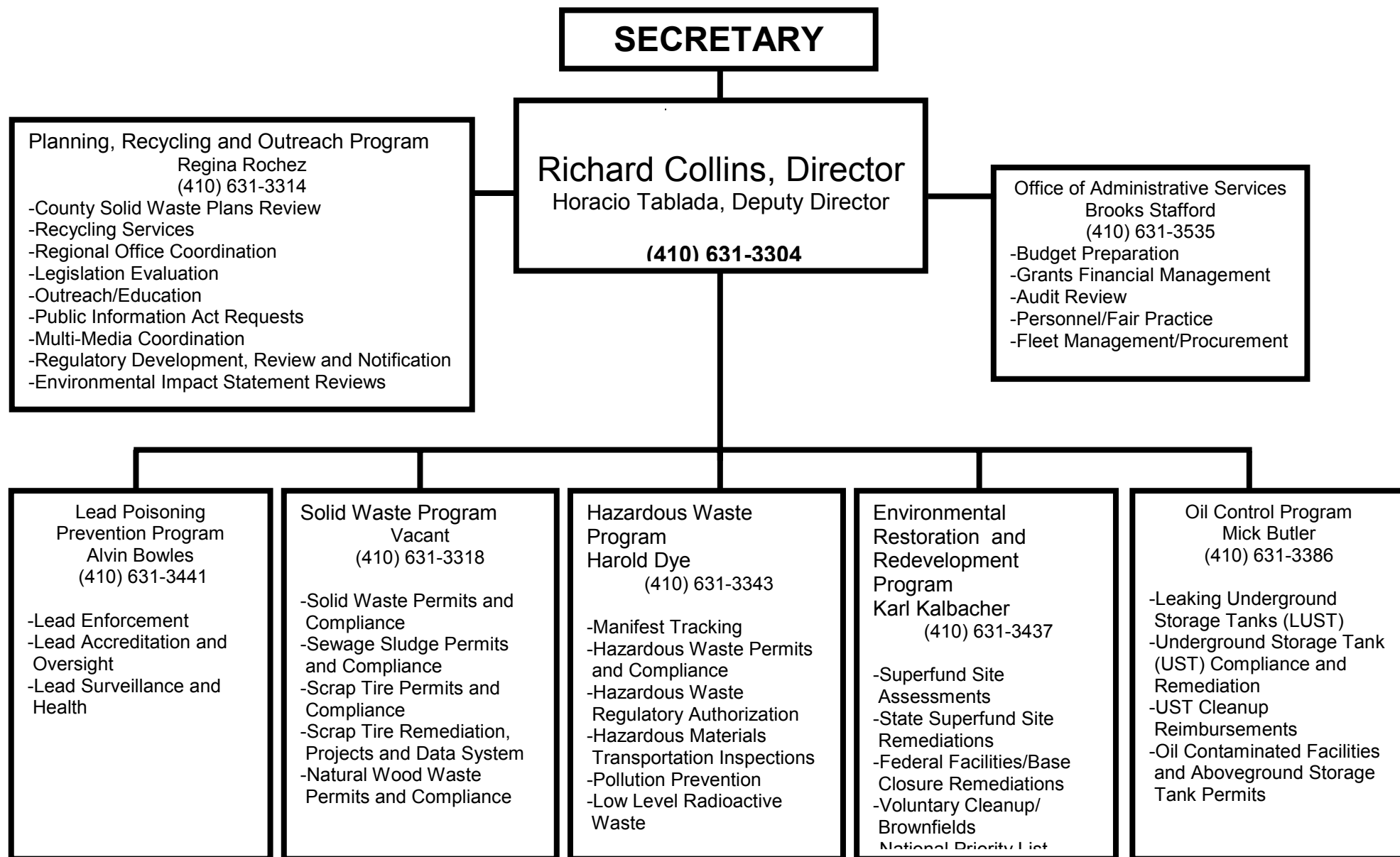
Radioactive Materials





WASTE MANAGEMENT ADMINISTRATION

WASTE MANAGEMENT ADMINISTRATION



Environmental Restoration And Redevelopment Program

PURPOSE

The purpose of this program is to protect public health and the environment by identifying sites that are either contaminated or are potentially contaminated by controlled hazardous substances. Once identified, the sites are prioritized for remedial activities. The sites are then listed on the State Master List and in the Disposal Site Registry.

AUTHORITY

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

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

PROCESS

The State Master List identifies sites that are either contaminated or are potentially contaminated. The Department conducts environmental assessments that include investigation and sampling of sites, to determine whether remediation is necessary. If necessary, remedial activities include cleanup of sites contaminated with controlled hazardous substances. Assessments are conducted based on available resources. The Disposal Site Registry ranks those sites that are the highest in priority for investigation and remedial action based on the federal Hazard Ranking System score.

CONTRIBUTES TO MANAGING FOR RESULTS GOALS:

Goal #1 Encouraging smart growth and community revitalization and protecting and maintaining Maryland's natural resource land base.

Goal #4 Reducing the threat to public health from the presence of hazardous waste and hazardous materials in the environment.

SUCCESSSES/CHALLENGES:

The number of sites on the State Master List (Environment Article, Section 7-223(a)) at the end of FY 2001 was 437. This includes 395 State Master List sites either under investigation or where remedial action is being conducted and 42 sites where no further action is required by regulatory agencies. The Disposal Site Registry (Environment Article, Section 7-223 (f)) included 21 National Priority Listed (NPL) sites, addressed by USEPA under the federal CERCLA or Superfund law. Although no preliminary assessments of State Master List sites were conducted, 4 brownfields assessments, 3 expanded site investigations, one combined preliminary assessment/site investigation, and 9 Formerly Used Defense Site surveys of State Master List sites were conducted during FY 2001.

The Environmental Restoration and Redevelopment Program monitored the successful completion of the removal and thermal desorption treatment of approximately 270,580 tons of

contaminated soils at the Southern Maryland Wood Treating NPL site in St. Mary's County. The thermal desorption units and the on-site wastewater treatment plant were sold by the US Army Corps of Engineers, reducing cleanup costs and the State's 10% share of the total Remedial Action costs of the project by \$45,000. MDE is working with stakeholders to obtain beneficial long-term use of the property by the local community.

The Program also monitored the completion of two other NPL site cleanups: the Woodlawn Landfill in Cecil County and the Bush Valley Landfill in Harford County. The Woodlawn Landfill has become a wildlife refuge known as "New Beginnings, the Woodlawn Wildlife Area" and a new residential area has been built near the now, fully stabilized Bush Valley Landfill.

The total amount of money collected during FY 2001 from responsible parties as a result of cost recovery under Section 7-221 was \$27,612. For an actual listing of sites on both the State Master list and the Disposal Site Registry, please see Appendix A.

Hazardous Waste

PURPOSE

The federal Resource Conservation and Recovery Act (RCRA) established a system for controlling the disposition of hazardous waste from generation until its ultimate disposal. The Hazardous Waste Program regulates the management of hazardous wastes through the review and issuance of hazardous waste treatment, storage, or disposal (TSD) facility permits. The Program assists the U.S. Environmental Protection Agency in the review, issuance, and monitoring of Corrective Action Permits. It enforces all permits and regulated activities involving hazardous waste generators, transporters, and facilities through inspections, monitoring, and initiation of compliance actions, including issuance of site complaints and development of formal legal actions.

AUTHORITY

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

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

PROCESS

The Hazardous Waste Program's Enforcement Division is responsible for violation discovery and compliance activities. The focus of the enforcement program is on hazardous waste treatment, storage, and disposal facilities that pose the greatest threat to public health and the environment, have been previously cited for violations and have not responded, or continue to be out of compliance. Hazardous waste management is accomplished by unannounced inspections of permitted facilities, generators, and transporters as well as through investigations of complaints.

CONTRIBUTES TO MANAGING FOR RESULTS GOAL:

Goal #4 Reducing the threat to public health from the presence of hazardous waste and hazardous materials in the environment.

SUCCESSSES/CHALLENGES:

The Hazardous Waste Program is considered a maintenance program to ensure protection of public health and the environment from releases of hazardous waste. The success of 20 years of the Hazardous Waste Program in Maryland has resulted in the inspection, permitting, tracking, and regulatory activities becoming more routine and practical, with fewer, if any, major or dramatic diversions from compliance. It should also be noted that there has been a trend toward decreasing numbers of permitted hazardous waste Treatment, Storage, and Disposal (TSD) facilities in Maryland in recent years. In July 1998, there were 28 permitted facilities in the State and as of the end of FY2001, the number has reduced to 23. The closure of these TSD sites is believed to be a direct result of better hazardous waste management, waste minimization, and pollution prevention activities at facilities, which reduces hazardous waste generation and the need for long-term storage of hazardous wastes, showing an admirable voluntary effort by industry. This trend has not reduced the workload for the Hazardous Waste Program, however, since there are thousands of small quantity generators

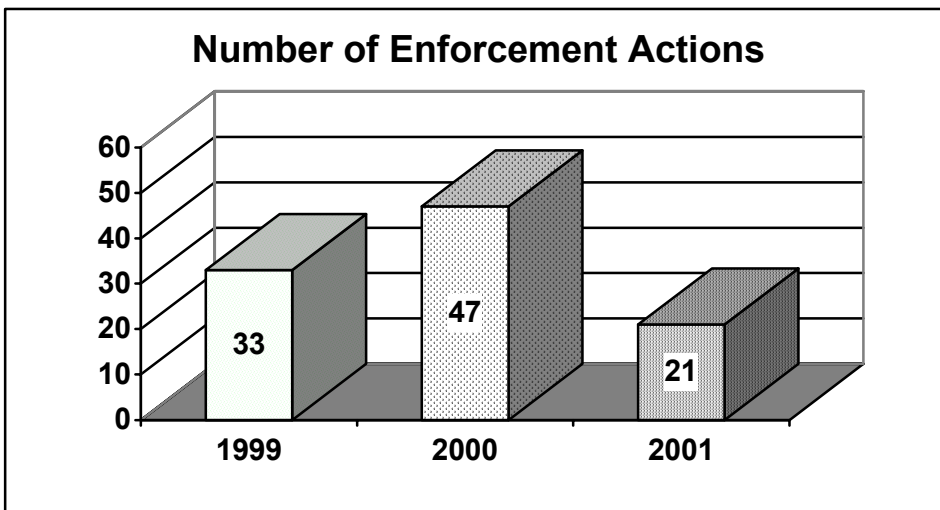
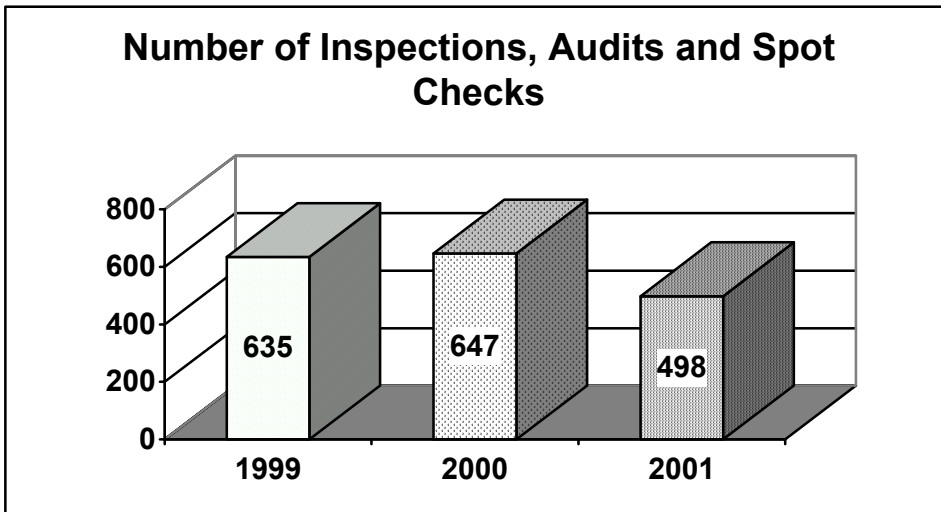
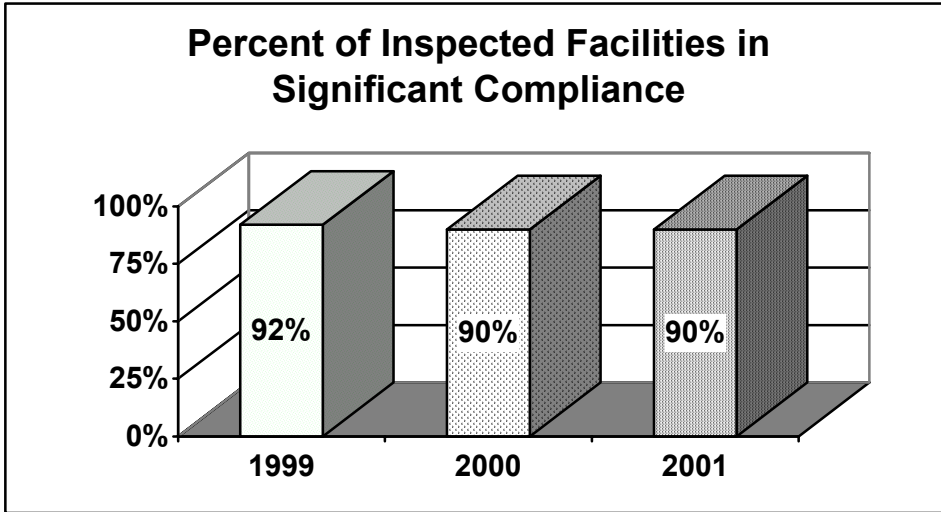
requiring inspection and remediation of groundwater contamination at several sites still requires intensive MDE oversight.

During FY2001, the number of inspections conducted decreased by 23%, the number of compliance assistance actions rendered decreased by 42%, and the number of enforcement actions decreased by 55% from FY2000. This was largely due to insufficient resources (2 FTE inspector vacancies, or nearly 25% of the inspector workforce, during FY2001) and the inability to retain trained staff, as well as the time needed to train the few new staff hired. Only about 3.3% of the facilities that store or handle hazardous waste in the State are being inspected with current resources. In spite of a reduced workforce, the Program maintained a compliance rate of 90% for those facilities inspected and continued to meet its EPA minimal federal grant commitments.

Hazardous Waste

	2001 Total
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	5
Number of Permits/Licenses in effect at Fiscal Year End	23
<u>OTHER REGULATED SITES/FACILITIES</u>	
Number of Generators and Haulers	11,983
<u>INSPECTIONS</u>	
Number of Sites inspected	393
Number of Inspections, Audits, Spot Checks	498
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	40
% of Inspected Sites/Facilities in Significant Compliance	90%
% of Inspected Sites/Facilities with Significant Violations	10%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	13
Number of Significant Violations based on Technical/Preventative Deficiencies	30
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	16
Total	59
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	49
Ongoing	10
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	38
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	21
Number of Referrals to Attorney General for possible Criminal Action	2
<u>PENALTIES</u>	
Amount of Penalties obtained	\$43,778

Hazardous Waste



Lead Poisoning Prevention

PURPOSE

Lead Poisoning Prevention includes oversight of activities designed to reduce the incidence of childhood lead poisoning. These activities involve accreditation and oversight of lead abatement services contractors, maintaining a registry of rental properties, maintaining a registry of lead-poisoned children, and enforcement.

AUTHORITY

FEDERAL: Toxic Substances Control Act

STATE: Environment Article, Title 6, Subtitles 8 & 10; COMAR 26.16 and Environment Article, Title 7, Subtitle 2; COMAR 26.02

PROCESS

Affected properties (rental dwelling properties) must meet a risk reduction standard when a change of occupancy occurs. Contractors that are accredited by MDE carry out inspections and lead paint services. Accreditation and oversight of private inspectors and contractors involves a multi-step process and includes MDE approved training sessions. In addition, inspection contractors must demonstrate that they have a specific level of experience and submit a protocol to MDE for the work they are being accredited to perform. In order for MDE to be eligible for federal housing and lead poisoning prevention program funding, USEPA requires all categories of inspectors and supervisors of abatement work to take a third party/independent exam. Refresher courses are required every two years to maintain accreditation.

Property registration is required to identify the stock of available rental housing that has been certified as having met the risk reduction standard. Owners of affected properties must renew the registration annually. An annual unit fee is paid into the Lead Poisoning Prevention Fund for the establishment of a Community Outreach and Education program and for the administration of the program.

Maryland law requires that all blood lead level test results be reported to MDE, which in turn reports all results for children considered at risk to the local Health Departments for case management.

CONTRIBUTES TO MANAGING FOR RESULTS GOAL:

Goal #4 Reducing the threat to public health from the presence of hazardous waste and hazardous materials in the environment.

SUCCESSSES/CHALLENGES:

There has been significant enhancement of the enforcement effort under the Governor's Lead Initiative during FY2001. Nine new positions have been added, including five (5) new inspectors, and two (2) attorneys dedicated exclusively to lead enforcement. The Lead

Poisoning Prevention Program has doubled the number of inspections conducted that focused on housing with lead paint defects and more than tripled the number of enforcement actions taken. The number of inspected sites/facilities with significant violations in FY2001 was over four times the number in FY2000, owing largely to MDE inspections of more sites in Baltimore City, a focus of the Initiative.

The Risk Reduction Standard for Affected Property law requires that owners of affected properties ensure that at least 50% of those properties satisfied the risk reduction standard by February 24, 2001. Since there were an insufficient number of MDE accredited providers to conduct the risk reduction work and some owners could not meet the deadline, MDE paid half the cost of training, totaling \$20,557, for providers to become certified to conduct lead abatement inspections and remediations for two months in the spring of 2001. This resulted in the doubling of the number of inspections conducted by accredited lead paint service providers during FY2001.

In FY2001, as a direct result of the Lead Initiative, nearly 2,000 rental dwelling units were placed under voluntary consent orders that require the performance of full risk reduction treatments. The Program now takes a broader approach to enforcement by incorporating all of a property owner's units in an action rather than just the unit that is the object of the notice of lead paint defect violation. Through this inclusive enforcement, the Program is taking a proactive approach to preventing and treating lead hazards in rental units before lead poisoning occurs.

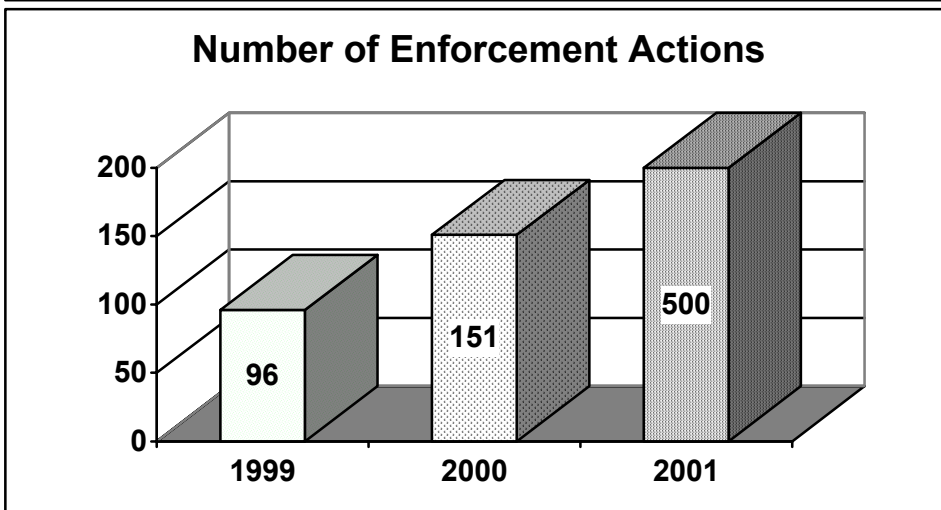
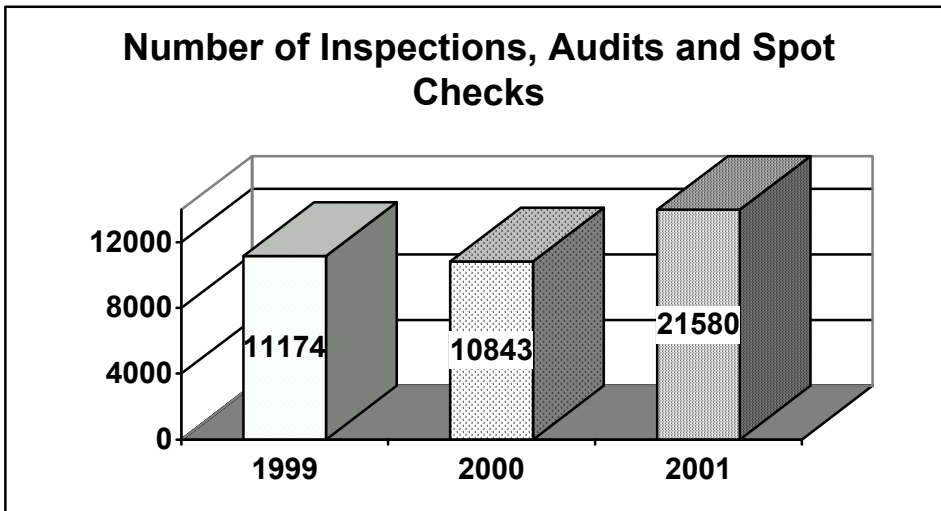
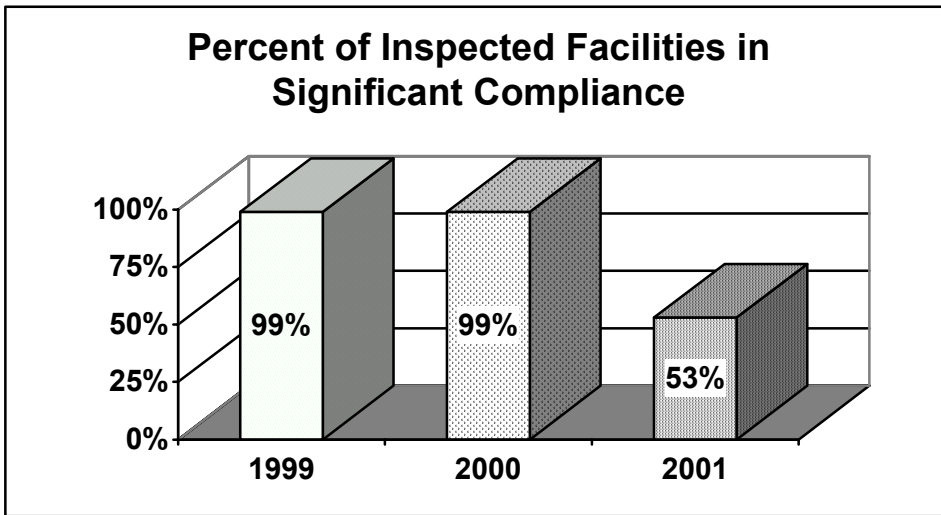
Lead Poisoning Prevention

	2001 Total
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued (Accreditations)	1,361
Number of Permits/Licenses (Accreditations) in effect at Fiscal Year End	1,864
<u>OTHER REGULATED SITES/FACILITIES</u>	
Rental Dwelling Units Registered this FY	6,156
Total Rental Dwelling Units in Registered Properties	150,264
Affected Properties Registered as of end of FY	77,480
Total number of Accreditations in effect as of end of FY*	1,864
<u>INSPECTIONS</u>	
Number of Sites inspected	21,506
Number of Sites inspected by Accredited Lead Paint Service Providers	20,498
Number of Sites inspected by MDE	1,008
Number of Inspections, Audits, Spot Checks	21,580
Number of Inspections by Accredited Lead Paint Service Providers	20,498
Number of MDE Inspections	1,082
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	469
% of Inspected Sites/Facilities in Significant Compliance	53%
% of Inspected Sites/Facilities with Significant Violations**	47%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	447
Number of Significant Violations based on Technical/Preventative Deficiencies	26
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	190
Total	663
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	207
Ongoing	456
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	133
Number of Show Cause, Remedial, Corrective Actions issued	476
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	24
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$83,322

*This number includes Inspectors, Risk Assessors, Supervisors, Instructors, Courses of Instruction and Contractors involved in lead related activities in Maryland.

