

MARYLAND



Maryland
Department of
the Environment

ANNUAL ENFORCEMENT & COMPLIANCE REPORT **Fiscal Year 2020**

Larry Hogan
Governor

Boyd K. Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

Horacio Tablada
Deputy Secretary

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SECTION ONE:

**REPORT BASIS AND
SUMMARY
INFORMATION**

ANNUAL ENFORCEMENT AND COMPLIANCE REPORT

Statutory Authority and Scope

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

Organization of the Report

Section One includes an overall, department-wide summary of the FY20 results; a table comparing the historical annual department-wide performance measures from FY98 – FY20; and graphs illustrating trends for enforcement actions and penalties obtained for these years.

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

Inclusion of any facility on the report cover is not an indication of its compliance status nor does it indicate that the facility is referenced in the report.

Executive Summary

MDE's 24th Enforcement and Compliance Report covers FY20 (July 2019-June 2020), and reports data from MDE's enforcement and compliance programs and from the Environmental Crimes Unit (ECU) of the Office of the Attorney General. This document has been prepared in accordance with the requirements of §1-301(d) of the Environment Article, *Annotated Code of Maryland*.

During FY20, MDE provided regulatory oversight for almost 200,000 regulated entities, with 57,513 permits in effect in 32 different program areas. The number of permits in effect decreased by 16%. The total number of regulated entities decreased by 2%.

During the global COVID-19 pandemic, MDE has exercised its enforcement discretion on a careful and limited case-by-case basis. Protection of public health and the environment was the priority with each individual decision. The department, unlike the U.S. Environmental Protection Agency (EPA), did not issue a broad, upfront policy on pandemic-related leniency, and that fact has helped significantly in reducing the number of Maryland entities seeking delays or waivers.

Most requests for enforcement discretion during the pandemic asked for flexibility on the timing of monitoring reports due to closure of facilities and reduction of staffing. Most of the remainder of the requests were seeking approval for digital reporting and changes in operating hours. The Department is committed to compliance assurance and enforcement of relevant state and federal requirements. In some cases, a failure to comply with a permit during the pandemic was referred to the compliance staff to enforce the conditions of the permit and Maryland law. Other requests have resulted in more effective and efficient communication between MDE and the regulated community. Digital reporting and signatures will improve standard operating procedures.

Compliance and enforcement activities continued during the COVID-19 shutdown, but because in-person inspections were postponed while MDE staff developed safety protocols, this report shows a decrease in inspections. MDE performed 127,462 inspections, audits, and spot checks (a 26% decrease from FY19) and inspected 31,832 sites (a 43% decrease from FY19). Because some in-person inspections were challenging, the enforcement staff increased the number of audits from 11% in FY19 to 21% of regulated sites and facilities in FY20. The number of enforcement actions taken decreased to 6,581 in FY20, down from 9,914 in FY19, and penalties collected from environmental violators totaled \$1,770,962. The enforcement workforce remained relatively constant at 157 full-time employees.

Large changes in penalties collected often reflect the presence or absence of large settlements during the year. Collection of penalties sometimes takes place in a fiscal year after the violation is resolved. Large settlements can take longer to negotiate and collect than smaller amounts. MDE has continued to prioritize compliance activities based on risks to public health and the environment. Overall, MDE's compliance and enforcement efforts have continued to result in cleaner water, cleaner air, and reduced exposure to hazardous materials for Maryland residents.

Summary Performance Measures

	<u>2019 Totals</u>	<u>2020 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	8,615	7,423
Number of Permits/Licenses in Effect at Fiscal Year End	68,387	57,513
<u>OTHER REGULATED SITES/FACILITIES</u>		
Total Sites	153,908	151,468
<u>INSPECTIONS</u>		
Number of Sites Inspected	55,329	31,832
Number of Sites Audited But Not Inspected	6,291	6,694
Number of Inspections, Audits, Spot Checks	171,585	127,462
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Actions Rendered	16,450	12,165
Number of Enforcement Actions Taken	9,914	6,581
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained*	\$5,573,586	\$1,785,225

* This reflects the amount collected in the fiscal year, not the penalties assessed. Collection of penalties sometimes takes place in a fiscal year after the violation is resolved. Large settlements can take longer to negotiate and collect than smaller amounts.

Enforcement Workforce

	Compensation*		Workforce Inspectors**		FTE Vacancies***	
	<u>FY19</u>	<u>FY20</u>	<u>FY19</u>	<u>FY20</u>	<u>FY19</u>	<u>FY20</u>
Air/Radiation	\$3,431,811	\$3,695,038	39.0	39.0	3.3	5.1
Land	\$5,784,309	\$5,904,573	67.0****	65.0	11.0	14.0
Water	\$4,406,903	\$4,226,842	50.4	52.8	4.0	4.0
Total	\$13,623,023	\$13,826,453	156.4	156.8	18.3	23.1

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

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

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

****FY19 was corrected from 78.0 to 67.0

Section 1-301(d) Penalty Summary

This table reflects penalties collected during the fiscal year, not penalties assessed. Also, It includes only those funds required to be reported by the Environment Article, Section 1-301(d). Other penalties are reported by individual programs that total a higher amount since they are deposited into funds not required to be reported by 1-301(d).