**The compliance rate reflects the percentage of affected properties with lead paint where MDE conducted complaint investigations, poisoned child investigations, oversight inspections of private contractors, compliance inspections, and course audits and where significant violations were found. In previous years, inspections by accredited lead paint service providers were included in the calculation.

Lead Poisoning Prevention



Oil Aboveground Facilities

PURPOSE

The Oil Control Program performs a broad range of activities in regard to the safe handling, storage, and remediation of petroleum products across the State of Maryland. The Program issues permits and performs oversight for aboveground storage facilities, oil contaminated soil, and the transportation of oil products in Maryland. The Program also issues permits related to discharge activities and awards and audits licenses for the import of petroleum products into Maryland.

AUTHORITY

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

PROCESS

The regional environmental compliance specialist schedules routine inspections of the facilities. During the inspection, 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 Department guidelines and procedures. The inspection frequency can be adjusted as conditions warrant.

CONTRIBUTES TO MANAGING FOR RESULTS GOALS:

Goal #3 Ensuring safe and adequate drinking water.

Goal #4 Reducing the threat to public health from the presence of hazardous waste and hazardous materials in the environment (for spills, only).

SUCCESSSES/CHALLENGES:

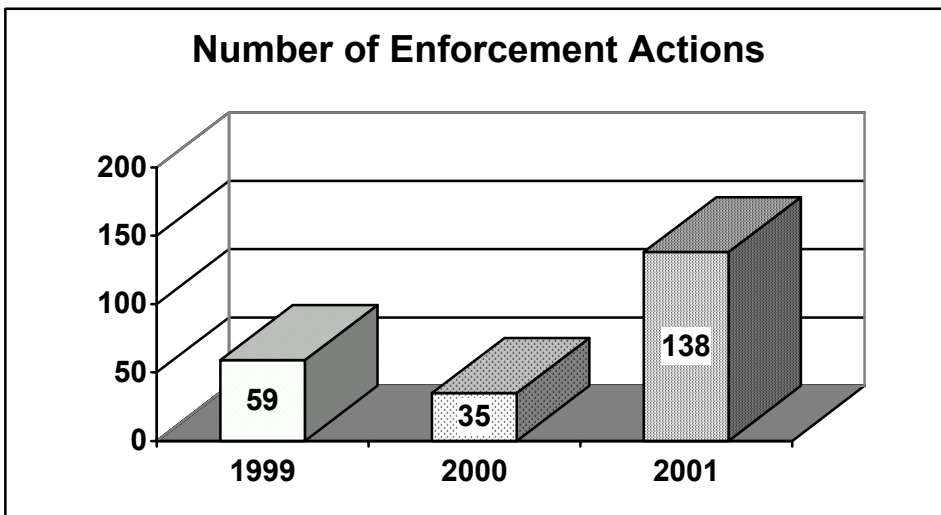
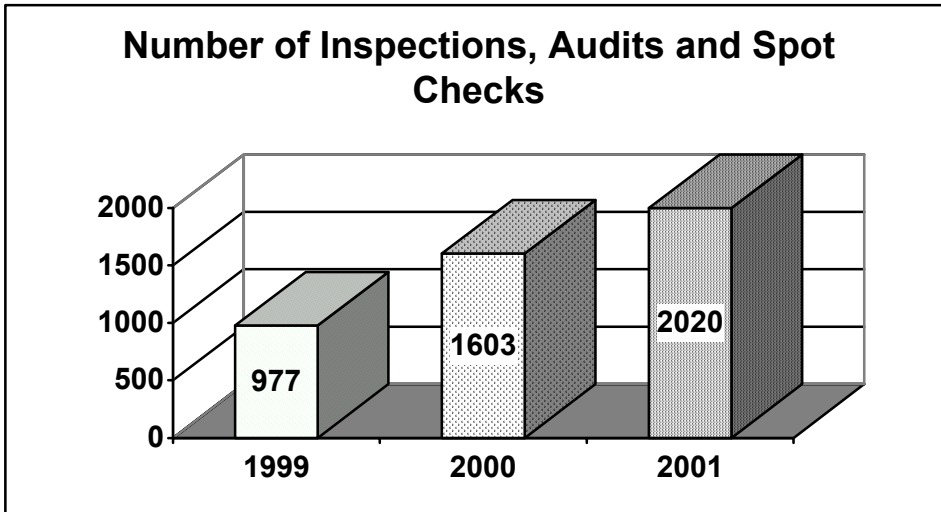
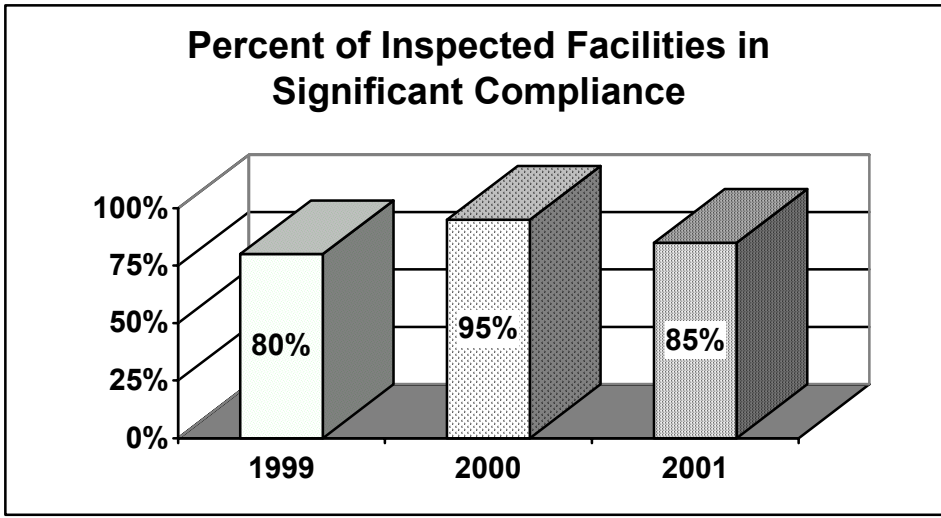
The combination of compliance assistance, regular permit application and review, and the enforcement deterrence of monetary penalties have resulted in improved management of aboveground storage tanks containing petroleum within the State. From FY2000 to FY2001, the Program increased inspections of above ground storage tank facilities by approximately 25% and nearly quadrupled the number of enforcement actions at these sites. Inspections have increased due to a nearly full complement of enforcement compliance specialists and permit writers. The increased enforcement has resulted from a focus on proper reporting and spill response. Permit application reviews, permit renewal site visits, and random inspections continue to reveal violations that, if left un-addressed, would result in releases to the environment or catastrophic tank failure during a fire at a facility.

Oil Aboveground Facilities

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued*	500
Number of Permits/Licenses in effect at Fiscal Year End	1,546
<u>OTHER REGULATED SITES/FACILITIES</u>	
Spill Response to AST Sites less than permitted capacity	677
<u>INSPECTIONS</u>	
Number of Sites inspected	917
Number of Inspections, Audits, Spot Checks	2,020
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	138
% of Inspected Sites/Facilities in Significant Compliance	85%
% of Inspected Sites/Facilities with Significant Violations	15%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	53
Number of Significant Violations based on Technical/Preventative Deficiencies	85
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	3
Total	141
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	136
Ongoing	5
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	1,882
Number of Show Cause, Remedial, Corrective Actions issued	29
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	109
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$23,423

*This includes Oil Above Ground Storage Tanks and Oil Contaminated Soil Operations. The Oil (Contaminated Soil) Operations Permit is issued to facilities within the State of Maryland 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 Fiscal Year 1999.

Oil Aboveground Facilities



Oil Pollution Remediation Activities

PURPOSE

In addition to permitting, licensing, surface spill response, and enforcement activities for petroleum facilities and underground storage tanks, the Oil Control Program oversees remediation activities at sites where petroleum products have been discharged from underground storage tanks and product lines. These sites are referred to as “leaking underground storage tank” (LUST) sites. The oversight ensures that responsible parties remediate the site in a timely manner, protecting the public's health and the environment. Discharges impacting soil or groundwater have occurred at each of these locations. These sites include, for the most part, gasoline service stations, both operating and closed out. They also include businesses that have their own petroleum distribution systems for use in vehicle fleets and heating oil systems. MDE approved remediation is being carried out in an environmentally protective manner at these sites.

AUTHORITY

FEDERAL: Resource Conservation and Recovery Act - Subtitle I

STATE: Environment Article, Title 4, Subtitle 4; and Title 7, Subtitle 2; COMAR 26.10

PROCESS

LUST cleanups are technical in nature, usually requiring numerous site visits and meetings. When a release of petroleum product is reported to the Department, a team of specialists is assigned to investigate, supported by geologists. The team of specialists will prioritize the response effort to the release based on product type, amount released, and potential impacts from the release. Remediation generally includes removal of the contaminated soil and pumping and treating groundwater. Each site is in violation by virtue of the fact that a discharge has occurred. Inspection frequency is also determined as site-specific 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 Department guidelines and procedures.

CONTRIBUTES TO MANAGING FOR RESULTS GOAL:

Goal #3 Ensuring safe and adequate drinking water.

SUCCESSSES/CHALLENGES:

The field activity performed by the Oil Control Program staff continues to reflect the commitment in time and resources needed to adequately oversee the cleanups performed by responsible parties in the State. During FY2001, there were increases in inspections, compliance assistance actions rendered, and enforcement actions at oil pollution remediation sites. In addition, case closure of oil pollution remediation sites reduced the number of identified locations where there is a leaking UST discharge impacting oil or groundwater from 4,358 last year to 3,702 in FY2001.

In recent years, methyl tertiary butyl ether (MTBE), a fuel additive used as an octane enhancer since the early 1970's when lead was being phased out of gasoline, has been found in drinking water supplies in Maryland and throughout the United States. Evidence as to whether MTBE is carcinogenic and has the potential to be carcinogenic to human health is inconclusive. Additional funding and staff resources have been obtained via legislation to begin a more complete evaluation of the water quality concerns associated with MTBE. The increase in the number of inspections of oil pollution remediation sites reflects the Program's change in emphasis from underground storage tanks, which were the focus in previous years due to the 1998 federal deadline for upgrade and replacement, to MTBE and remediation of leaking underground storage tanks and homeowner heating oil spills.

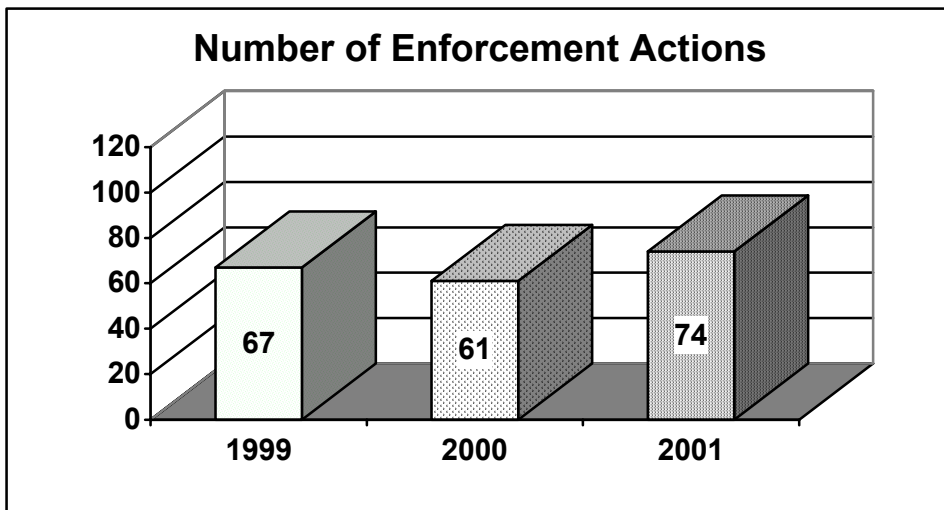
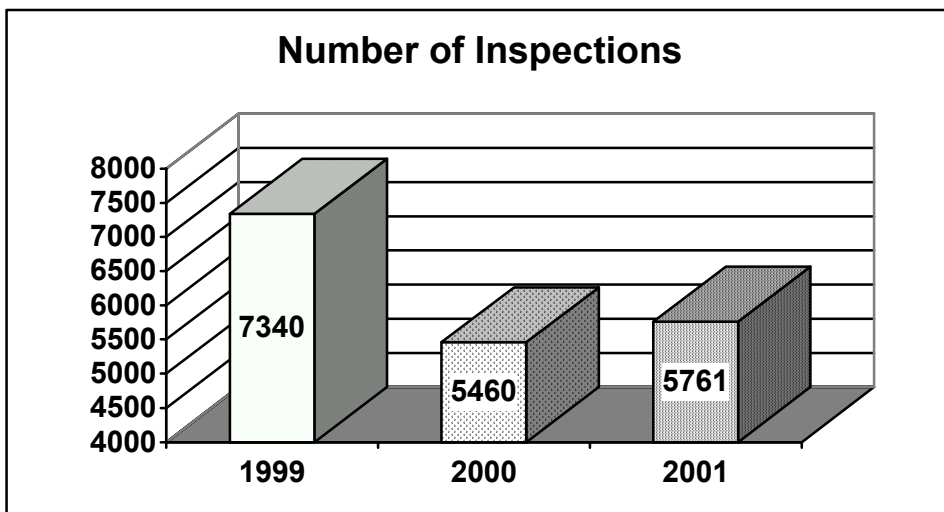
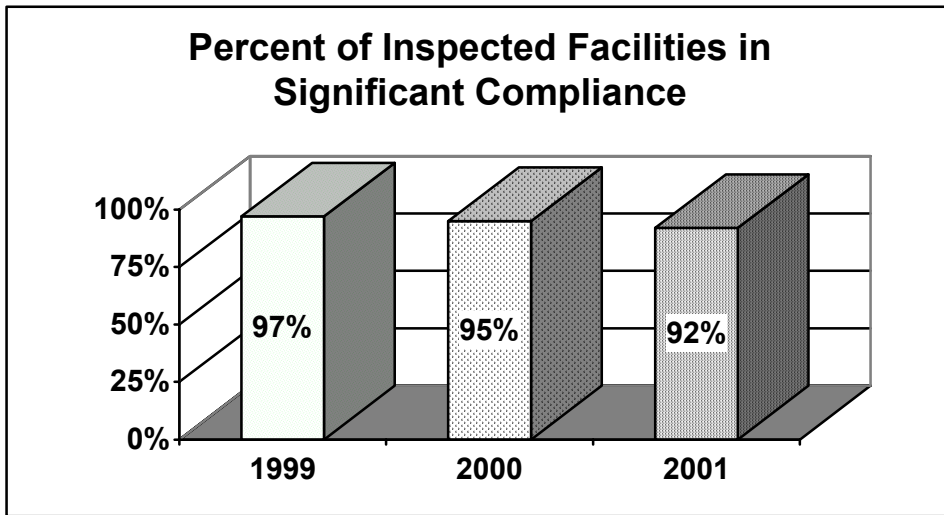
Multiple site visits during the fiscal year are needed to ensure compliance with approved corrective action plans, especially at release sites that could impact drinking water wells. The Program has found that a strong field presence and frequent communication with the responsible party, in lieu of high penalties, achieves compliance leaving more assets available for cleanup at the site. This approach has more often than not resulted in the containment of most releases to the property where they occurred and for those that had already migrated off the site, the implementation of a remedial response that prevented further migration.

Oil Pollution Remediation Activities

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	na
Number of Permits/Licenses in effect at Fiscal Year End	na
<u>OTHER REGULATED SITES/FACILITIES</u>	
Identified locations where there is a leaking underground storage tank Discharges impacting soil or groundwater have occurred. MDE approved remediation being conducted in an environmentally protective manner	*3,702
<u>INSPECTIONS</u>	
Number of Sites inspected	884
Number of Inspections, Audits, Spot Checks	5,761
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	74
% of Inspected Sites/Facilities in Significant Compliance	92%
% of Inspected Sites/Facilities with Significant Violations	8%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	74
Number of Significant Violations based on Technical/Preventative Deficiencies	0
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	2
Total	76
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	70
Ongoing	6
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	5,687
Number of Show Cause, Remedial, Corrective Actions issued	11
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	63
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$44,600

*From FY 1999 forward, this number includes releases from heating oil, UST's, AST's, and surface spills; prior years only included regulated UST motor fuel releases.

Oil Pollution Remediation Activities



Oil Underground Storage Tank (UST) Systems

PURPOSE

The Oil Control Program is a prevention program that seeks to reduce the severity of releases associated with the storage of regulated substances in UST systems throughout the State of Maryland. This is accomplished through ensuring compliance with operational requirements at sites that include local neighborhood service stations, oil terminals, churches, hospitals, schools, and military facilities.

AUTHORITY

FEDERAL: Resource Conservation and Recovery Act - Subtitle I

STATE: Environment Article, Title 4, Subtitle 4; COMAR 26. 10.

PROCESS

The Program assists tank owners in the prevention of the release of regulated substances by ensuring compliance with detailed State and Federal regulations. These include release detection, corrosion and overfill prevention, insurance requirements, and construction standards. All regulated UST systems in Maryland must be registered with the Department. A comprehensive database is maintained by the Program's Office of Resource Management.

CONTRIBUTES TO MANAGING FOR RESULTS GOAL:

Goal # 3 Ensuring safe and adequate drinking water.

SUCCESSSES/CHALLENGES:

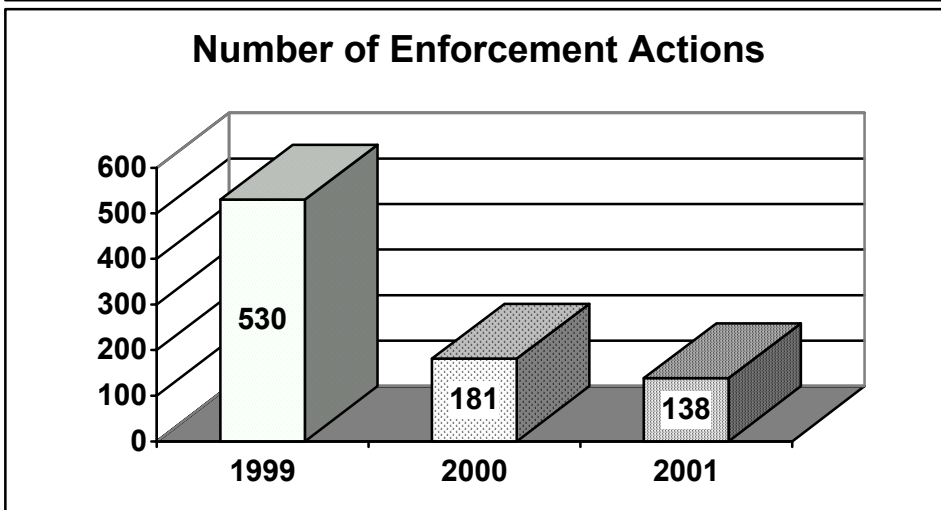
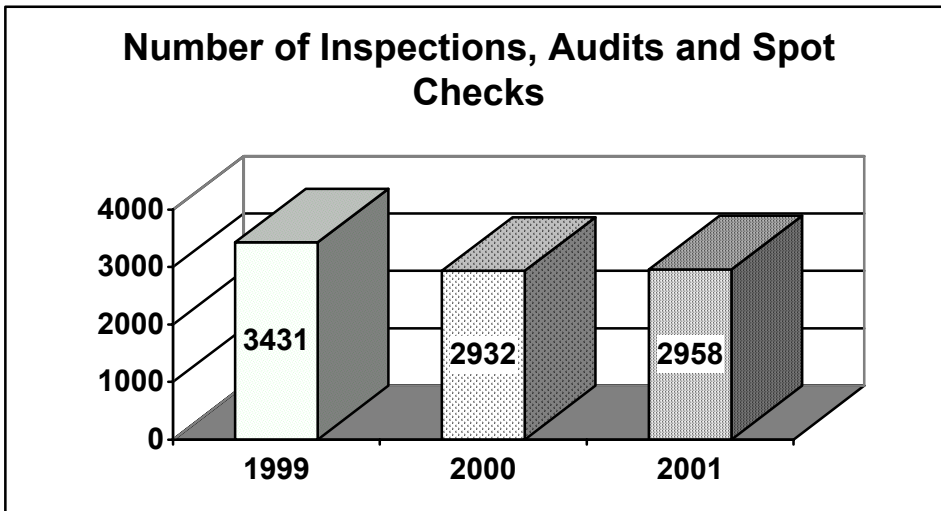
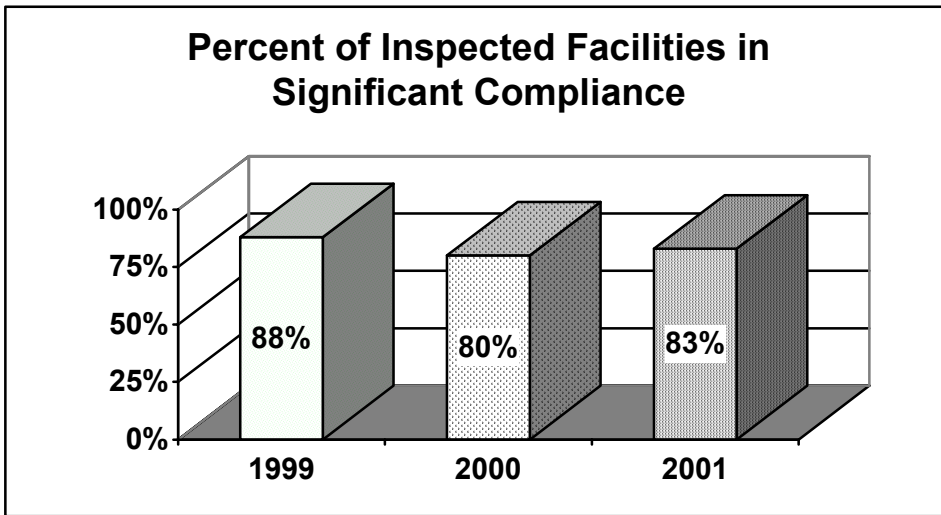
The implementation of an effective compliance program for operating underground storage tanks continues to represent a significant challenge to the Department and depends heavily on the voluntary compliance of the regulated community. For other than heating oil UST systems, the leak prone bare steel construction of UST systems has been replaced by modern UST systems designed to prevent leaks. However, the inspection activity associated with the numerous releases that have occurred from bare steel tank systems over the last 20 years still requires the majority of the resources of the program. In order to maintain a high level of compliance with the operational requirements for UST systems, the Program's goal for inspection frequency of the over 5,600 UST facilities in the State is once every 18 months. With only 18 compliance inspectors, the Program has been able to achieve 83% of inspected facilities in significant compliance. However, the percentage of facilities found in compliance at the time of inspection is lower than 83% and it is unknown whether an increase in penalties, compliance assistance, or other types of UST owner/operator training and education can directly affect improved compliance at the time of inspection.

Oil Underground Storage Tank Systems

	2001 Total
<u>PERMITTED SITES/FACILITIES*</u>	
Number of Permits/Licenses issued (Technician & Remover Certifications)	210
Number of Permits/Licenses (Technician & Remover Certifications) in effect at Fiscal Year End	506
<u>OTHER REGULATED SITES/FACILITIES</u>	
Registered underground storage tank sites	5,630
<u>INSPECTIONS</u>	
Number of Sites inspected	827
Number of Inspections, Audits, Spot Checks	2,958
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	138
% of Inspected Sites/Facilities in Significant Compliance	83%
% of Inspected Sites/Facilities with Significant Violations	17%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	138
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	2
Total	140
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	132
Ongoing	8
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	2,820
Number of Show Cause, Remedial, Corrective Actions issued	29
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	109
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$66,938

*Certified UST technicians and removers are part of the regulated community and, therefore, the inspection universe, and are included in the Report FY2000 forward.

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 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 sanitary landfills, rubble landfills, land clearing debris landfills, non-hazardous industrial waste landfills, municipal waste-to-energy facilities, solid waste processing and composting facilities, and transfer stations.

AUTHORITY

FEDERAL: Resource Conservation and Recovery Act - Subtitle D

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

PROCESS

Permits are required for the construction and operation of solid waste acceptance facilities. The permits insure that facilities are designed and operated in a manner protective of public health and the environment. The permit review activities cover a broad range of environmental and engineering elements to insure state-of-the-art techniques protect the state's surface water, ground water, air, and other natural resources. Routine unannounced inspections are performed several times per year at the permitted facilities to ensure compliance with the permits.

Inspectors also spend a large percentage of their time investigating complaints regarding unpermitted facilities, usually open dumps. The compliance staff performs inspections and investigations to find, stop, and clean up illegal dumps to reduce typical problems requiring correction, including odor problems, soil erosion, discharges of pollutants to surface water, and groundwater pollution. Corrective orders and penalties may be issued for violations in accordance with Department guidelines and procedures.

Compliance activities also 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.

CONTRIBUTES TO MANAGING FOR RESULTS GOAL:

Goal #3 Ensuring safe and adequate drinking water.

SUCSESSES/CHALLENGES:

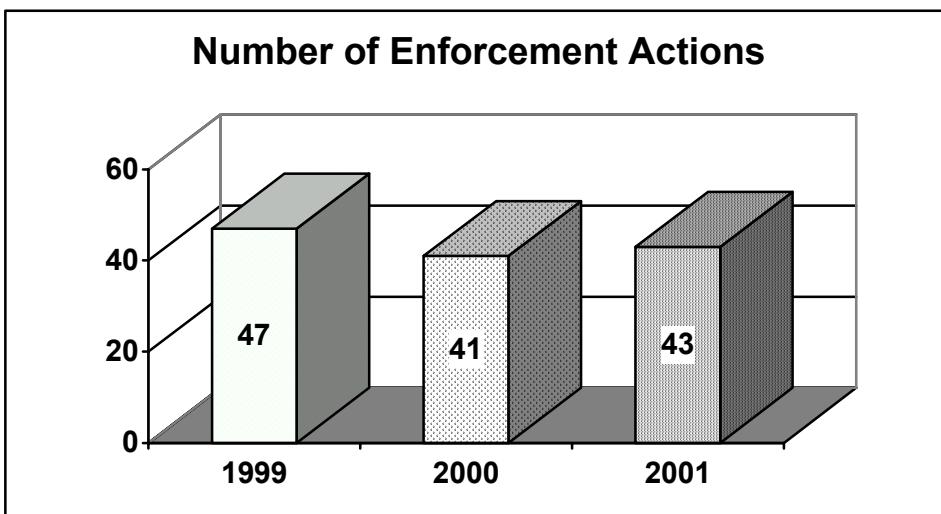
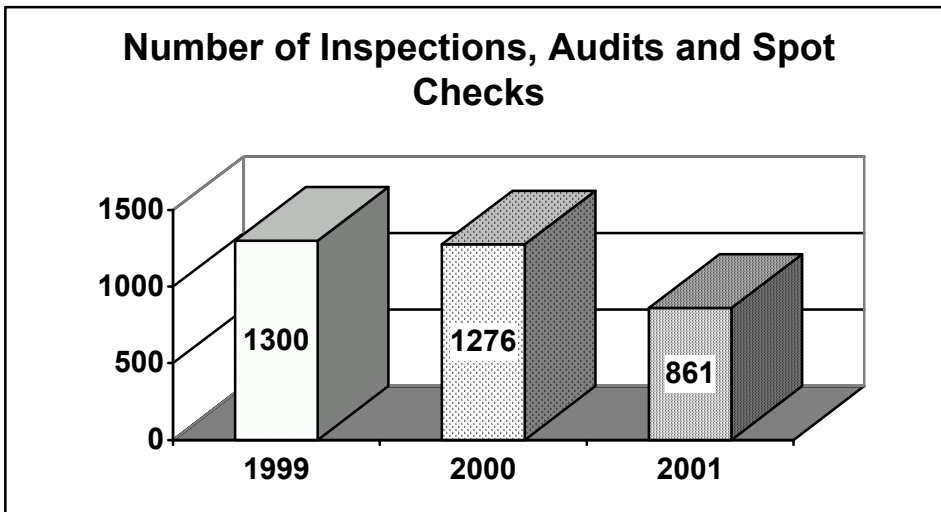
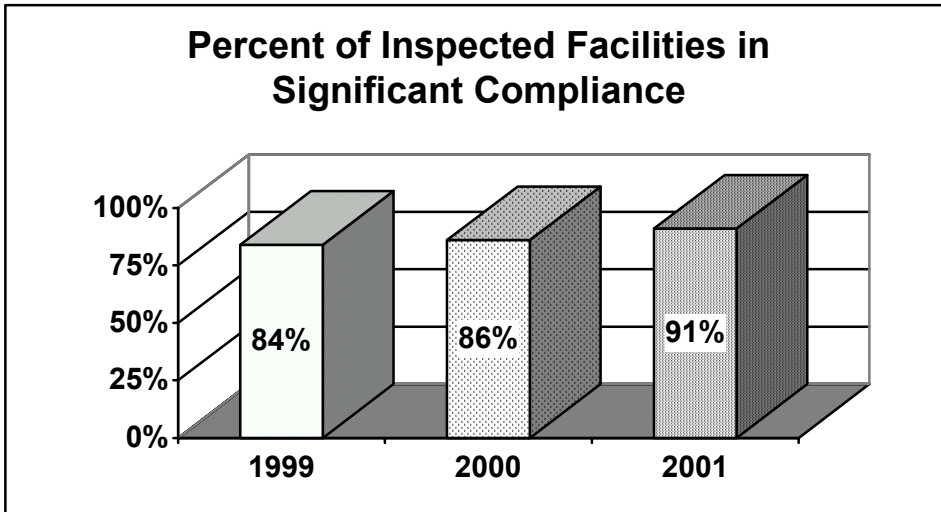
In September 1997, the State began implementing regulations that required the installation of liners and leachate collection systems in all rubble landfills by July 1, 2001. Operating rubble landfills that did not install liners and leachate collection systems prior to that date were required to close. All rubble landfills in the State complied with the requirements or closed by the deadline.

The Solid Waste Program continues to be challenged by the need to retain trained inspectors. The numbers of refuse disposal facility inspections and compliance assistance actions rendered decreased in FY2001 as compared to FY2000, as a direct result of a nearly 17% inspector vacancy/turnover rate for program activities, increased travel time for inspectors covering vacant areas, and time needed to train two new inspectors. The work duties of this Program are required to be performed by Registered Sanitarians, who must pass a rigorous test and pay a fee to become registered and then obtain continuing education credits through training to maintain registration.

Refuse Disposal

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	31
Number of Permits/Licenses in effect at Fiscal Year End	102
<u>OTHER REGULATED SITES/FACILITIES</u>	
Unpermitted sites with ongoing violations	20
<u>INSPECTIONS</u>	
Number of Sites inspected	403
Number of Inspections, Audits, Spot Checks	861
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	35
% of Inspected Sites/Facilities in Significant Compliance	91%
% of Inspected Sites/Facilities with Significant Violations	9%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	4
Number of Significant Violations based on Technical/Preventative Deficiencies	33
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	25
Total	62
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	34
Ongoing	28
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	132
Number of Show Cause, Remedial, Corrective Actions issued	3
Number of Stop Work Orders	0
Number of Injunctions obtained	2
Number of Penalty and Other Enforcement Actions	38
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$1,759

Refuse Disposal



Scrap Tires

PURPOSE

Licenses are required for the hauling, collection, storage, processing, recycling, and burning 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; COMAR 26.04

PROCESS

The licensing system is intended to regulate the management of scrap tires and prevent illegal dumping. A State fund is available for cleaning up scrap tire dumps if the landowner fails to do this. If the fund is used for this purpose, cost recovery is required. In general, 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. Corrective orders and penalties may be issued for violations in accordance with Department guidelines and procedures.

CONTRIBUTES TO MANAGING FOR RESULTS GOAL:

Goal # 1 Encouraging smart growth and community revitalization and protecting and maintaining Maryland's natural resource land base.

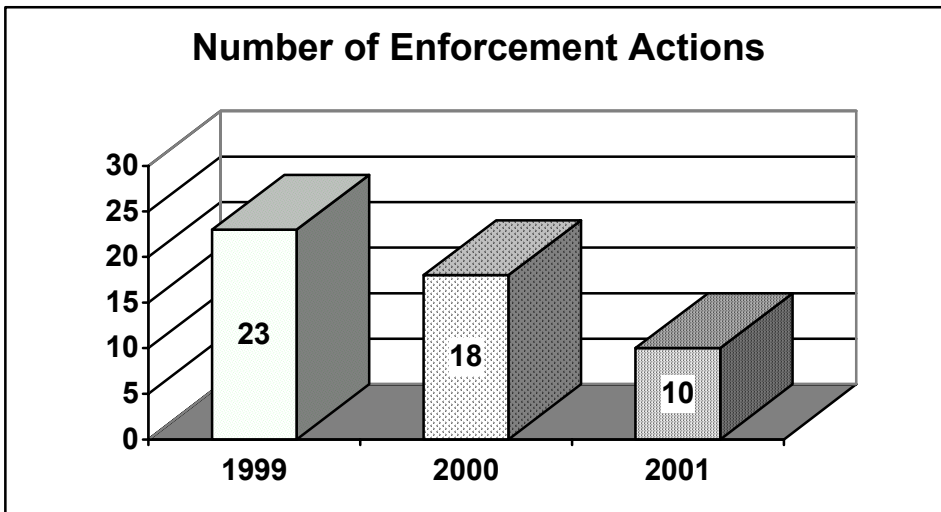
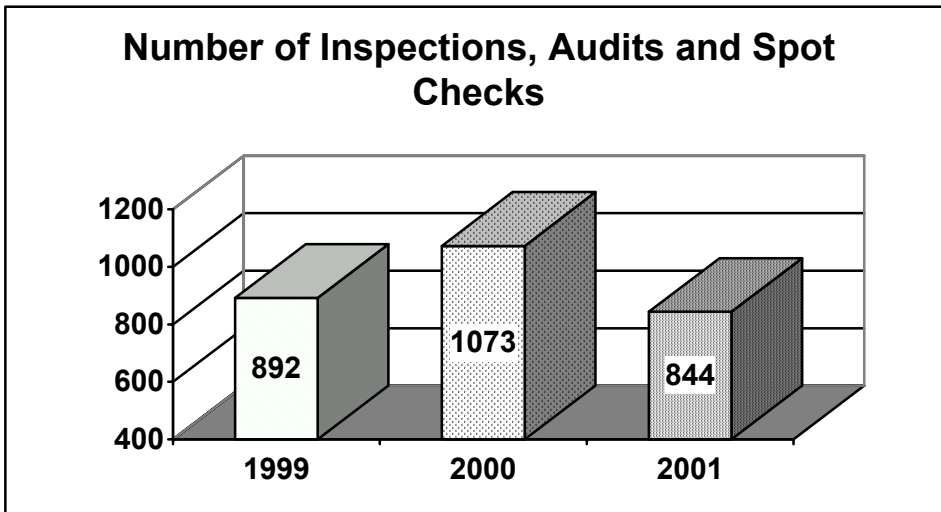
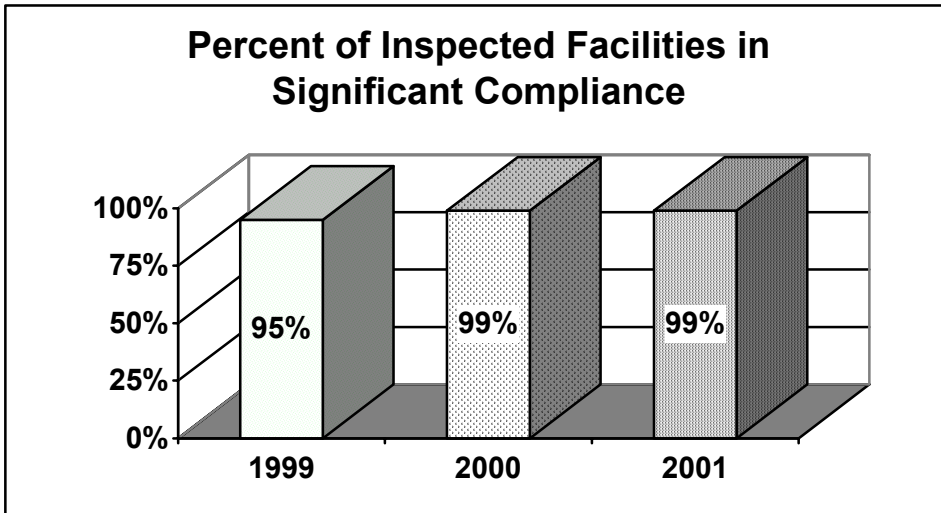
SUCSESSES/CHALLENGES:

The scrap tire recycling fee was reduced from \$1.00 to \$0.40 as of July 1, 2000. The Scrap Tire Program is required to accelerate expenditures from the Fund and expand the scrap tire recycling system on a regional basis to provide additional processing and recycling capacity to manage the ongoing generation of tires. Although the number of scrap tire facility inspections decreased 21% due to an approximate 17% inspector vacancy/turnover rate in the Program, more compliance assistance activities were conducted to encourage voluntary cleanups by responsible parties in FY2001. The Program continues to effect the cleanup of scrap tire stockpiles, however, new stockpiles are discovered every year. At the end of FY2001, more stockpiles remain to be cleaned up (89) than in FY2000 (78), partly because there were 41 new stockpiles identified in FY2001.

Scrap Tires

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	351
Number of Permits/Licenses in effect at Fiscal Year End	3,070
<u>OTHER REGULATED SITES/FACILITIES</u>	
Stockpiles to be cleaned up	89
<u>INSPECTIONS</u>	
Number of Sites inspected	641
Number of Inspections, Audits, Spot Checks	844
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	8
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	8
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	14
Total	22
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	10
Ongoing	12
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	55
Number of Show Cause, Remedial, Corrective Actions issued	1
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	9
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$0

Scrap Tires



Sewage Sludge Utilization

PURPOSE

These permits are required for the transportation, collection, handling, storage, treatment, land application, or disposal of sewage sludge in the State. 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. Permits include applicable nutrient management plans and other necessary documents.

AUTHORITY

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

PROCESS

Composting facilities and pelletizers are inspected monthly. Storage facilities are inspected monthly when in use. Landfill disposal operations are inspected during the course of routine landfill inspections. Land application sites are inspected when the workload allows. The inspector may recommend corrective actions to take, if any are required. If a significant violation is found, the inspector may issue a site complaint. Corrective orders and penalties may be issued for violations in accordance with Department guidelines and procedures. Inspectors also investigate citizens' complaints about sewage sludge utilization.

CONTRIBUTES TO MANAGING FOR RESULTS GOAL:

Goal #6 Improving and protecting Maryland's water quality.

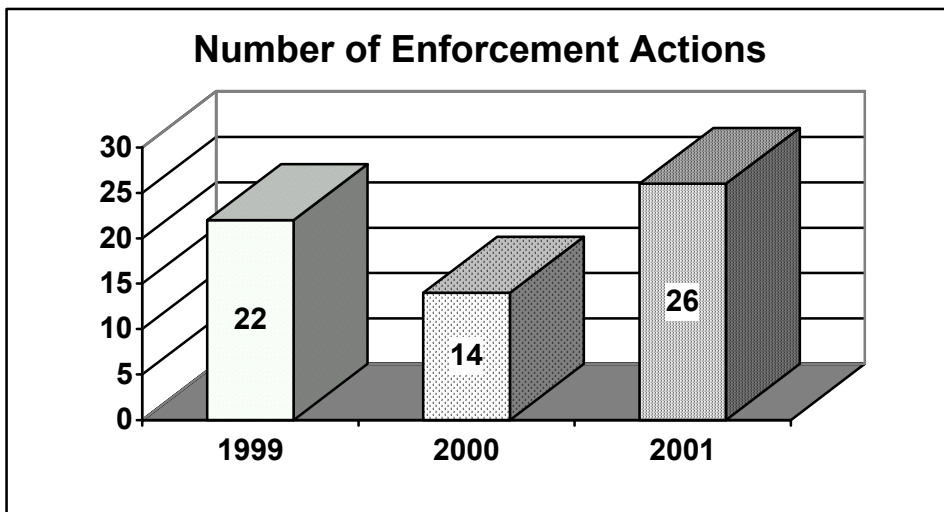
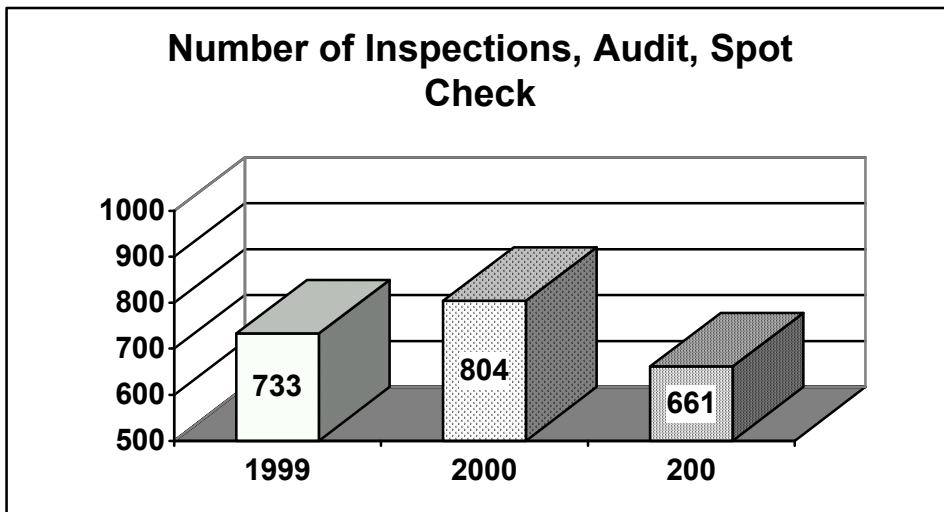
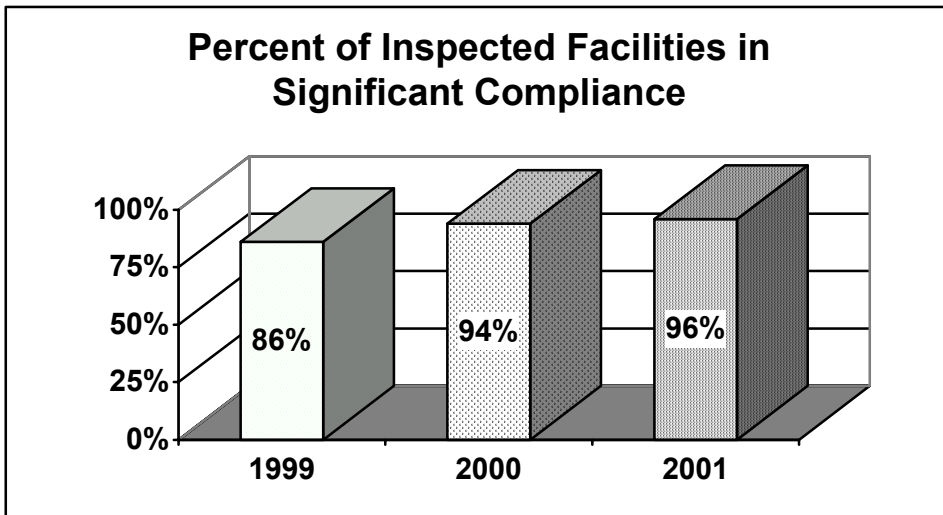
SUCSESSES/CHALLENGES:

Although the Program suffered a nearly 17% vacancy/turnover rate during FY2001 and 18% fewer inspections were performed, Maryland continues to lead most other states in the number of sewage sludge inspections conducted, with 661 inspections, audits and spot checks in FY2001. A few months ago, MDE began issuing Notices of Violation for sewage sludge violations as an alternative to standard enforcement action in an effort to be more flexible and increase compliance. As a result of our efforts to work with the regulated community, for several consecutive years, there have been no instances of unpermitted land application of sewage sludge in the State.

Sewage Sludge Utilization

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	230
Number of Permits/Licenses in effect at Fiscal Year End	873
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	0
<u>INSPECTIONS</u>	
Number of Sites inspected	309
Number of Inspections, Audits, Spot Checks	661
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	13
% of Inspected Sites/Facilities in Significant Compliance	96%
% of Inspected Sites/Facilities with Significant Violations	4%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	14
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	3
Total	17
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	11
Ongoing	6
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	60
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	26
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$2,200

Sewage Sludge Utilization



Wood Waste Recycling

PURPOSE

The purpose of the 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.

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 are 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. These responses account for the large number of inspections, audits, and spot checks relative to the number of inspected sites. Corrective orders and penalties may be issued for violations in accordance with Department guidelines and procedures.

CONTRIBUTES TO MANAGING FOR RESULTS GOAL:

Goal #8 Ensuring the air is safe to breathe.

SUCCESSSES/CHALLENGES:

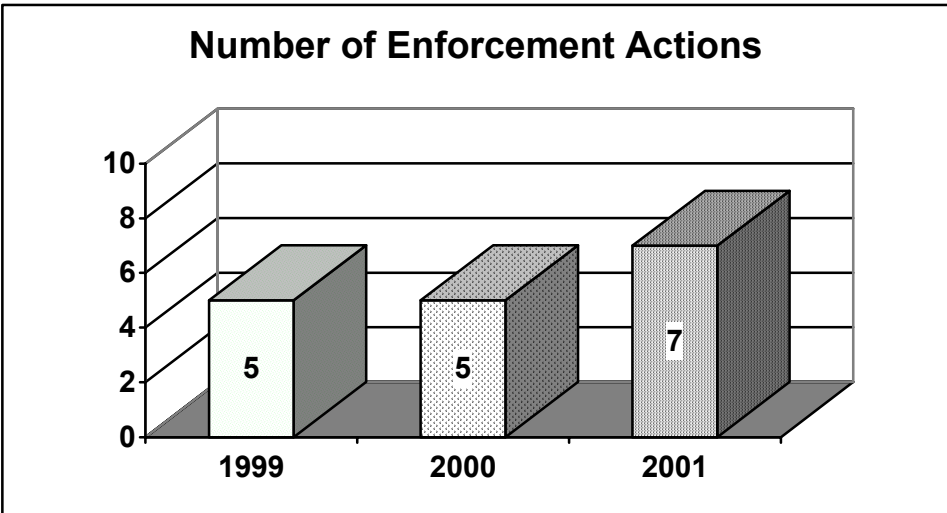
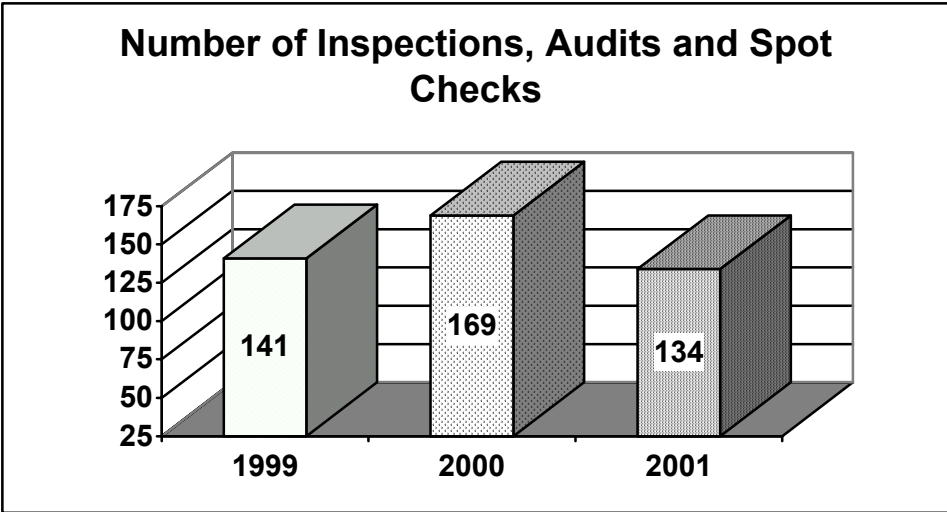
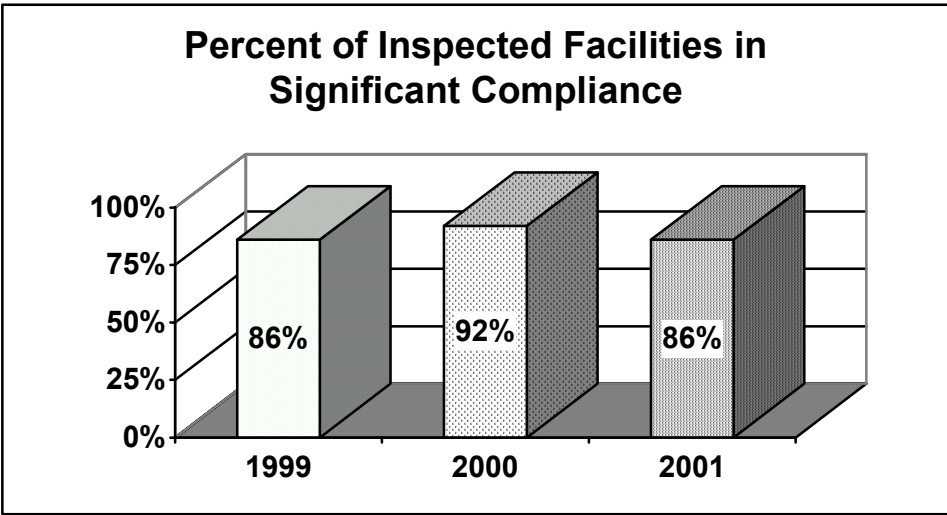
As stated above, the primary goal of the permitting and inspection of natural wood waste recycling facilities is to prevent fires. The number of enforcement actions remained essentially the same and the percentage of facilities with significant violations increased minimally. In spite of these findings, there were no recorded instances of fires at natural wood waste recycling facilities in Maryland that would affect Goal #8.

Wood Waste Recycling

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	5
Number of Permits/Licenses in effect at Fiscal Year End	15
<u>OTHER REGULATED SITES/FACILITIES</u>	
Unpermitted sites with ongoing violations	8
<u>INSPECTIONS</u>	
Number of Sites inspected*	*43
Number of Inspections, Audits, Spot Checks	134
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	6
% of Inspected Sites/Facilities in Significant Compliance	86%
% of Inspected Sites/Facilities with Significant Violations	14%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	1
Number of Significant Violations based on Technical/Preventative Deficiencies	5
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	6
Total	12
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	2
Ongoing	10
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	12
Number of Show Cause, Remedial, Corrective Actions issued	1
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	6
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$0

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

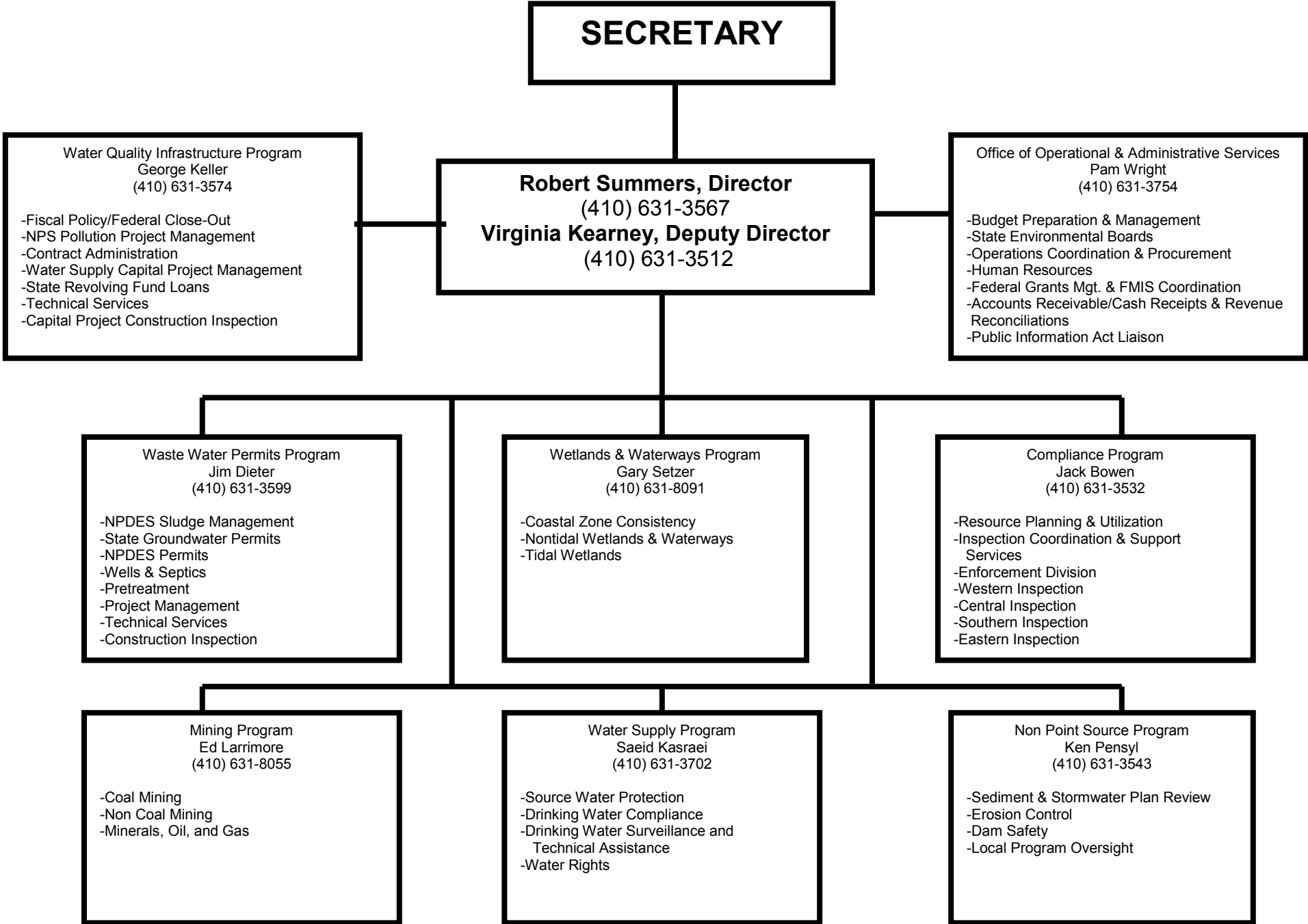
Wood Waste Recycling





WATER MANAGEMENT ADMINISTRATION

WATER MANAGEMENT ADMINISTRATION



Discharges - Groundwater (Municipal And Industrial)

PURPOSE

Groundwater Discharge Permits control the disposal of treated municipal or industrial wastewater into the State's groundwater via spray irrigation or other land-treatment applications. A groundwater discharge permit will contain the limitations and requirements deemed necessary to protect public health and minimize groundwater pollution.

AUTHORITY

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

PROCESS

Upon permit issuance, the file is transferred to the Compliance Program where an inspection priority is assigned. Inspections at the facilities are scheduled in accordance with the assigned priority. Facilities are not given advance notification of routine inspections. Scheduled inspection frequencies may be modified as workload or priorities change. If samples are needed to document site conditions they are taken and turned into a lab for analysis. Discharge Permits require sample self-monitoring of the discharge by the facility; results are filed quarterly with the Department in the form of Discharge Monitoring Reports (DMR). DMR review by the inspector is not counted as a separate activity; rather it is part of the inspector's preparation for making a facility's inspection. Submitted DMR's are reviewed, in the office, by Enforcement Division Staff in order to determine whether the criterion for "Significant Noncompliance" has been met. The DMR reviews performed by the Enforcement Division are included in the following Table on the line identified as "Inspections, Audits, Spot Checks." The Enforcement Division is also responsible for entering all DMR data into a database.

SUCCESSSES AND CHALLENGES

MFR Goal 3: Ensuring Safe and Adequate Drinking Water

Excessive nutrients and industrial wastewater have the potential to impact the quality of groundwater. Through the groundwater discharge permitting process, dischargers are inventoried, inspected, and enforced.

The Compliance Program fell short of meeting its inspection-related goals in this Program. Both the Number of Inspections and the Number of Sites Inspected has decreased, along with a decline in the Number of Sites Inspected with Significant Violations. The inspection numbers decline can be attributed to three possible reasons: 1). the Program closed the fiscal year with six vacant positions that were held open for varying time periods to manage budget deficits; 2). additional inspection time was lost during the year because of the limiting method available to download computerized inspection results (the Program estimates that approximately 60 man-days per month were lost to the inability to use the laptop computers for writing inspection reports); and, 3). a priority shift resulting from the numerous sewage overflows and spills required the Compliance Program begin to inspect each overflow/spill report that it received. Collectively these events impacted the amount of inspections that the Program was able to complete.

Despite the reduction in the inspection numbers, the Compliance Program has been able to continue the evaluation of the self-monitoring requirement of the discharge permits. As a result, the Number of Enforcement Actions and the amount of Civil Penalties Obtained have increased. These activities are performed by the Enforcement Division of the Compliance Program, a group that has not been affected by the turnover or the laptop computer problems experienced by the inspection divisions.

Discharge – Groundwater (Municipal And Industrial)

2001 Totals

PERMITTED SITES/FACILITIES

Number of Permits/Licenses issued*	54
Number of Permits/Licenses in effect at Fiscal Year End	210

OTHER REGULATED SITES/FACILITIES

None

INSPECTIONS

Number of Sites inspected	165
Number of Inspections, Audits, Spot Checks**	652

COMPLIANCE PROFILE:

Number of Inspected Sites/Facilities with Significant Violations	2
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%

SIGNIFICANT VIOLATIONS

Number of Significant Violations involving Environmental or Health Impact	3
Number of Significant Violations based on Technical/Preventative Deficiencies	4
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	10
Total	17

DISPOSITION OF SIGNIFICANT VIOLATIONS

Resolved	
Ongoing	9
	8

ENFORCEMENT ACTIONS

Number of Compliance Assistance rendered	10
Number of Show Cause, Remedial, Corrective Actions issued	2
Number of Stop Work Orders	0
Number of Injunctions obtained	1
Number of Penalty and Other Enforcement Actions	7
Number of Referrals to Attorney General for possible Criminal Action	0

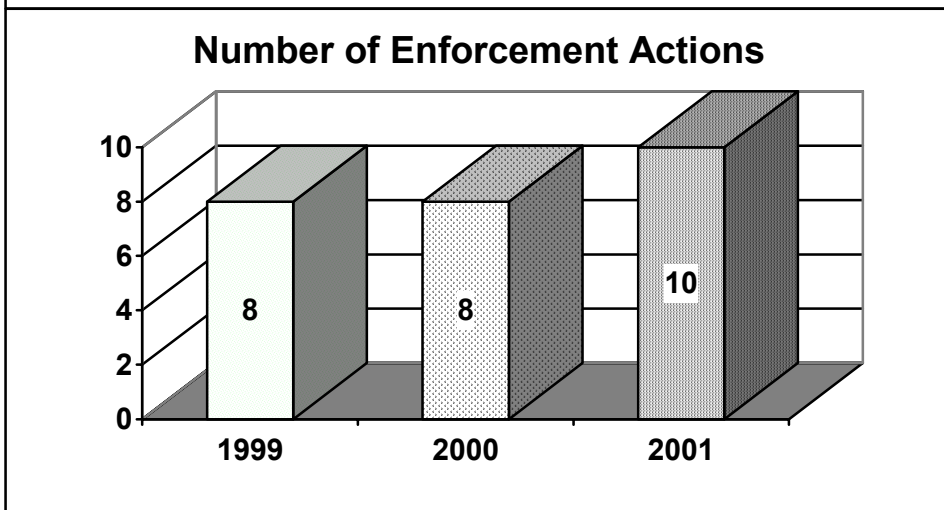
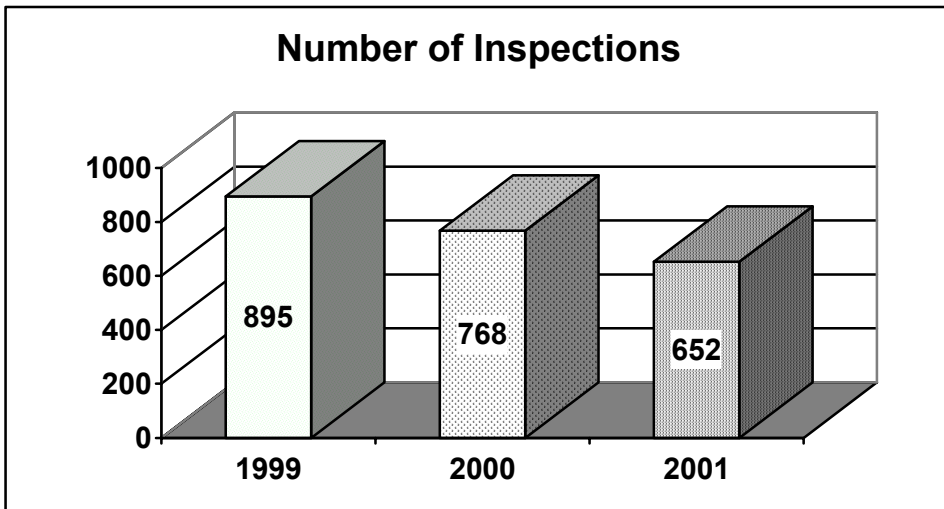
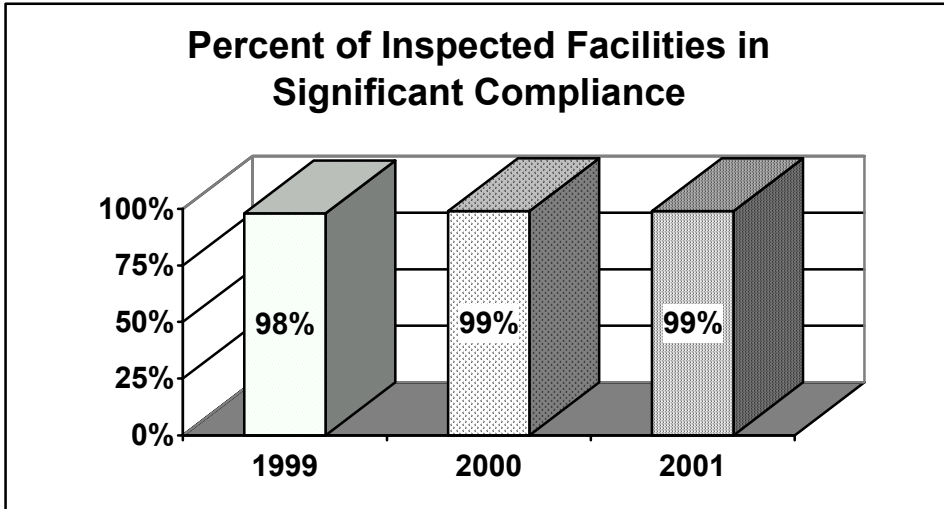
PENALTIES

Amount of Administrative or Civil Penalties obtained	\$26,375
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*Includes new/ renewals/ modifications

**This number includes 252 inspections and 400 DMR reviews.

Discharge – Groundwater (Municipal and Industrial)



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

PURPOSE

The purpose of the federal National Pollutant Discharge Elimination System (NPDES) program is to control pollution generated from industrial activity, municipal wastewater systems, certain agricultural activities and stormwater runoff from industrial, municipal and agricultural activities. Anyone who discharges wastewater to surface waters needs a surface water discharge permit. Applicants include municipalities, counties, schools and commercial sewage treatment plants, as well as treatment systems for private residences that use surface discharge techniques. All industrial, commercial or institutional facilities that discharge wastewater (or storm water from certain facilities) directly to surface waters of Maryland need this permit. All discharges to municipal wastewater systems will only require a pretreatment permit. Certain agricultural activities, specifically, concentrated animal feeding operations, are also required to obtain a surface water discharge permit.

The NPDES permit system also includes a stormwater component to control pollution generated from runoff associated with industrial sites, municipal storm sewer systems, and concentrated animal feeding operations. Eleven categories of industry and certain sized local governments are required by the Clean Water Act and the U.S. Environmental Protection Agency (EPA) to be permitted under the NPDES stormwater program. The surface water discharge permit combines the requirements of the State discharge permit program and the NPDES into one permit for municipal wastewater treatment facilities that discharge to State surface waters. The permit is designated to maintain water quality standards in the water receiving the discharge.

NOTE: An Industrial Stormwater Discharge permit for construction activity is tracked and documented under the Stormwater Management and Erosion & Sediment Control Program. General discharge permit coverage is required for construction activities which involve five acres or greater of disturbance.

AUTHORITY

FEDERAL: Clean Water Act

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

PROCESS

Upon issuance of a permit the file is transferred to the Compliance Program where an inspection priority is assigned. Inspections at the facility are scheduled in accordance with the assigned priority. Facilities are not given advance notification of routine inspections. Scheduled inspection frequencies may be modified as workload or priorities change. If water quality samples are needed to document site conditions they are taken and submitted to a lab for analysis. Discharge Permits require self-monitoring sampling of the discharge by the facility and results filed quarterly with the Department in Discharge Monitoring Reports (DMR). DMR review by the inspector is not counted as a separate activity; rather it is part of the inspector's preparation for making a facility inspection. Submitted DMR's are reviewed, in the office, by Enforcement Division Staff in order to determine whether the criterion for "Significant Noncompliance" has been met. The DMR reviews performed by the Enforcement Division are included in the following Table on the line identified as "Inspections, Audits, Spot Checks". The Enforcement Division is also responsible for entering all DMR data into a database.

SUCSESSES AND CHALLENGES

MFR Goal 6: Improving and Protecting Maryland's Water Quality

Excessive nutrients from municipal and industrial wastewater, industrial chemicals in wastewater, and the pollutants carried by stormwater runoff all have the potential to impact the quality of surface waters. Through the surface water discharge permitting process, dischargers are inventoried, inspected, and enforced. WMA was challenged this year to focus increased attention to numerous sewage overflows primarily from municipal sewage collection systems. The resulting priority shift required the Compliance Program begin to inspect each overflow/spill report that it received.

The Compliance Program has been able to maintain its activities, and improve in all categories for this media with the exception of Administrative and Civil Penalties Obtained. The reason for the Program's success in this media is because inspections in this media were assigned as a priority. In addition to the sewage overflow responses, the Water Management Administration performs a certain number of inspections during the year, under priorities established as part of its grant commitment with EPA. This year, WMA was able to exceed its proposed number even with the existing staff vacancies and laptop computer problems. The Compliance Program was able to compensate for the problems, but at the expense of activities in other media.

In the category Administrative and Civil Penalties Obtained, the amount has dropped from the previous year by more than \$600,000. This drop is a result of having obtained two large penalties in FY2000. Those two penalties amounted to \$950,000. The total amount obtained this fiscal year exceeds by more than \$125,000 the totals for either FY 1998 or FY 1999.

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

2001 Totals

PERMITTED SITES/FACILITIES

Number of Permits/Licenses issued*	99
Number of Permits/Licenses in effect at Fiscal Year End	2002

OTHER REGULATED SITES/FACILITIES

None

INSPECTIONS

Number of Sites inspected	1249
Number of Inspections, Audits, Spot Checks**	8,151

COMPLIANCE PROFILE:

Number of Inspected Sites/Facilities with Significant Violations	117
% of Inspected Sites/Facilities in Significant Compliance	91%
% of Inspected Sites/Facilities with Significant Violations	9%

SIGNIFICANT VIOLATIONS

Number of Significant Violations involving Environmental or Health Impact	38
Number of Significant Violations based on Technical/Preventative Deficiencies	87
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	83
Total	208

DISPOSITION OF SIGNIFICANT VIOLATIONS

Resolved	111
Ongoing	97

ENFORCEMENT ACTIONS

Number of Compliance Assistance rendered	128
Number of Show Cause, Remedial, Corrective Actions issued	32
Number of Stop Work Orders	0
Number of Injunctions obtained	8
Number of Penalty and Other Enforcement Actions	93
Number of Referrals to Attorney General for possible Criminal Action	1

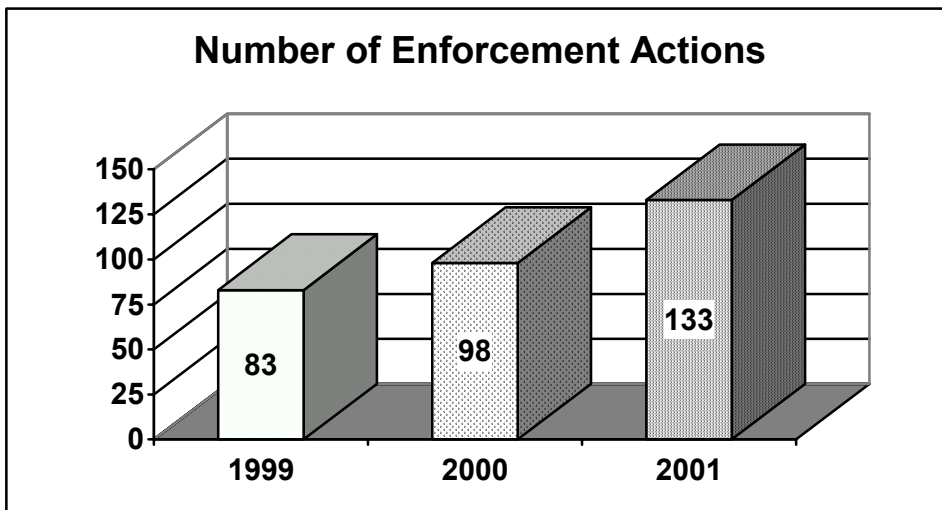
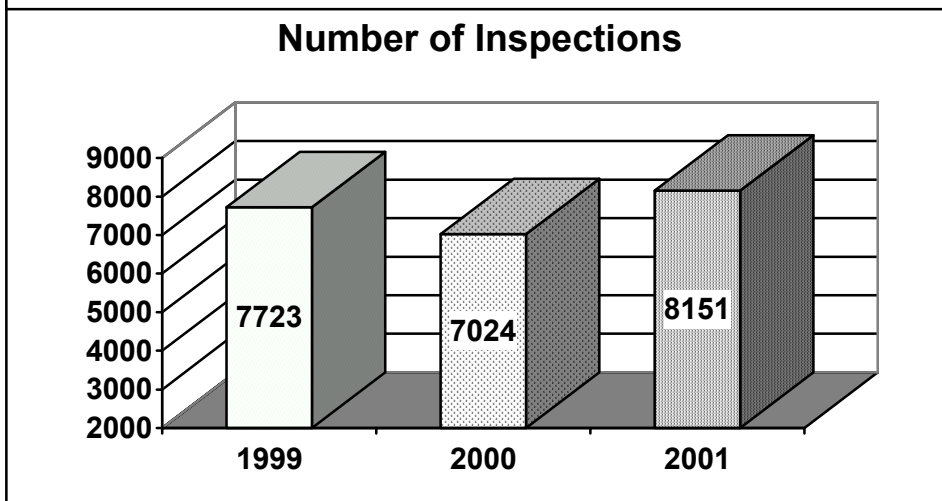
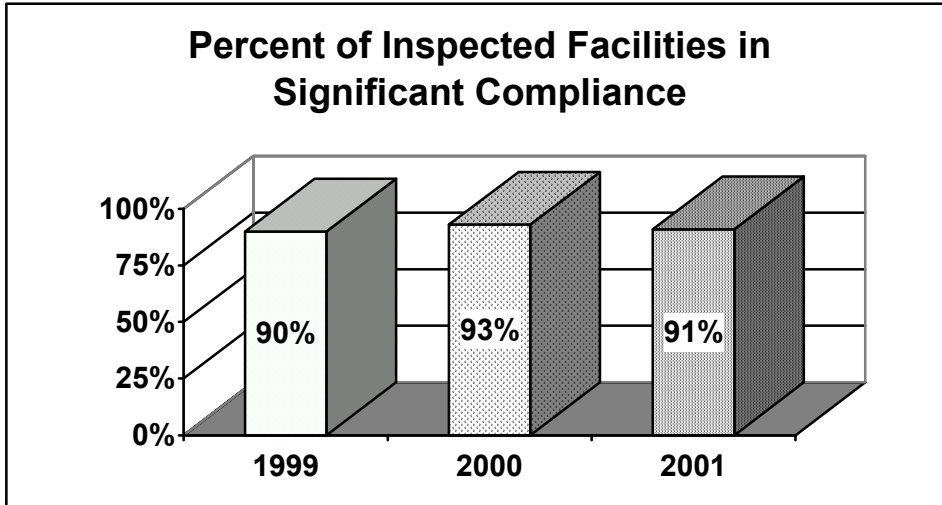
PENALTIES

Amount of Administrative or Civil Penalties obtained	\$409,959
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* This number includes new permits/renewals and conversions/modifications of permits.

** This number includes 2584 inspections and 5426 DMR reviews.

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



Discharges – Pretreatment (Industrial)

PURPOSE

As part of its responsibility for enforcing federal and state laws and regulations pertaining to the discharge of wastes, MDE is responsible for controlling wastes from industrial and other non-domestic sources discharged into publicly owned treatment works (POTW). In accordance with its authority as delegated by EPA, MDE has delegated responsibility for implementation of a pretreatment program to 17 local pretreatment programs which are responsible for 244 sites. 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 POTW and MDE and then incorporated by reference into the POTW's NPDES permit issued by MDE. Given the fact that the bulk of the responsibility for this program is delegated to POTW's, the enforcement actions and penalties that are pursued and collected in this program are by local government and would not be reflected in MDE's enforcement statistics.

AUTHORITY

FEDERAL: Clean Water Act

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

PROCESS

MDE, through the Pretreatment Program, oversees local pretreatment program implementation. This oversight is performed by the permitting program staff by conducting: 1) pretreatment compliance inspections; 2) audits of pretreatment programs; 3) joint review of industrial user permits; 4) independent and joint industrial inspections with the POTW; 5) review of the monitoring reports from POTW's; or, 6) 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 annual inspections.

SUCSESSES AND CHALLENGES

MFR Goal 6: Improving and Protecting Maryland's Water Quality

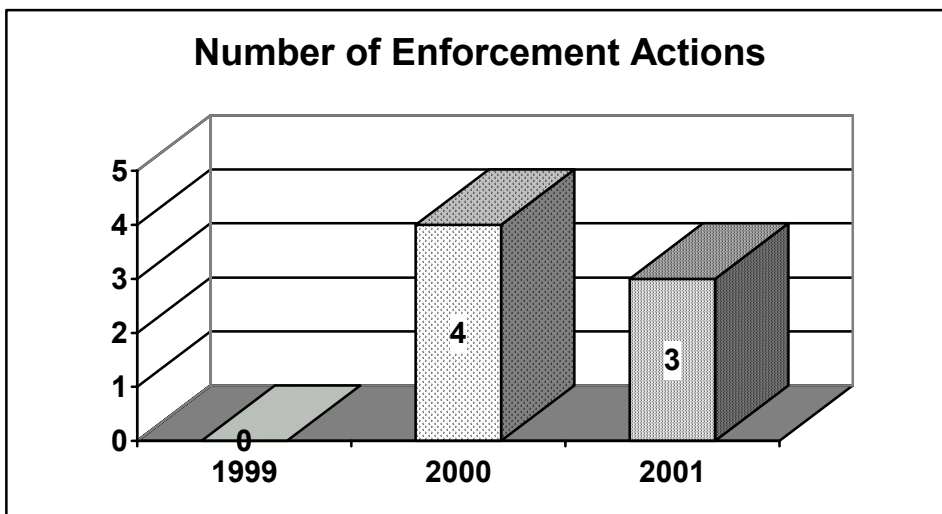
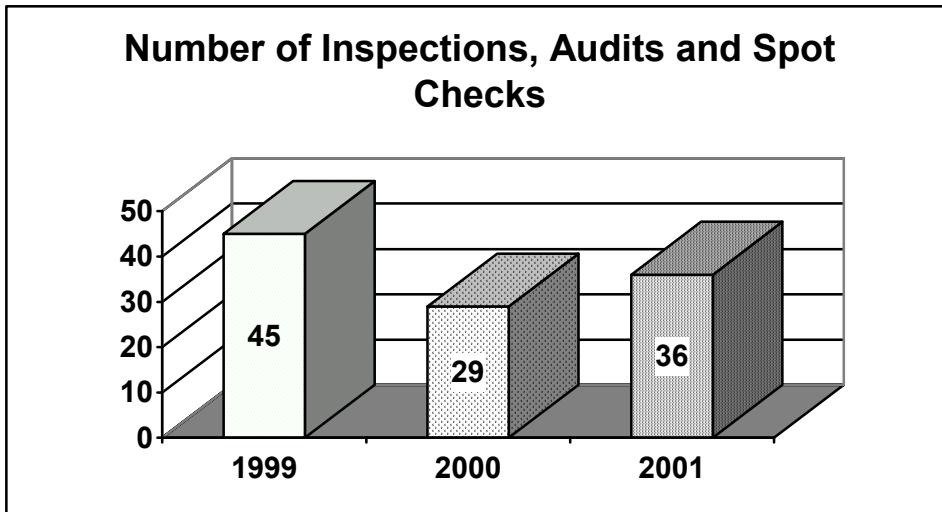
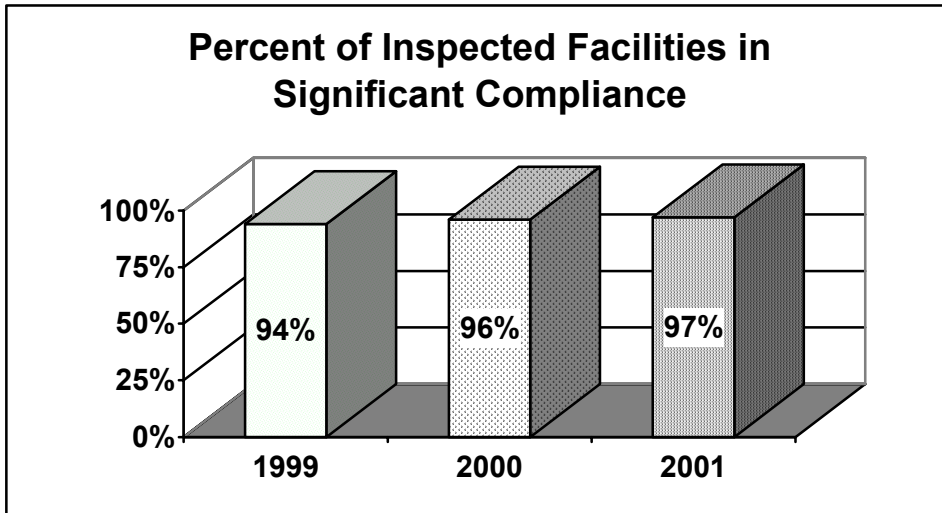
Excessive nutrients from municipal and industrial wastewater and industrial chemicals in wastewater have the potential to impact the quality of surface waters. The Pretreatment Program currently issues permits to categorical industrial users located in areas not serviced by jurisdictions with delegated pretreatment programs. The Pretreatment Program has been able to inspect all delegated pretreatment programs and inspect all categorical industrial users on an annual basis. Additionally, upon request, inspections were also performed at several industrial users with compliance issues.

Over the course of the year this program's numbers have remained steady, with the exception of a decrease in the amount of penalties collected. The decrease in the amount of penalties collected by the State can be explained as an increase in activity by the delegated pretreatment programs. As the delegated programs increase their activities, there is less need for the State to become involved in penalty issuance.

Discharges - Pretreatment (Industrial)

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	2
Number of Permits/Licenses in effect at Fiscal Year End	6
<u>OTHER REGULATED SITES/FACILITIES</u>	
Publicly Owned Treatment Works (POTWs)	17
Sites at which oversight is delegated to local authorities	222
<u>INSPECTIONS</u>	
Number of Sites inspected *	35
Number of Inspections, Audits, Spot Checks	36
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	1
% of Inspected Sites/Facilities in Significant Compliance	97%
% of Inspected Sites/Facilities with Significant Violations	3%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	1
Number of Significant Violations based on Technical/Preventative Deficiencies	1
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	0
Total	2
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	2
Ongoing	0
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	0
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	0
Number of Injunctions obtained	1
Number of Penalty and Other Enforcement Actions**	2
Number of Referrals to Attorney General for possible Criminal Action	3
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$96,000
*Includes 17 POTW's and 12 Industrial users.	
** Except for 6 MDE permits, enforcement is initiated by delegated POTW.	

Discharge – Pretreatment (Industrial)



Stormwater Management and Erosion & Sediment Control For Construction Activity

PURPOSE

The purpose of Maryland's erosion and sediment control program is to lessen the impact to the aquatic environment caused by sediment leaving construction sites. 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 stormwater management and erosion and sediment control plans before construction begins. The purpose of Maryland's 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 through the use of various stormwater management measures. Additionally, for any construction activity that disturbs five or more acres, coverage must be obtained under the Department's general discharge permit for construction activity. The purpose of this permit is to prevent water pollution and streambank erosion caused by excess erosion, siltation, and stormwater flows from construction sites.

The purpose of the federal National Pollutant Discharge Elimination System (NPDES) stormwater program is to control pollution generated from runoff associated with industrial activity and municipal storm sewer systems. Eleven categories of industry and certain sized local governments are required by the Clean Water Act and the U.S. Environmental Protection Agency (EPA) to be permitted under the NPDES stormwater program.

AUTHORITY

FEDERAL: Clean Water Act, Section 402; 40 CFR

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

PROCESS

In 11 counties and 10 municipalities, inspection and enforcement authority for erosion and sediment control has been delegated by the state. State inspections are performed at all construction projects in the 12 non-delegated counties. Inspections at all state and federal projects throughout Maryland are the responsibility of the State inspection program. 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 nonstate and nonfederal projects is by law the responsibility of each local jurisdiction. State inspections of stormwater management facilities are performed only for state and federal projects. Upon issuance of a permit or authorization, whether by the Sediment and Stormwater Permits Division or by the local sediment control approval authority, 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 much 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 demands.

As in the previous reports, the Stormwater Management and Erosion and Sediment Control programs have been combined into one table. The rationale for this change is that at the state level, these projects are reviewed and approved as one project. For all state and federally funded projects, plan review and approval for stormwater management and for sediment control is performed by the Nonpoint Source Program, and inspections for stormwater management and sediment control are performed by the Compliance Program. Conversely, all non-state/non-federally funded 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. Emphasis remained on accounting for sediment control inspections when they were performed in association with the inspection of other media permits.

In the following table, 6996 inspections were performed at 2693 local Erosion and Sediment Control Approvals, while 1414 inspections were performed at 576 stormwater management approvals.

The Program's emphasis has continued to focus on sediment control inspections, even though this was another year showing a decrease in the number of sites inspected and the number of inspections performed.

SUCSESSES AND CHALLENGES

MFR Goal 6: Improving and Protecting Maryland's Water Quality

Excessive nutrients and sediment have the potential to impact the water quality. The delivery of these pollutants may occur via stormwater runoff from construction activities. Although inspections in this media have been identified as a priority, the Compliance Program fell short of meeting its inspection goal in this Program. Both the Number of Inspections and the Number of Sites Inspected has decreased, along with a decline in the Number of Sites Inspected with Significant Violations. The inspection numbers decline can be attributed to two causes. The Program closed the fiscal year with six vacant positions that were held open for varying time periods to manage budget deficits. Additional inspection time was lost during the year because of the limiting method available to download computerized inspection results. The Program estimates that approximately 60 man-days per month were lost to the inability to use the laptop computers for writing inspection reports.

The numbers of Enforcement Actions and the amount of Penalties Obtained have increased because of the high priority assigned to this media. The Compliance Staff was able to focus on sites needing remedies. This is reflected especially in the Number of Penalties and Other Enforcement Actions and the Amount of Penalties Obtained through the use of the administrative penalty authority.

The Department was able to provide funding to the Allegany, Frederick and Talbot Soil Conservation Districts as a trial effort in performing Erosion and Sediment Control Inspections for the Department. Under this project, the Districts were not delegated sediment control authority; the Districts were acting as agents for the Department. The Districts did not have authority to initiate any enforcement actions. If any actions were needed, they would have been referred to the Department for action. When the number of inspections and the sites inspected by those three groups are combined with the numbers performed by the Compliance Program, there is an overall increase in the inspection activities for this media.

Along with this trial inspection effort, legislation was passed during the last session that would allow Soil Conservation Districts in non-delegated counties to assess inspection fees when that District intends to perform erosion and sediment control inspections for the Department. These fees will enable the Districts to perform inspections under agreement with the Department on a continuing basis.

Stormwater Management and Erosion & Sediment Control For Construction Activity

2001 Totals

PERMITTED SITES/FACILITIES

Number of Permits/Licenses issued*	685
Number of Permits/Licenses in effect at Fiscal Year End	12,195

OTHER REGULATED SITES/FACILITIES

None

INSPECTIONS

Number of Sites inspected **	3,269
Number of Inspections, Audits, Spot Checks ***	8,410

COMPLIANCE PROFILE:

Number of Inspected Sites/Facilities with Significant Violations	65
% of Inspected Sites/Facilities in Significant Compliance	98%
% of Inspected Sites/Facilities with Significant Violations	2%

SIGNIFICANT VIOLATIONS

Number of Significant Violations involving Environmental or Health Impact	26
Number of Significant Violations based on Technical/Preventative Deficiencies	40
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	35
Total	101

DISPOSITION OF SIGNIFICANT VIOLATIONS

Resolved	75
Ongoing	26

ENFORCEMENT ACTIONS

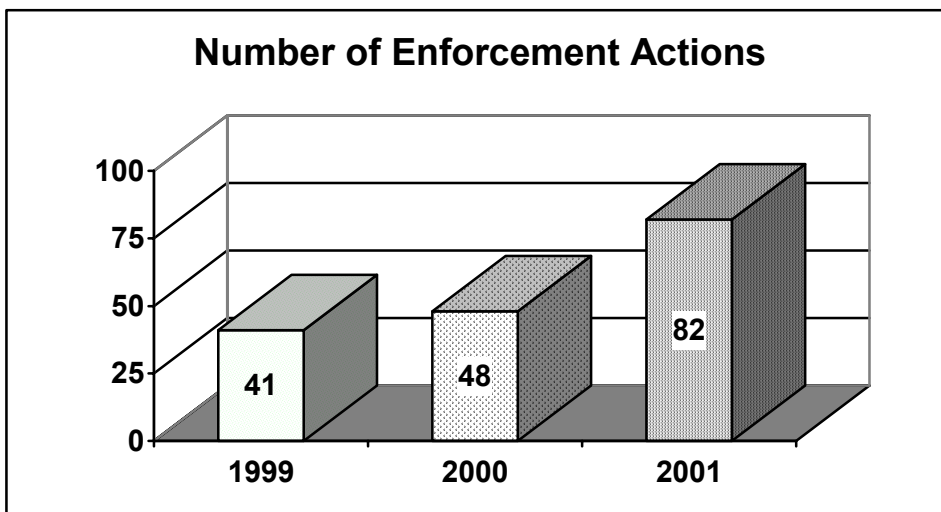
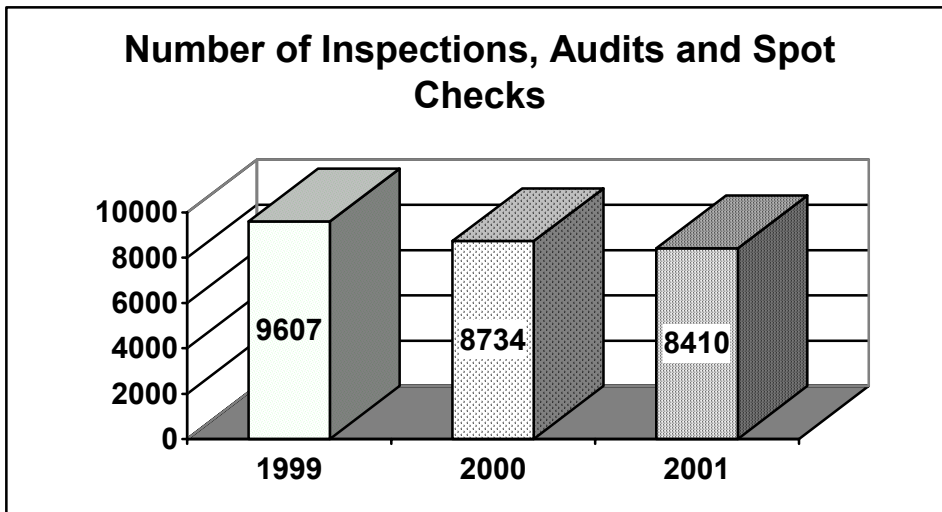
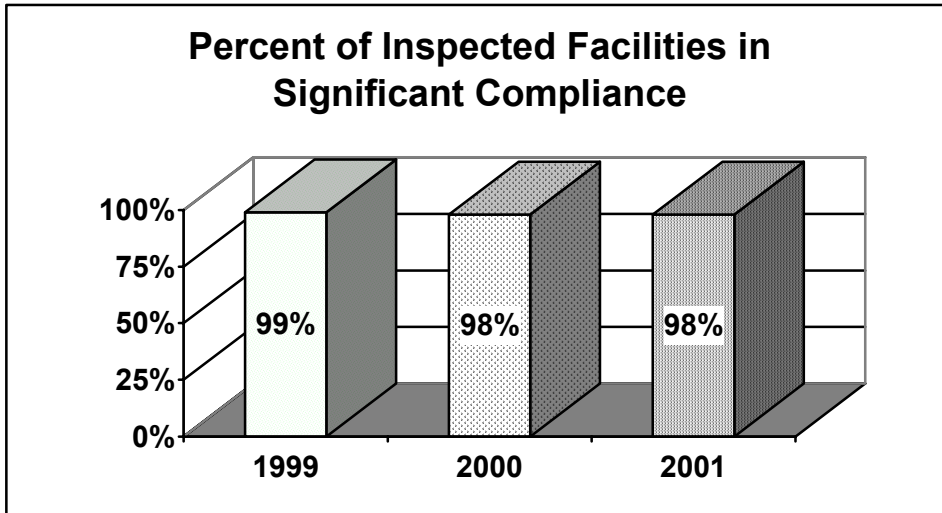
Number of Compliance Assistance rendered	571
Number of Show Cause, Remedial, Corrective Actions issued	11
Number of Stop Work Orders	2
Number of Injunctions obtained	1
Number of Penalty and Other Enforcement Actions	68
Number of Referrals to Attorney General for possible Criminal Action	2

PENALTIES

Amount of Administrative or Civil Penalties obtained	\$105,350
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*Includes 415 Sites Permitted Under the Construction General Discharge Permit
 **Includes 81 Sites Inspected By Allegany, Frederick, and Talbot Soil Conservation Districts
 *** Includes 508 Inspections Performed By Allegany, Frederick, and Talbot Soil Conservation Districts

Stormwater Management and Erosion & Sediment Control For Construction Activity



Mining – Coal

PURPOSE

A coal-mining permit has been implemented to minimize the effects of coal mining on the environment. In addition to environmental controls, the permit provides for proper land reclamation and ensures public safety. Permits 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 issuance of a permit/license/authorization the file is transferred to the Compliance Program where an inspection priority is assigned. By agreement with the federal Office of Surface Mining (OSM), MDE has committed to inspect each permitted facility on a monthly basis. The inspectors then schedule routine inspections of the facilities adhering to the assigned priority as much 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 demands. After two years of stable permit numbers, the number of coal mining permits has dropped slightly.

SUCCESSSES AND CHALLENGES

MFR Goal 6: Improving and Protecting Maryland's Water Quality

Within the activity of mining coal the potential exists to degrade water quality through the transport of sediment-laden water and acidic water with pH values that can adversely impact the aquatic habitat. Proper land reclamation after the completion of the mining activity also provides a benefit to the water quality.

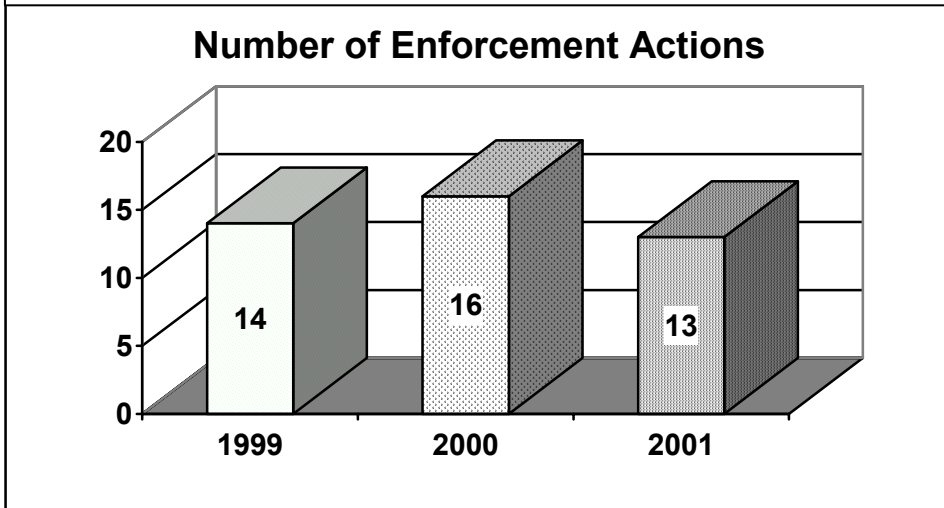
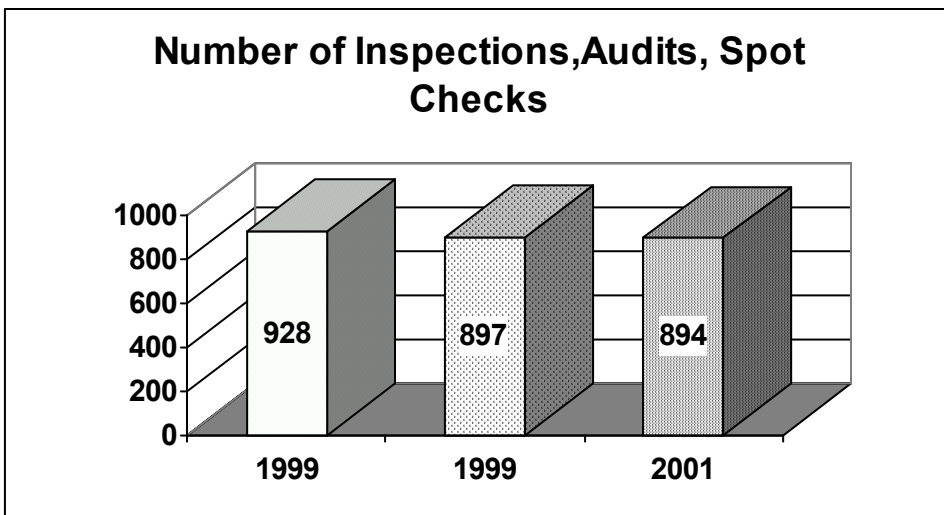
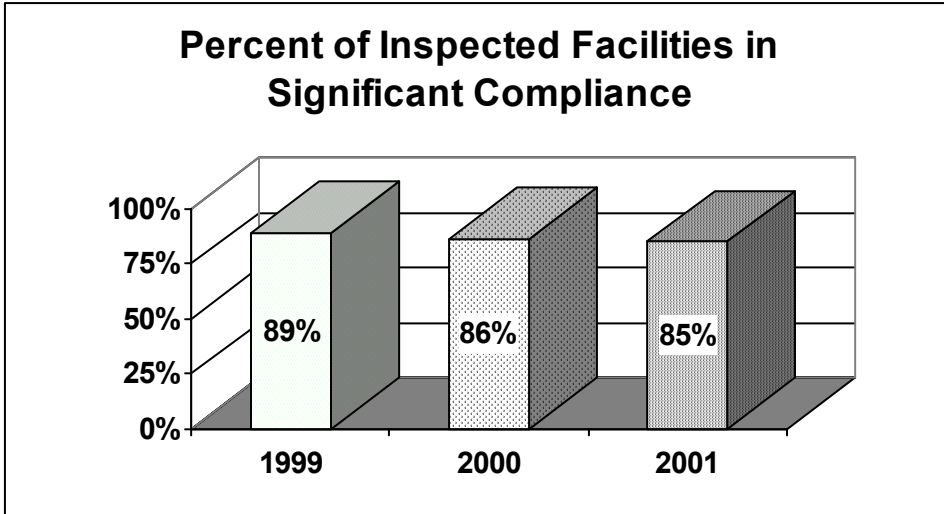
The Compliance Program has been able to maintain its level of activity in this media in accordance with its agreement with OSM, and in some instances, inspects the permits more frequently than once a month. Throughout the Compliance Program's problems with manpower turnover and computer problems, the Program was able to maintain a consistent level of activity.

Mining – Coal

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued*	67
Number of Permits/Licenses in effect at Fiscal Year End	60
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	60
Number of Inspections, Audits, Spot Checks	894
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	9
% of Inspected Sites/Facilities in Significant Compliance	85%
% of Inspected Sites/Facilities with Significant Violations	15%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	5
Number of Significant Violations based on Technical/Preventative Deficiencies	5
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	4
Total	14
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	14
Ongoing	0
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	6
Number of Show Cause, Remedial, Corrective Actions issued	10
Number of Stop Work Orders	1
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	2
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$1,750

*32 Permits Issued (3 New/3 Approvals/3 Renewals/3 Transfers/20 Modifications)
 35 Licenses Issued (1 Original / 34 Renewals)

Mining - Coal



Mining – Non-Coal

PURPOSE

A mining permit has been implemented to minimize 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 of \$1,250 per acre 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/license/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 much 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 demands.

The Department does not have the authority to collect administrative penalties for this program.

SUCSESSES AND CHALLENGES

MFR Goal 6: Improving and Protecting Maryland's Water Quality

Within the activity of mining, the potential exists to degrade water quality through the transport of sediment-laden water and industrial stormwater runoff. These factors can adversely impact the aquatic habitat. Proper mining practices and land reclamation after the completion of the mining activity provides a benefit to the water quality. Through the Non-Coal Mining Permit inspections, mining, reclamation and stormwater runoff are evaluated for their efficiencies to ensure that adverse impacts to surface and groundwater are minimized.

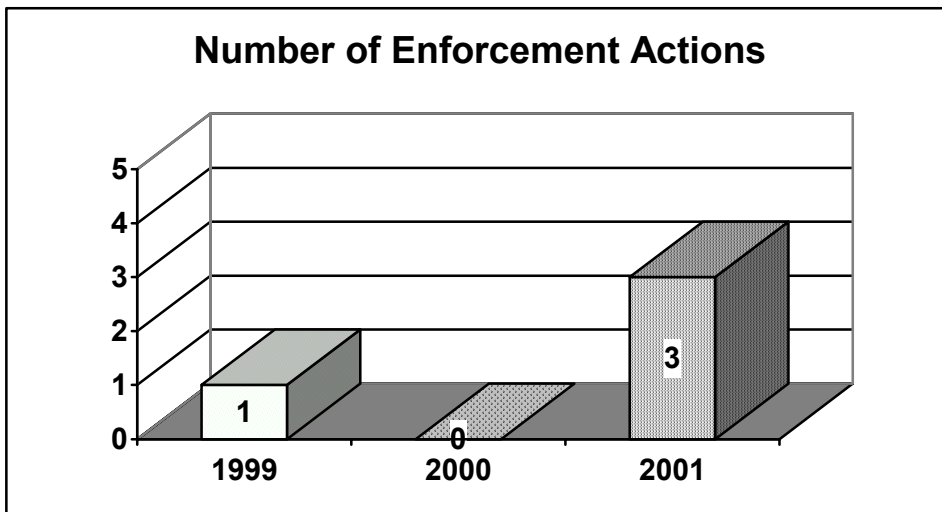
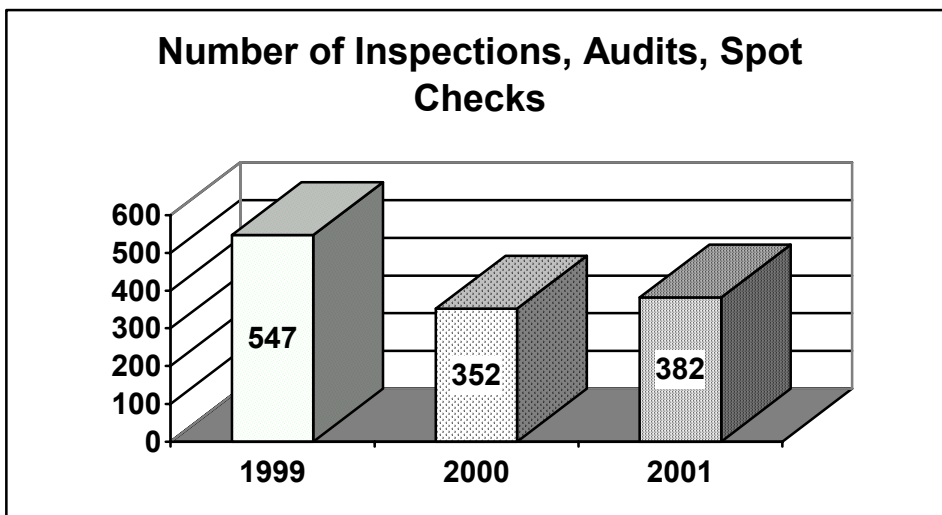
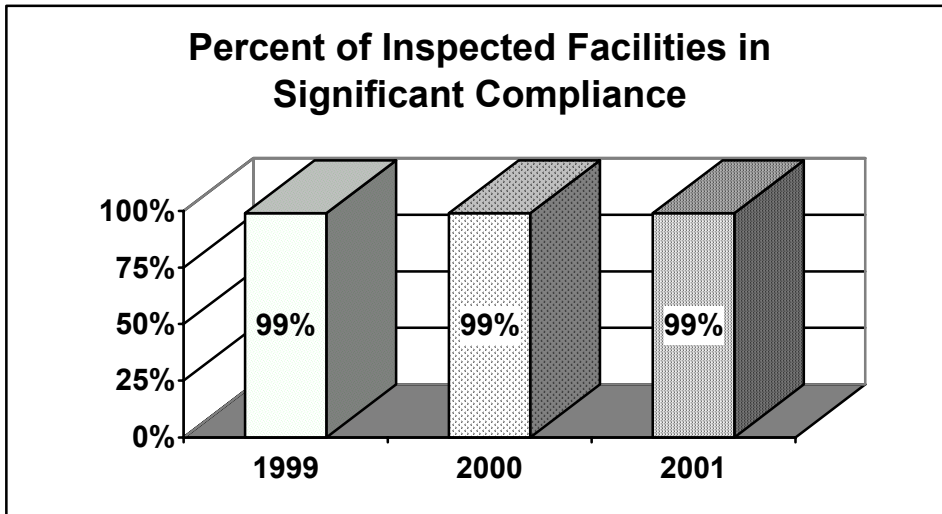
The Compliance Program was able to maintain a level of activity similar to that of the previous year. That level of activity in this media is a result of the Compliance Program's prioritization to focus on handling complaints, performing erosion and sediment control inspections, inspecting collection system sewage overflows, and inspecting discharge permits as per the Department's grant commitment with EPA. This prioritization along with the inspection vacancies and the computerized inspection problems affected the overall success in this media. Despite these problems the MFR Goals were realized.

Mining – Non-Coal

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued*	431
Number of Permits/Licenses in effect at Fiscal Year End	367
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	210
Number of Inspections, Audits, Spot Checks	382
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	3
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	1
Number of Significant Violations based on Technical/Preventative Deficiencies	2
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	1
Total	4
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	3
Ongoing	1
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	22
Number of Show Cause, Remedial, Corrective Actions issued	0
Number of Stop Work Orders	1
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	2
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0

*Includes 64 Permits (45 New/Renewals/Transfers; 19 Modifications), 367 Licenses (11 New/ 356 Renewals)

Mining – Non-Coal



Oil and Gas Exploration And Production

PURPOSE

The drilling and operation of a gas or oil well requires a permit. The operation of a gas storage facility also requires a permit. Permits are also required for seismic operations. Permits are issued to ensure public safety and to provide for the protection of public and private property. Permitting provides for the use of stringent environmental controls 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/authorization the file is transferred to the Compliance Program where an inspection priority is assigned. The inspectors then schedule routine inspections of the facilities in accordance with the assigned priority. Facilities are not given advance notification of routine inspections. Site inspections may be adjusted to reflect changing workloads or inspection priorities. Inspections performed for this program are typically safety inspections at natural gas storage facilities. The inspections typically verify that proper warning and informational signs are properly placed and that any special conditions specific to the permit are in compliance.

SUCSESSES AND CHALLENGES

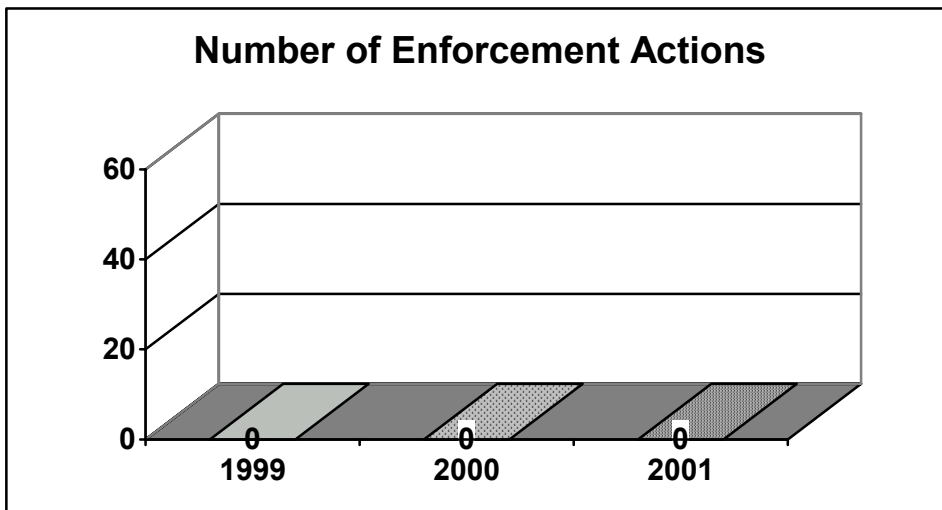
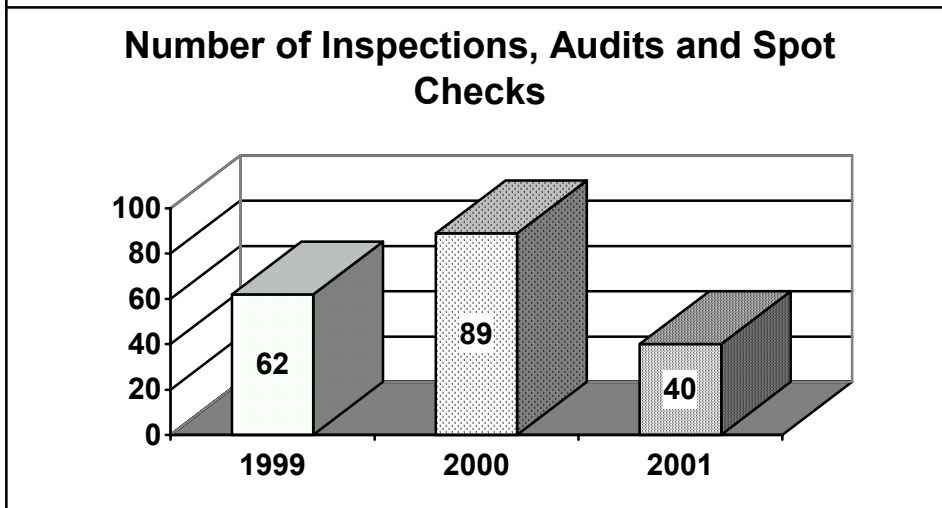
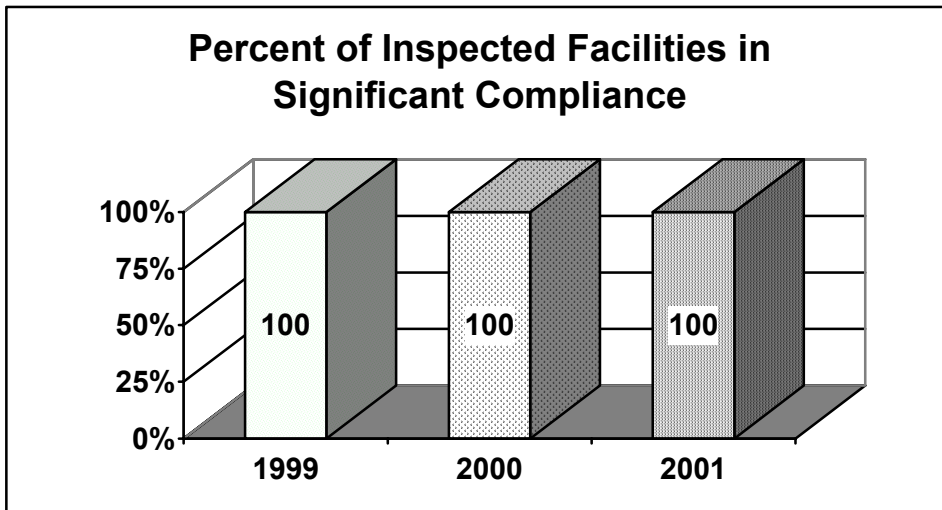
MFR Goal 6: Improving and Protecting Maryland's Water Quality

Although the potential for environmental harm exists, the Compliance Program, in balancing overall environmental risks and staff resources, has determined that this media is a low priority media for its routine activities. This prioritization along with the inspection vacancies and the computerized inspection problems affected the overall success in this media. Both the Number of Inspections and the Number of Sites Inspected have decreased.

Oil and Gas Exploration And Production

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued (renewal of previously expired permits)	0
Number of Permits/Licenses in effect at Fiscal Year End	95
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	38
Number of Inspections, Audits, Spot Checks	40
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	0
% of Inspected Sites/Facilities in Significant Compliance	100%
% of Inspected Sites/Facilities with Significant Violations	0
<u>SIGNIFICANT VIOLATIONS</u>	
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	0
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	0
Ongoing	0
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	2
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	0
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0.00

Oil and Gas Exploration and Production



Water Supply Program

PURPOSE

The mission of the Water Supply Program (WSP) is to ensure that the public drinking water systems provide safe and adequate water to all present and future users in Maryland, and that appropriate usage, planning and conservation policies are implemented for Maryland water resources. This mission is accomplished through proper planning for water withdrawal, protection of water resources 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 and prompt response to water supply emergencies. WSP regulates more than 1,000 community (municipalities, small and large private systems) and non-transient non-community (business, schools, day care) water systems. These systems must test for over 80 regulated contaminants on schedules that vary based on source, type, and population. In addition, there are more than 2,700 transient water systems (gas stations, camp sites, rest areas) throughout the State that are regulated by the county health departments through delegation agreements. The list of the various inspection and compliance measures is presented in the following table.

AUTHORITY

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

STATE: Environment Article, Title 9, Subtitles 2, 4, and 5; COMAR 26.04

PROCESS

WSP reviews and approves all drinking water sources for community water systems. Approvals of new source locations are granted where they are not anticipated to be impacted by contamination. All new sources are thoroughly tested to ensure adequacy of quantity and quality. Upon endorsement of the reliability of the source, the water system initiates the design and construction of necessary water treatment processes including treatment, distribution and storage. WSP conducts a periodic sanitary survey to ensure that the water system is providing safe and reliable drinking water. A sanitary survey is a comprehensive on-site assessment and inspection of all water system components including the source, treatment, storage, distribution systems, equipment, as well as a review of operations and maintenance of the system. The survey is conducted for the purpose of determining the adequacy and reliability of the water system to provide safe drinking water to its customers. Sanitary surveys can be used to follow up known or suspected problems or on a routine basis to assess the water system's viability and prevent future problems from occurring. In the WSP, emphasis is placed on preventative measures instead of reactive enforcement actions in order to avert serious public health incidents. The vast majority of drinking water violations are corrected immediately or following the issuance of a Notice of Violation. Public notices are required for violations of the Safe Drinking Water Act.

The WSP initiated the negotiation of delegation agreements in the fall of 1998. Under these agreements, the WSP provides funding to county environmental health programs to accept delegation of responsibilities for transient non-community water systems in their jurisdiction. Twenty-one of the 23 counties have agreed to delegation and conduct routine inspections and ensure that systems are monitored in accordance with State and federal requirements. The WSP directly implements the transient program for Prince George's and Wicomico counties since these two counties declined WSP's offer of assistance. This approach has improved oversight of the transient water systems and resulted in the identification of additional public water systems that formerly were not included in our water system inventory. Compared to the previous year, the Number of Inspections, Audits, and Spot Checks has improved dramatically.

SUCSESSES AND CHALLENGES

MFR GOAL 3: Ensuring Safe Drinking Water

WSP has recently initiated several new programs that will better manage the water resources and improve water system operations in the future. The source water assessment program reviews water supply sources and their susceptibility to contamination. Detailed reports including recommendations for protecting water sources are provided to water suppliers, county governments and local libraries. The capacity development program evaluates the strength of a water system's technical, financial, and managerial capability, and provides technical resources to improve water system operation. All new systems must submit a plan showing that adequate technical, managerial and financial capacity is in place prior to beginning of their operation. Two Governor task force reports were completed in 2001 regarding water conservation and improving water supply system infrastructure. In response to the recommendations from the task forces on water conservation, the State has begun a program which includes State agencies, water systems, and public education as a means to conserve and preserve State water resources.

In 2001, the WSP began a review of federal regulations for adoption into State regulations. Four major regulations were adopted in 2001. Four additional regulations will be adopted in 2002. The WSP will provide training and guidance material on adopted regulations for the public water systems.

During the 2001 Legislative Session, administrative penalty authority legislation passed and became effective on October 1, 2001. The administrative penalty authority is required by EPA for a state to maintain primary enforcement authority.

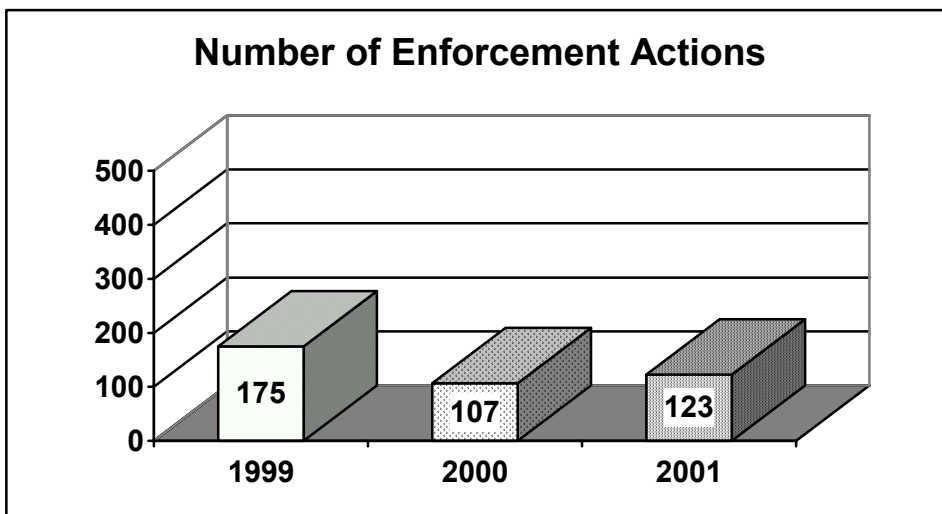
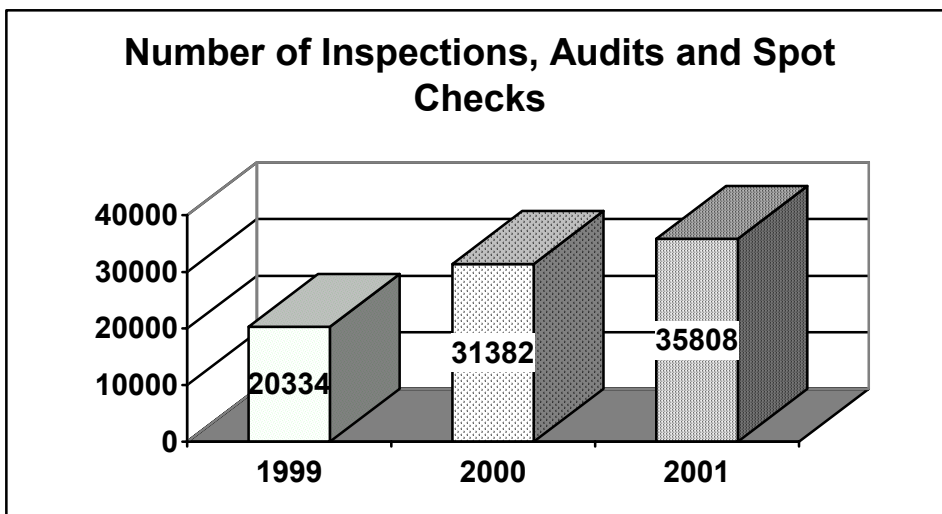
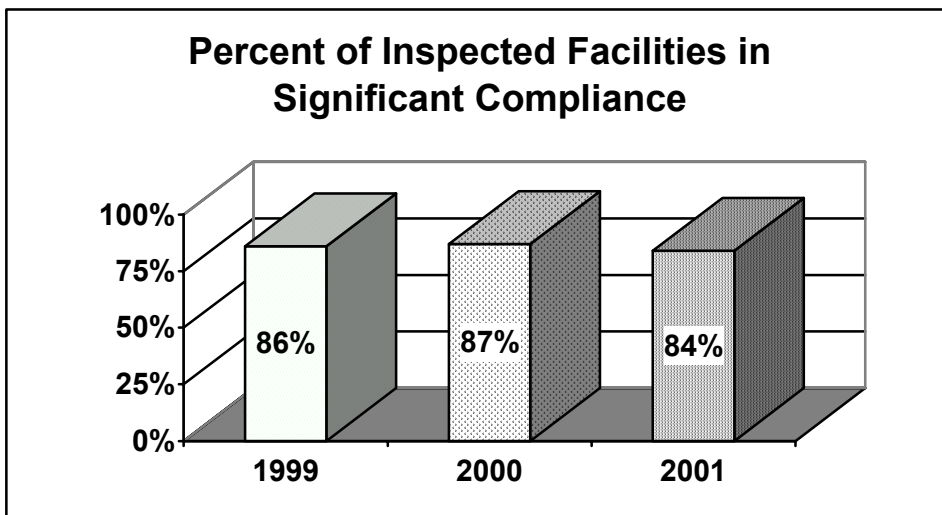
Water Supply Program

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	937
Number of Permits/Licenses in effect at Fiscal Year End	2,580
<u>OTHER REGULATED SITES/FACILITIES</u>	
Number of community and non-transient non-community water systems	1,078
Note: includes 503 community water systems and 575 non-transient non-community water systems. Local health departments are delegated the program for 2756 transient water systems with financial support from MDE.	
<u>INSPECTIONS</u>	
Number of Sites inspected	980
Number of Inspections, Audits, Spot Checks *	35,808
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	175
% of Sites/Facilities in Significant Compliance	84%
% of Sites/Facilities with Significant Violations	16%
<u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	46
Number of Significant Violations based on Technical/Preventative Deficiencies	75
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	54
Total	175
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	77
Ongoing	98
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered **	1,117
Number of Show Cause, Remedial, Corrective Actions issued	2
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	121
Notices Given to Public by Water Systems under Section 9-410	146
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$0

*This number includes audits and reports submitted for transient water systems in 2000. This is a new initiative funded through the Drinking Water State Revolving Fund set-asides.

**This number includes actions to prevent public water system contamination.

Water Supply Program



Water Supply and Sewerage Construction

PURPOSE

The purpose of water and sewerage construction permits is to ensure that infrastructure projects throughout the State are designed on sound engineering principles and comply with State design guidelines to protect water quality and public health. Water and sewerage construction 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 ensure conformity with the Governor's Smart Growth Policy, local comprehensive water and sewerage plans and provide adequate funding for long-term operation.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 2, COMAR 26.03

PROCESS

Pre-approval: Applicants must show that the proposed water and/or sewerage facilities are included in the current county water and sewerage plans, have a valid NPDES discharge permit (if applicable), and certify that the proposed water and/or sewerage facilities 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 in this media 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 the Department. Other approvals associated with the construction (i.e. sediment control, wetlands, etc.) are inspected under those media and by those inspectors. After construction of water and/or sewerage facilities, the facility becomes operational under an approved NPDES permit. This program does not have authority to pursue traditional enforcement actions. Construction violations would necessitate the return of construction grant money by the local jurisdiction. If a construction violation were to go unnoticed, the eventual result would be an inability of the facility to meet its discharge permit 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 projects. Once construction has begun the project is inspected on a monthly basis through completion.

SUCSESSES AND CHALLENGES

MFR Goal 6: Improving and Protecting Maryland's Water Quality

The construction of water and sewerage treatment plants is performed to ensure that water supply and wastewater treatment plants protect and improve those water resources. The construction of these facilities is permitted to ensure that they will function as they have been designed. Over the past year the activity numbers have remained fairly consistent with the previous years' activities. The program is also on target with its MFR Goals.

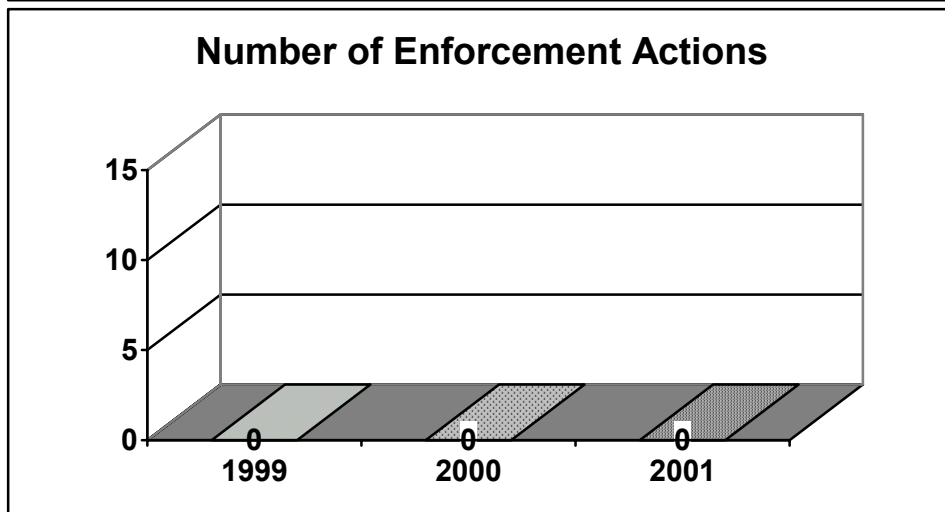
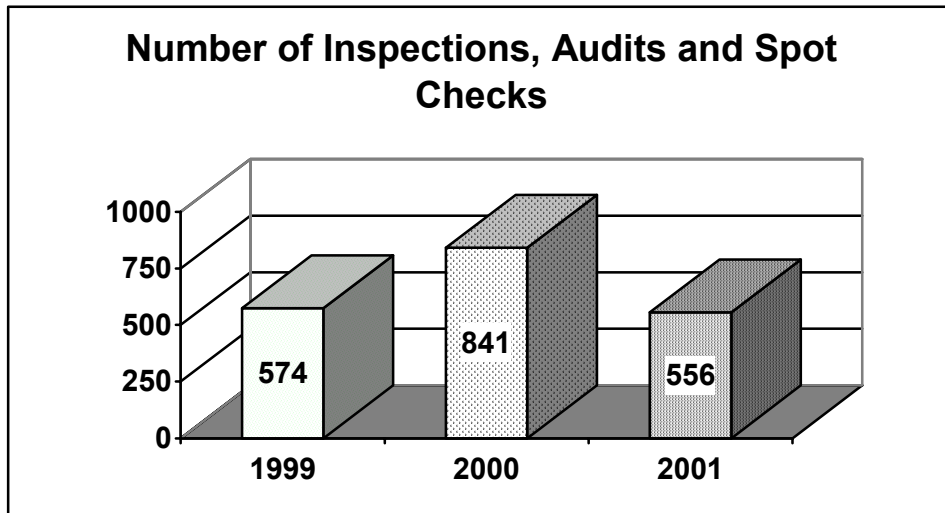
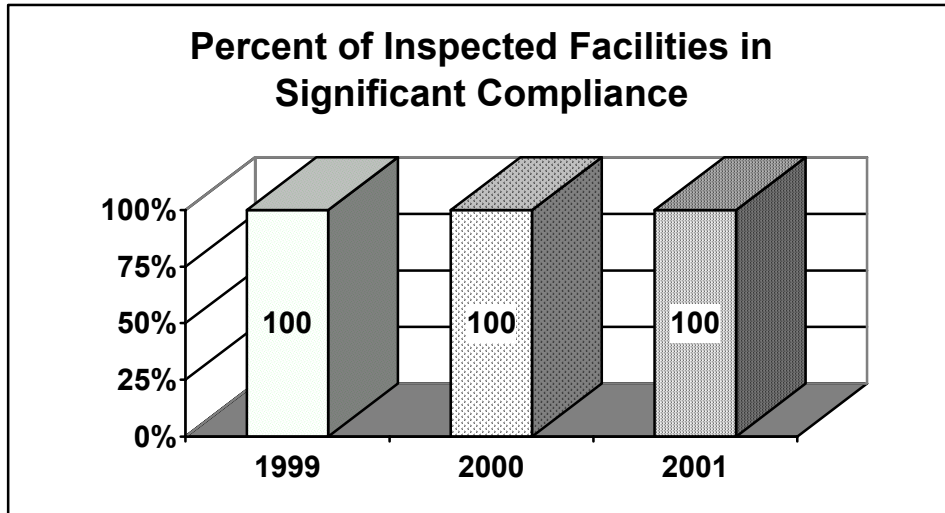
The success story in this program is that there has been no need to initiate any types of enforcement actions against permittees for these construction activities. This speaks for the effectiveness of the inspection program during facility construction.

Water Supply and Sewerage Construction

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	179
Number of Permits/Licenses in effect at Fiscal Year End	479
<u>OTHER REGULATED SITES/FACILITIES</u>	
None	
<u>INSPECTIONS</u>	
Number of Sites inspected	79
Number of Inspections, Audits, Spot Checks	556
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	0
% of Inspected Sites/Facilities in Significant Compliance	100%
% of Inspected Sites/Facilities with Significant Violations	0
<u>SIGNIFICANT VIOLATIONS</u>	
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	0
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	0
Ongoing	0
<u>ENFORCEMENT ACTIONS *</u>	
Number of Compliance Assistance rendered	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	0
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0.00

*Program does not have direct legal authority to pursue traditional enforcement actions for violations. It requires the return of grant proceeds. MDE may indirectly use its general water pollution authority if a constructed facility violates the law.

Water Supply and Sewerage Construction



Waterway Construction – Dam Safety

PURPOSE

The purpose of the Maryland Dam Safety Division is to assure 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.

AUTHORITY

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

PROCESS

Upon issuance of a permit, copies of the approved plans 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 or to perform sediment control inspections at the request of the permitting division or in response to citizens' complaints.

The Dam Safety Division performs safety inspections of all high hazard (failure will likely cause loss of life) dams once a year, intermediate hazard (failure will likely cause significant property damage and damage to important infrastructure) dams every three years and low hazard dams are inspected once every 5-7 years. Based upon the inspection findings, the Dam Safety Division may initiate enforcement actions from a letter advising the owner to correct noted deficiencies up to declaring the dam unsafe and in need of repair with an Order requiring repairs or other action be taken to assure the safety of the dam.

The Department does not have the authority to collect administrative penalties for this program.

SUCSESSES AND CHALLENGES

MFR Goal 6: Improving and Protecting Maryland's Water Quality

The Dam Safety Division through its dam inspection, dam owner assistance, permitting and enforcement initiatives seeks to prevent dam failures and the resultant loss of life, property damage and environmental impacts. Dam failures cause significant erosion of stream channels and sediment deposition in the channel and in the storage area behind the impoundment. 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.

FY 2001 the program returned to a year of more routine type activities after the previous year's recovery from the dam failures that occurred as a result of one intense storm over the northeastern portion of the state. This is reflected in the decline in the number of sites inspected, inspections performed and compliance assistance performed. However, with this in mind, the number of sites with significant violations did not decline.

Waterway Construction – Dam Safety

2001 Totals

PERMITTED SITES/FACILITIES

Number of Permits/Licenses issued	8
Number of Permits/Licenses in effect at Fiscal Year End	422

OTHER REGULATED SITES/FACILITIES

None

INSPECTIONS

Number of Sites inspected	168
Number of Inspections, Audits, Spot Checks *	272

COMPLIANCE PROFILE:

Number of Inspected Sites/Facilities with Significant Violations	13
% of Inspected Sites/Facilities in Significant Compliance	92%
% of Inspected Sites/Facilities with Significant Violations	8%

SIGNIFICANT VIOLATIONS

Number of Significant Violations involving Environmental or Health Impact	0
Number of Significant Violations based on Technical/Preventative Deficiencies	13
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	11
Total	24

DISPOSITION OF SIGNIFICANT VIOLATIONS

Resolved	7
Ongoing	17

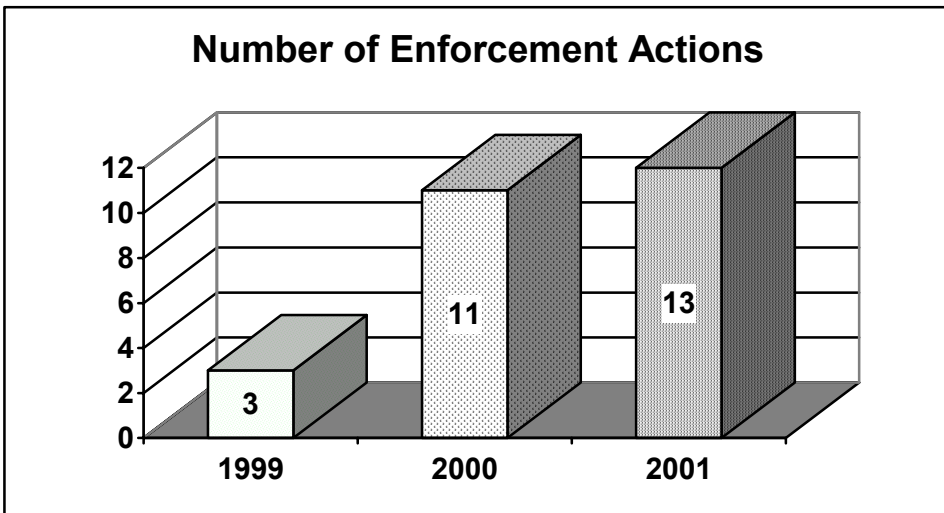
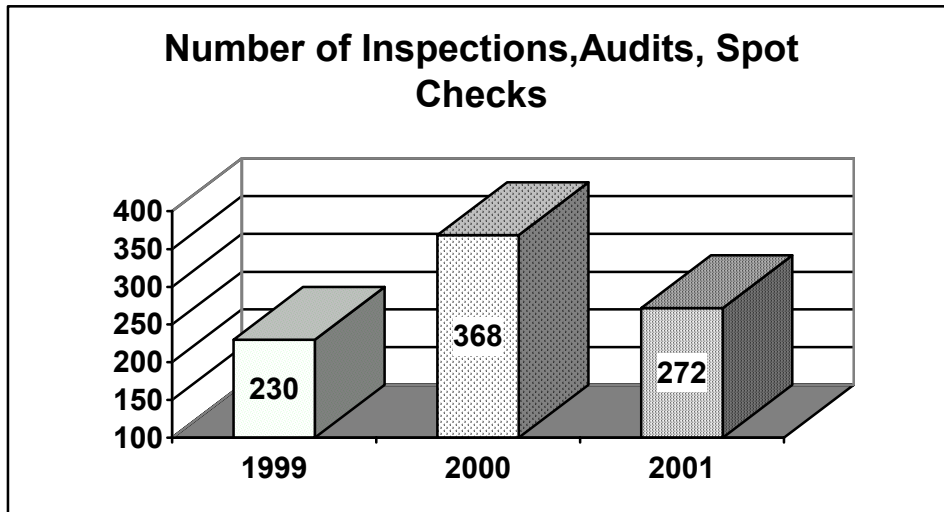
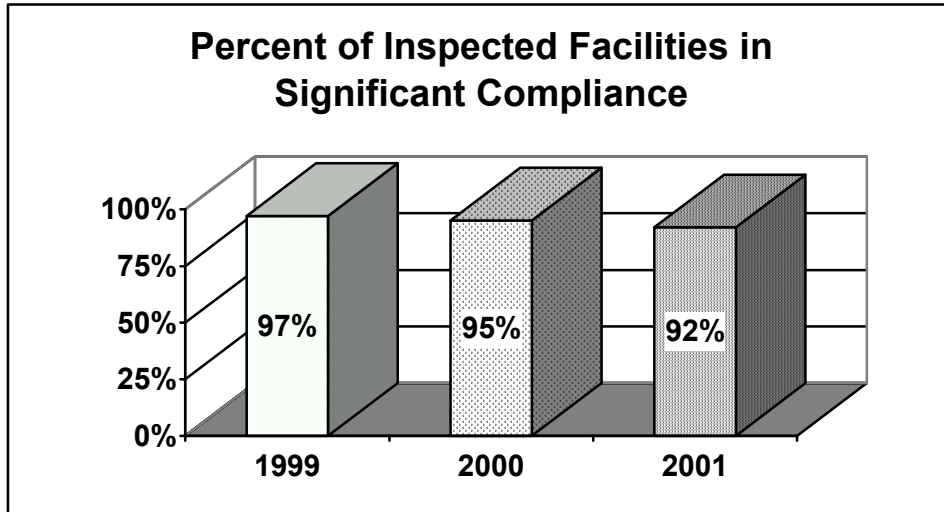
ENFORCEMENT ACTIONS

Number of Compliance Assistance rendered	91
Number of Show Cause, Remedial, Corrective Actions issued	13
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	0
Number of Referrals to Attorney General for possible Criminal Action	0

PENALTIES

Amount of Administrative or Civil Penalties obtained	\$0
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Waterway Construction – Dam Safety



Wetlands and Waterways Nontidal and Floodplain

PURPOSE

The goal of the Nontidal Wetlands Protection Act is to attain no net loss in nontidal wetland acreage and to strive for a net resource gain in nontidal wetlands over present conditions. This is to be accomplished by preventing further degradation and losses of nontidal wetlands due to human activity, and by offsetting unavoidable losses or degradations through the deliberate restoration or creation of nontidal wetlands through the Nontidal Wetlands Compensation Fund. Any individual or entity planning grading or filling, excavating or dredging, changing existing drainage patterns, disturbing the water level or water table, or destroying or removing vegetation in a nontidal wetland must obtain a permit or authorization for the proposed activity.

A person is required to obtain a permit from MDE in order to change the course, current, or cross-section of a nontidal stream or body of water, including the 100-year floodplain. Any individual or entity planning to construct, reconstruct, repair or maintain any development within the stream or its 100-year floodplain is required to get a permit. Proposals are evaluated for impacts to the floodplain, public safety and welfare, and the environmental resources of the State of Maryland.

AUTHORITY

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

PROCESS

Upon issuance of a permit/license/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 much 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 demands. Inspections are performed to verify that the projects are in accordance with the authorization. Because a site may involve nontidal wetland and/or 100-year floodplain impacts, inspections evaluate whether all the resultant construction impacts are in accordance with the permits. Case by case, this may involve identifying or verifying a nontidal 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.

The Department does not have the authority to collect administrative penalties for this program.

SUCSESSES AND CHALLENGES

MFR Goal 7: Ensuring Adequate Protection and Restoration of Maryland's Wetland Resources

Since 1989 the State of Maryland has been regulating activities in nontidal wetlands and their buffers. Because of nontidal wetlands inherent value, protecting them from despoliation and restoring them to historic area coverage are paramount to maintaining a healthy environment.

The Compliance Program's activities exhibit a decline from the previous year. This is true for the number of Sites Inspected, the Number of Inspections, number of Compliance Assistance rendered, and the number of Sites with Significant Violations. The challenges experienced in this media are the result of the Program's prioritization to focus on handling complaints, performing erosion and sediment control inspections, inspecting collection system sewage overflows, and inspecting discharge permits as per the Department's grant commitment with EPA. This prioritization along with the inspection vacancies and the computerized inspection problems affected the overall success in this media. These same problems were responsible for the inability to maintain the Number of Inspections Performed within the MFR Goal.

Wetlands and Waterways Nontidal and Floodplain

2001 Totals

PERMITTED SITES/FACILITIES

Number of Permits/Licenses issued	871
Number of Permits/Licenses in effect at Fiscal Year End	3,326

OTHER REGULATED SITES/FACILITIES

None

INSPECTIONS

Number of Sites inspected	1,825
Number of Inspections, Audits, Spot Checks	3,676

COMPLIANCE PROFILE:

Number of Inspected Sites/Facilities with Significant Violations	24
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%

SIGNIFICANT VIOLATIONS

Number of Significant Violations involving Environmental or Health Impact	13
Number of Significant Violations based on Technical/Preventative Deficiencies	11
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	19
Total	43

DISPOSITION OF SIGNIFICANT VIOLATIONS

Resolved	21
Ongoing	22

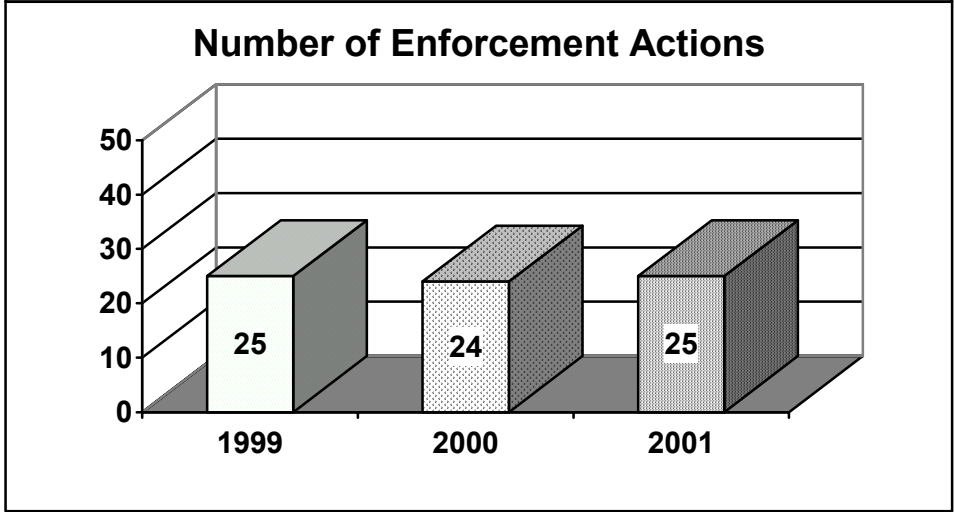
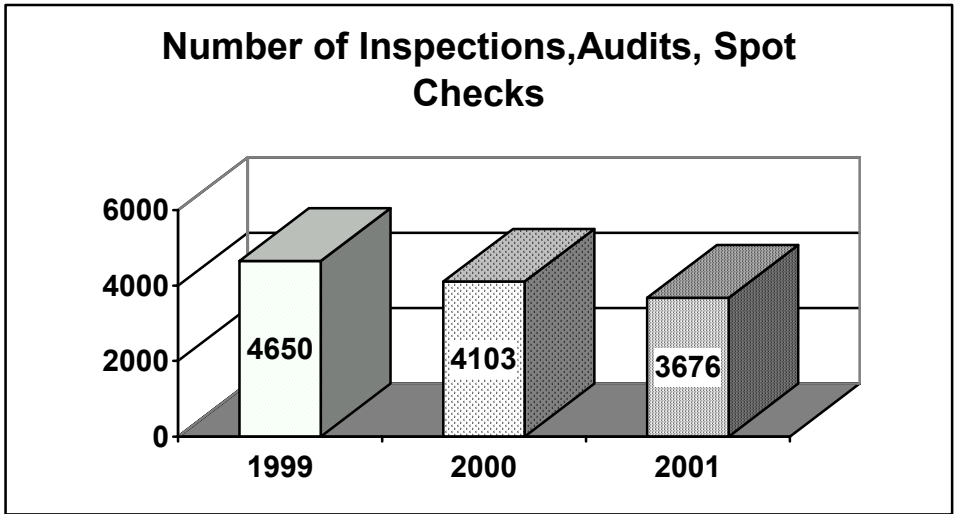
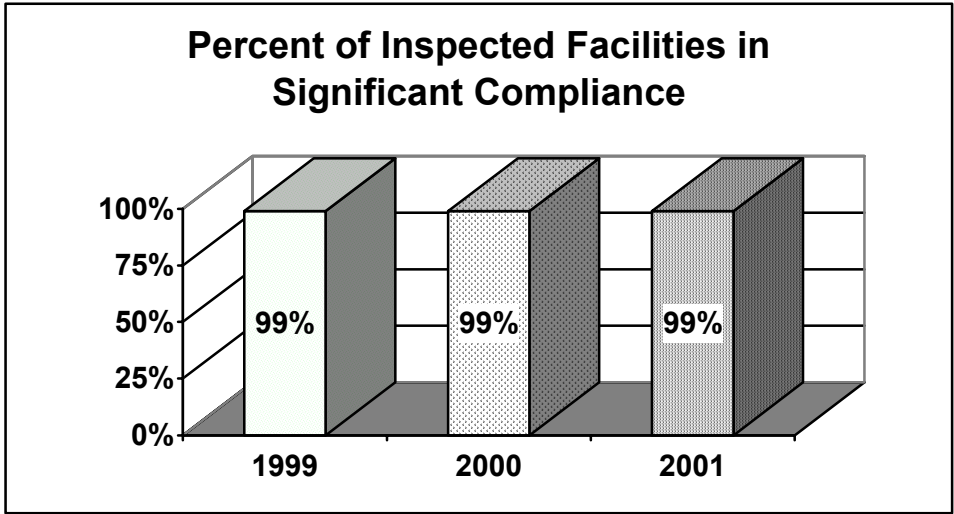
ENFORCEMENT ACTIONS

Number of Compliance Assistance rendered	194
Number of Show Cause, Remedial, Corrective Actions issued	5
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	20
Number of Referrals to Attorney General for possible Criminal Action	2

PENALTIES

Amount of Administrative or Civil Penalties obtained	\$0
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Wetlands and Waterways – Nontidal and Floodplain



Wetlands - Tidal

PURPOSE

Tidal wetlands are open water and vegetated estuarine systems affected by the rise and fall of tide. The goal of the Wetlands and Riparian Rights Act is to preserve tidal wetlands and prevent their despoliation and destruction. The Program strives for a net resource gain in wetland area over present conditions. This is to be accomplished by preventing further degradation and losses of tidal wetlands due to human activity, and by offsetting unavoidable losses or degradations through the deliberate restoration or creation of tidal wetlands through the Tidal Wetland Compensation Fund. Authorizations, in the form of licenses and permits, are required to minimize impacts to aquatic resources and tidal wetlands from dredging, filling, the construction of bulkheads and other related activities.

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 much 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 demands. 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.

The Department does not have the authority to collect administrative penalties for this program.

SUCSESSES AND CHALLENGES

MFR Goal 7: Ensuring Adequate Protection and Restoration of Maryland's Wetland Resources

Maryland has been protecting and regulating activities in tidal wetlands since 1970. Protection and management of this resource continues toward achieving the State's goal of "no net loss of wetlands". Although the numbers do not reflect any increase in inspection activities, the Compliance Program has refocused its efforts in this media on the complaints and large-impact projects. Thus, one noticeable change is that the number of Enforcement Actions has increased.

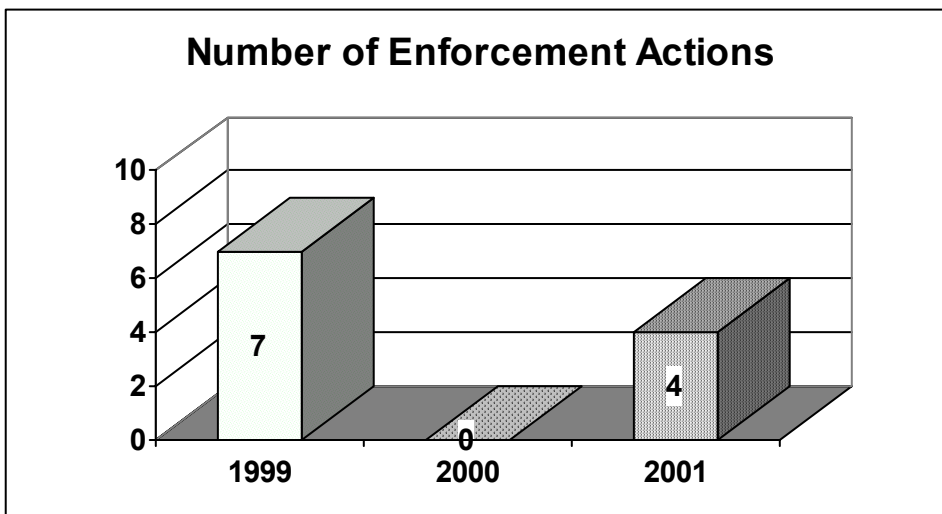
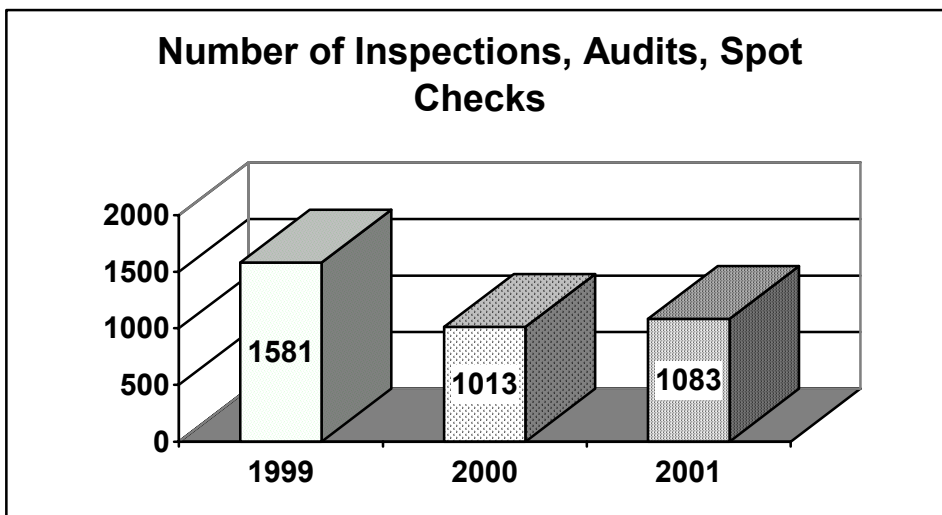
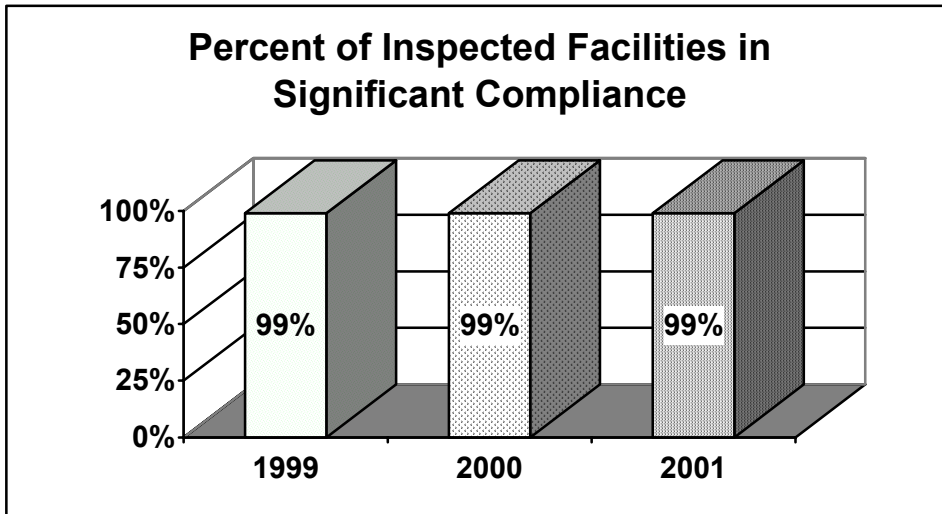
The Compliance Program was also challenged in performing activities in this media. The challenges resulted from the Compliance Program's shifting its focus to performing more erosion and sediment control inspections, inspecting collection system sewage overflows, and inspecting discharge permits pursuant to the Department's grant commitment with EPA. This redeployment of inspection resources along with the number of inspector vacancies and the computerized inspection problems affected the activity outputs in this media.

The Compliance Program was able to maintain a level of activity similar to, although somewhat less than, that of the previous year. Inspection activities by the Compliance Program in FY2001 were unable to maintain the Number of Inspections Performed within the MFR Goal.

Wetlands - Tidal

	2001 Totals
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	1,980
Number of Permits/Licenses in effect at Fiscal Year End	6,952
<u>OTHER REGULATED SITES/FACILITIES</u>	
none	
 <u>INSPECTIONS</u>	
Number of Sites inspected	713
Number of Inspections, Audits, Spot Checks	1,083
 <u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	4
% of Inspected Sites/Facilities in Significant Compliance	99%
% of Inspected Sites/Facilities with Significant Violations	1%
 <u>SIGNIFICANT VIOLATIONS</u>	
Number of Significant Violations involving Environmental or Health Impact	1
Number of Significant Violations based on Technical/Preventative Deficiencies	3
Number of Significant Violations carried over awaiting disposition from Previous Fiscal year	4
Total	8
 <u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	6
Ongoing	2
 <u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	20
Number of Show Cause, Remedial, Corrective Actions issued	4
Number of Stop Work Orders	0
Number of Injunctions obtained	0
Number of Penalty and Other Enforcement Actions	0
Number of Referrals to Attorney General for possible Criminal Action	1
 <u>PENALTIES</u>	
Amount of Administrative or Civil Penalties obtained	\$0

Wetlands - Tidal





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

ENVIRONMENTAL CRIMES UNIT

PURPOSE

The Attorney General's Environmental Crimes Unit (ECU) is a criminal investigation and prosecution unit under the direction of the Criminal Investigations Division of the Attorney General's Office. ECU combines the prosecutorial authority of the Attorney General and the investigative skills and law enforcement authority of the Maryland State Police and Baltimore City Police Departments. ECU investigates environmental violations and, when appropriate, files criminal charges, prosecuting both corporate and individual offenders. In the entire scope of MDE's enforcement efforts, ECU is statistically but a small part. However, ECU can be an effective and vital tool in the overall compliance continuum.

ECU's mission in protecting the quality of Maryland's air, land and water resources dovetails with the MDE enforcement mission. ECU's mission, like MDE's, covers the entirety of the State. ECU's statewide multi-media responsibilities are carried out with a total staff of nine, seven of whom (4 investigators and 3 prosecutors) are directly involved in the criminal investigation and enforcement work of the unit. ECU must focus its mission to get the most out of its resources. ECU operates from the perspective that criminal enforcement is often the enforcement choice of last resort. It is applied to the worst and most recalcitrant offenders, where the prospect of imprisonment and/or being stigmatized by a criminal conviction is necessary to protect the quality of Maryland's air, land and water resources.

AUTHORITY

STATE: The General Assembly, through several provisions in the *Environment Article*, gave the Attorney General exclusive or concurrent authority to prosecute criminal violations of statutes in the Article. Additionally, the Attorney General has the general authority under Article V, Section 3 of the Constitution of Maryland to investigate and prosecute other crimes as directed by the Governor. The Governor has granted ECU continuing authority to investigate and prosecute any violations of Maryland's Litter Control Law (Article 27 § 468) and other broadly defined related offenses.

PROCESS

The ECU receives complaints about possible criminal activity from three basic sources: the MDE Administrations, members of the general public, and other governmental and law enforcement agencies. Complaints are initially reviewed by an ECU prosecutor to assess the presence of factors indicating possible criminal

intent. Complaints with the potential for prosecution are then assigned to ECU investigators to conduct full investigations for the purpose of gathering sufficient evidence to accurately assess whether the filing of criminal charges is warranted.

SUCSESSES AND CHALLENGES

In FY 01, ECU was successful in obtaining the participation of the Baltimore City Police Department in its investigative work. The permanent assignment of an experienced detective compliments the two investigators assigned by the Maryland State Police. Baltimore City's commitment helped to alleviate a shortage of investigators that resulted from the Maryland State Police cutting their participation by 50% since FY 97, and almost 60% from historic highs in the early 90's. A continuing challenge for ECU is to restore investigative capacity to prior levels.

RELATED MFR GOALS

ECU plays a role in the enforcement and compliance continuum of most of MDE's programs. ECU is the only multimedia enforcement component of MDE. Its work relates directly to MDE's first seven goals to protect Maryland's Air, Land, Water and Citizens. Additionally, due to its relatively small size ECU's agency-wide work furthers MDE's MFR goal of Maximizing Resources.

CHART 1 shows the number of investigations conducted by ECU during FY 01, as well as the source of the complaints leading to the investigations.

INVESTIGATIONS OPENED – FY '01		
SOURCE OF COMPLAINTS	INVESTIGATIONS OPENED	
M D E	ARMA	3
	TARSA	7
	WAS	12.5
	WMA	8.5
	OS/CO	1
TOTAL FROM MDE		32
OTHER SOURCES		46
TOTAL		78

The MDE administrations ARMA, WAS, WMA have traditional enforcement components within their respective programs. TARSA and OS/CO do not. TARSA's Emergency Response Division often responds to situations that Emergency Response personnel assess and determine may warrant possible criminal investigation.

CHART 2 shows the number of cases prosecuted by ECU during FY 01. The chart distinguishes between the number of cases where prosecution was commenced during FY 01 by the filing of criminal charges and the number of cases reaching courtroom conclusion during FY 01. In prosecuting criminal cases, it is not uncommon for charges in a case to be filed during one fiscal year and for the case to be concluded during a subsequent fiscal year. Additionally, charges may be formally filed in a subsequent fiscal year from when the investigation was opened by ECU. Also, a single investigation can result in several cases being filed.

PROSECUTIONS – FY '01			
SOURCE OF COMPLAINTS		NO. OF CASES FILED	NO. OF CASES CONCLUDED
M D E	ARMA	0	3
	TARSA	2	4
	WAS	7	0
	WMA	1	2
	OS/CO	0	0
TOTAL FROM MDE		10	9
OTHER SOURCES		13	5
TOTAL		23	14

CHART 3 shows the penalties imposed by Judges in cases concluded in court during FY '01

FY '01 PROSECUTIONS CASE DISPOSITION STATISTICS							
CASE TYPE	NO. OF CASES CONCLUDED IN COURT	FINES, RESTITUTION, ENVIRONMENTAL PROJECT COSTS		JAIL TIME		PROBATION (YEARS)	COMMUNITY SERVICE (HOURS)
		IMPOSED	TO BE PAID	IMPOSED	TO BE SERVED		
AIR	2*	4,000	4,000	6 mos.	0	1.5	0
WASTE	8*	15,000	4,500	66 mos./ 6 days	6 mos./ 6 days	6.5	60
WATER	4	171,500	169,000	15 mos.	0	2	300
TOTAL	14	190,500	177,500	87 mos./ 6 days	6 mos./ 6 days	10 yrs.	360 hrs.

**2 Cases – Guilty both Waste & Air Violations*

Air: Title 2; 6 || **WASTE:** Title 4; 7; Art. 27, Sect. 468 || **Water:** Title 4; 5; 9; 13; 16

CHART 4. The Report of Enforcement Activities required by §1-301(d) of the Environment Article required the reporting of information regarding criminal cases prosecuted under specified provisions of the Environment Article. While reflecting all ECU activity for the fiscal year, the shaded areas of this chart reflect specified information.

Yearly Totals - FY 2001	Title 2		Title 4		Title 7		Title 9				Art. 27		Yearly Total
	Subtitle 4	Other	Subtitle 4	Other	Subtitle 2	Other	Subtitle 2	Subtitle 3	Subtitle 4	Other	\$468	Other	
Number of Criminal Cases Filed (* See Note and Counts Filed)			0.5		1			2.5			18		23
Number of Criminal Cases Concluded in Court (*See Note)		2			3			4			4		14
Number of Convictions Obtains (*See Note)		1			1			3			3		9
Amount of Imprisonment Time Ordered (Months)		6			42 Mos./ 6 Days			15			6	18	87 Mos./ 6 Days
Amount of Imprisonment Time to be Served (Days)					6 Mos./ 6 Days								6 Mos./ 6 Days
Amount of Probation (Years)		1.5			1			2			4.5		10 Yrs.
Amount of Community Service (Hours)								300			60		360 Hrs.
Amount of Criminal Fines, Restitution & Clean-Up Costs Imposed		4,000			10,000			171,500			5,000		190,500
Amount of Criminal Fines, Restitution & Clean-Up Costs To Be Paid		4,000						169,000			4,500		177,500

*Note – A single case may involve charges from any number of the various titles (The next three rows show the number of charge counts filed, concluded & convicted.)

<i>Number of Criminal Charges (Counts) Filed</i>			1		14			7			58	15	95
<i>Number of Criminal Charges (Counts) Concluded in Court</i>		4			6			8			6	5	29
<i>Number of Criminal Charges (Counts) Convicted</i>		2			2			7			3	2	16

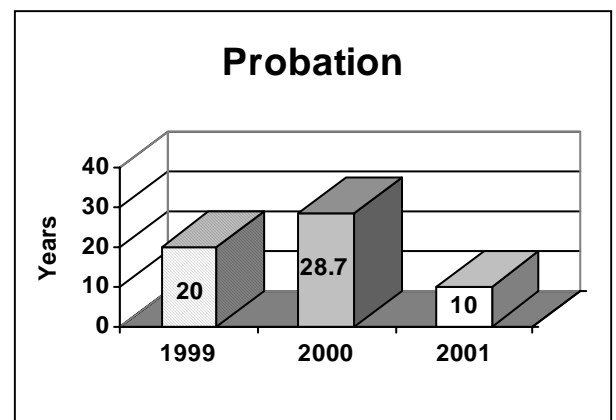
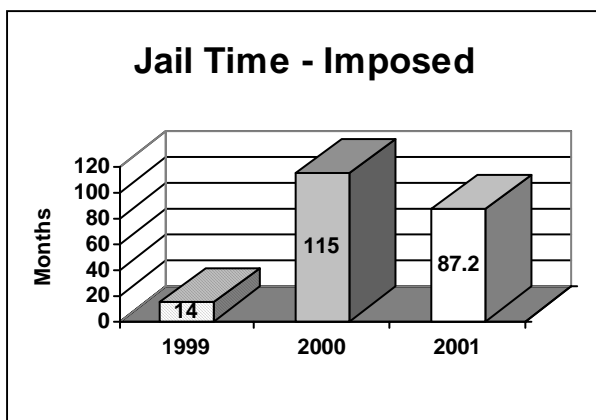
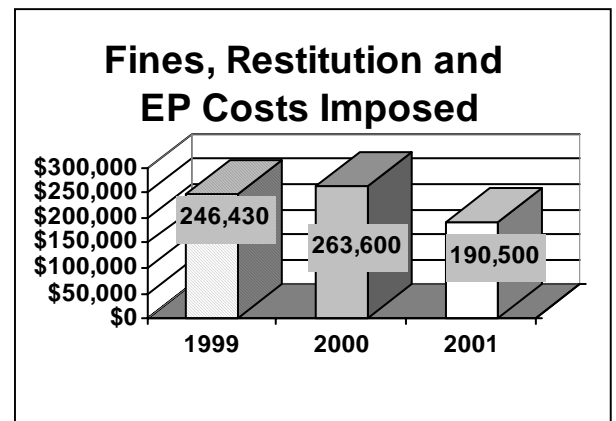
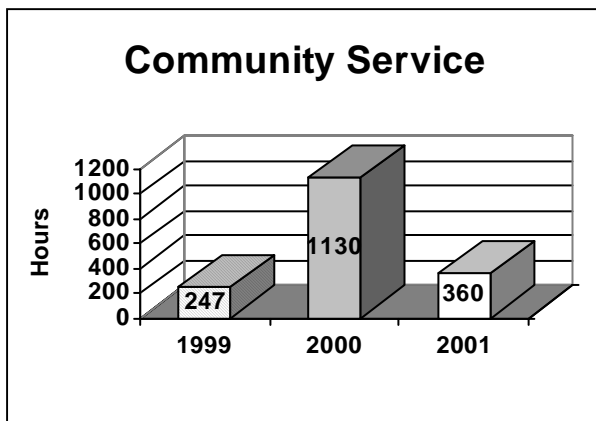
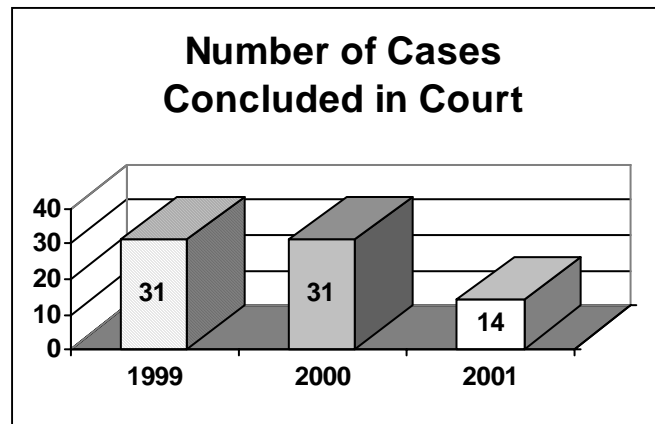
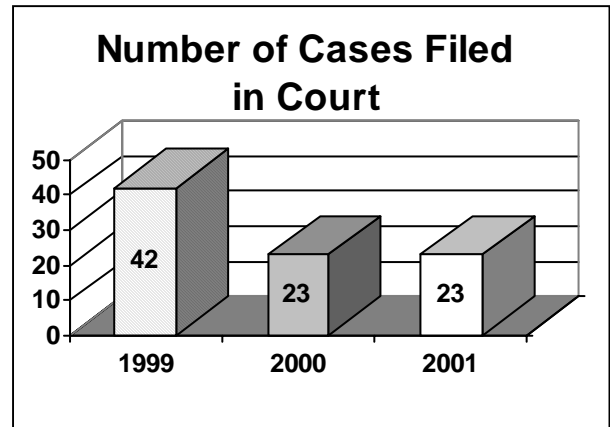
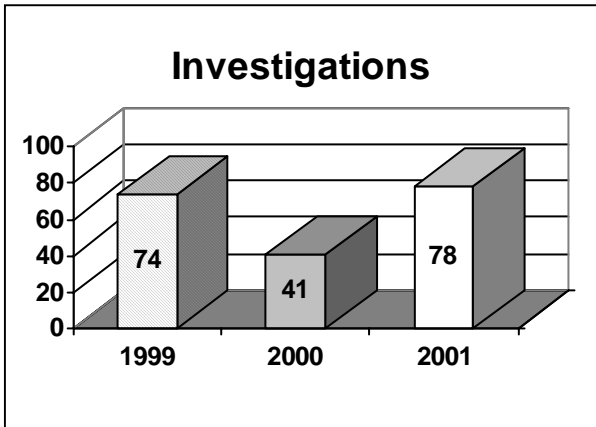
Title 2 – Ambient Air Quality Control
 Title 4 – Water Management/Waste Management
 * Title 5 – Water Resources**

*Title 6 – Toxic, Carcinogenic & Flammable Substances
 Title 7 – Hazardous Materials & Hazardous Substances
 Title 9 – Water, Ice, and Sanitary Facilities

*Title 13 – Well Drillers
 *Title 16 – State Wetlands
 Art. 27, Sect. 468 – Litter Control Law

* No cases under this title for Fiscal Year 2001

Environmental Crimes Unit





**TECHNICAL AND REGULATORY
SERVICES ADMINISTRATION**

Noise Control Program

PURPOSE

The Noise Control Program has been established to provide assistance and enforcement to citizens and local jurisdictions across the State regarding community intruding noise issues that are not, for whatever reason, handled at the local level. Noise has become an increasingly contentious "Quality of Life" issue as the State's population increases and urban sprawl progresses. The Noise Program pursues its mission on a complaint driven basis addressing specific requests from individual citizens and local government agencies. Because of very limited staff, the Program actively encourages local jurisdictions to take a more active roll in addressing noise problems and issues while the program stands ready to provide technical support for enforcement actions, noise control training, and general advisory assistance.

AUTHORITY

STATE: Environment Article, Title 3; COMAR 26.02.03

PROCESS

In addressing noise complaints a small portion of those registered can be resolved by telephone without field investigation. However, the majority of complaints require multiple field visits to monitor and measure the offending noise levels. Assessments are frequently made during nighttime hours when standards are more stringent. Weekend and holiday noise monitoring is also common to capture certain entertainment events. In evaluating and processing noise complaints the Program utilizes state of the art real-time computer integrated sound level analyzers for determining the existence of a community noise violation. When a noise level violation is encountered, primary emphasis is placed on compliance assistance and co-operative resolution rather than penalties. This approach has been successful in almost all cases.

CONTRIBUTES TO MANAGING FOR RESULTS GOAL # 4:

Reducing the threat to public health from the presence of hazardous waste and hazardous materials in the environment.

SUCCESSSES AND CHALLENGES

Successes during 2001 include reconvening of the Noise Advisory Council and the Interagency Noise Control Committee. These advisory bodies are needed to provide independent consideration of various changes in the governing law and regulations. It is anticipated that the groups will provide continuing guidance to the Department and other state agencies to update and improve the State's noise control efforts. The Department is in the process of developing suggested regulatory changes, which will be submitted to the Noise Council for advice. The noise regulations have not been modified since the 1970s.

An outreach program was also developed to encourage the development of local ordinances. Of the Counties, Montgomery County is the only one with a comprehensive noise response program. The outreach program has reached the Municipal League, Environmental Health Directors, City of Cheverly (PG Co.), Maryland Sheriff's Association, and Ocean City.

Noise training efforts are continuing with the few local governments that have comprehensive ordinances and the State police, which have instituted a revised vehicle noise inspection program. These organizations have seasonal programs and high turnover rates that require periodic retraining.

The Department is meeting the numerical and quality goals for this program. Although the complexity and number of complaints continues to increase, constituent satisfaction remains at a high level. As in previous years, virtually all complaints are resolved through voluntary cooperation by the noise generators. A few complex complaints are taking more time than originally anticipated, but the program continues to be successful in achieving compliance without the need to invoke legal remedies. It is the Program's goal, when possible, to resolve noise violations from a compliance assistance approach as opposed to pursuing enforcement and penalties.

The major challenge facing the Department is ever increasing suburban development that places residences in closer proximity to noise sources. Efforts to encourage local governments to incorporate noise evaluations in their zoning and building permit processes would greatly assist in the reduction of the number of complaints that are being generated. MDE continues to work with local governments to incorporate these concepts into their zoning actions, and also encourages local governments to consider the enactment of comprehensive noise ordinances.

Noise Control Program

	2001 Total
<u>PERMITTED SITES/FACILITIES</u>	
Number of Permits/Licenses issued	0
Number of Permits/Licenses in effect at Fiscal Year End	0
<u>OTHER REGULATED SITES/FACILITIES</u>	
Complaints registered	121
<u>INSPECTIONS</u>	
Number of Sites inspected	105
Number of Inspections, Audits, Spot Checks	294
<u>COMPLIANCE PROFILE:</u>	
Number of Inspected Sites/Facilities with Significant Violations	0
% of Inspected Sites/Facilities in Significant Compliance	100%
% of Inspected Sites/Facilities with Significant Violations	0%
<u>SIGNIFICANT VIOLATIONS</u>	
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	2
<u>DISPOSITION OF SIGNIFICANT VIOLATIONS</u>	
Resolved	1
Ongoing	1
<u>ENFORCEMENT ACTIONS</u>	
Number of Compliance Assistance rendered	15
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	0
Number of Referrals to Attorney General for possible Criminal Action	0
<u>PENALTIES</u>	
Amount of Penalties obtained	\$0