TOTAL AMOUNT OF MONEY DEPOSITED AS A RESULT OF ENFORCEMENT ACTIONS AS REQUIRED BY SECTION 1-301(d)	FY19	FY20
Clean Air Fund (includes Air Quality and Asbestos)	\$2,783,569 ¹	\$123,000
Clean Water Fund (includes Water and Land administrations)	\$1,623,013	\$740,730
Hazardous Substance Control Fund	\$80,750	\$90,500
Nontidal Wetland Compensation Fund²	0	0
Oil Disaster Containment Clean Up and Contingency Fund	\$71,367	\$44,500
Recovered from Responsible Parties (under §7-221)³	\$247,140	\$280,433
Sewage Sludge Utilization Fund (This fund is now included in the Clean Water Fund)	\$0	\$0

¹ This FY19 total includes \$2.6M in received as part of the settlement of a court action against Fiat/Chrysler and Bosch relating to modifying emission control systems in vehicles sold in Maryland.

² Nontidal wetlands violations are required to be reported here, but they only collect civil penalties, not administrative penalties.

³ The number reported is strictly the total amount of money, as a result of enforcement, recovered by the Department from responsible parties in accordance with §7-221 of the Environment Article as called for in the statute.

Performance Measures Summary FY98-FY04

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

* Inspections:

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

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

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

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

Performance Measures Summary FY05-FY12

MDE Performance Measure	2005	2006	2007	2008	2009	2010	2011	2012
PERMITTED SITES/FACILITIES								
Number of Permits/Licenses Issued	10,799	10,737	10,455	11,463	10,043	8,982	9,089	8,369
Number of Permits/Licenses in Effect at Fiscal Year End	73,155	77,721	77,041	100,206	92,960	93,323	92,195	92,271
OTHER REGULATED SITES/FACILITIES								
Other Sites	222,673	239,612	253,715	257,744	117,421	158,112	158,058	158,161
INSPECTIONS *								
Number of Sites Inspected	43,722	55,294	47,723	44,161	44,587	45,332	52,561	43,448
Number of Inspections, Audits, Spot Checks	103,586	115,977	107,496	122,389	122,079	124,045	129,213	122,046
ENFORCEMENT ACTIONS								
Number of Compliance Assistance Actions Rendered	10,953	11,067	10,158	11,443	14,412	21,352	21,323	21,121
Number of Enforcement Actions Taken	1,395	1,946	2,004**	2,704**	2,901	3,099	2,564	2,655
PENALTIES								
Amount of Penalties Obtained (\$)**	1,631,054	2,803,685	2,248,131	3,970,275	6,516,601	5,099,340	3,486,141	3,622,330

* Inspections:

- Number of Sites Inspected: The number of individual sites physically visited and inspected for compliance.
- Number of Inspections, Audits, Spot Checks: The total numbers of sites evaluated for compliance, including on-site inspections, record reviews, audits, and spot-check activities.
- Each individual site can be inspected by several programs or by one program more than once, so the former is always less than the latter.

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

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

Performance Measures Summary FY13-FY20

MDE Performance Measure	2013	2014	2015	2016	2017	2018	2019	2020
PERMITTED SITES/FACILITIES								
Number of Permits/Licenses Issued	8,405	8,708	10,332	8,784	8,568	8,643	8,615	7,423
Number of Permits/Licenses in Effect at Fiscal Year End	92,537	78,588	69,088	67,438	64,766	67,278	68,387	57,513
OTHER REGULATED SITES/FACILITIES								
Other Sites	160,223	160,332	169,094	179,779	162,068	160,244	153,908	151,468
INSPECTIONS *								
Number of Sites Inspected	39,458	42,414	104,454	70,545	70,607	68,264	55,329	31,832
Number of Inspections, Audits, Spot Checks	118,836	126,337	183,192	148,756	189,721	181,852	171,585	127,462
ENFORCEMENT ACTIONS								
Number of Compliance Assistance Actions Rendered	18,200	20,536	16,762	17,069	16,811	14,829	16,450	12,165
Number of Enforcement Actions Taken	2,280	2,151	7,676	14,829	8,249	8,590	9,914	6,581
PENALTIES								
Amount of Penalties Obtained (\$)**	5,878,392	3,620,272	3,681,138	3,731,060***	3,233,531	32,051,614	5,573,586	1,785,225

* Inspections:

- Number of Sites Inspected: The number of individual sites physically visited and inspected for compliance.
- Number of Inspections, Audits, Spot Checks: The total numbers of sites evaluated for compliance, including on-site inspections, record reviews, audits, and spot-check activities.
- Each individual site can be inspected by several programs or by one program more than once, so the former is always less than the latter.

** Amount of Penalties Obtained: The total dollar amount of penalty revenue collected during the fiscal year. Note that penalties can be collected in the fiscal year after the violation for which they are assessed. This table reflects the amount of revenue obtained ("collected") in the fiscal year as a result of all enforcement actions regardless of the fund into which they are deposited. Note that a large diesel emissions settlement was received in FY18.

*** FY16 updated from the previous report to account for refunds that were not taken out of the total.

MDE's Enforcement and Compliance Process

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

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

When minor violations such as record-keeping or reporting errors are discovered and determined not to be intentional or harmful to the environment or public health, a program may use discretion to allow the violator to correct the problem without imposing a penalty. In such cases, compliance assistance may be the first step in a process to achieve compliance with such requirements. Compliance assistance is a process that turns to enforcement action if violations are uncorrected or environmental harm is threatened; more detail appears on page 14. If an inspection reveals a significant violation, or if minor violations continue to recur and become a significant problem, then enhanced actions are warranted. Such action may take the form of penalties, corrective orders, the filing of injunctions, and in some cases, criminal sanctions.

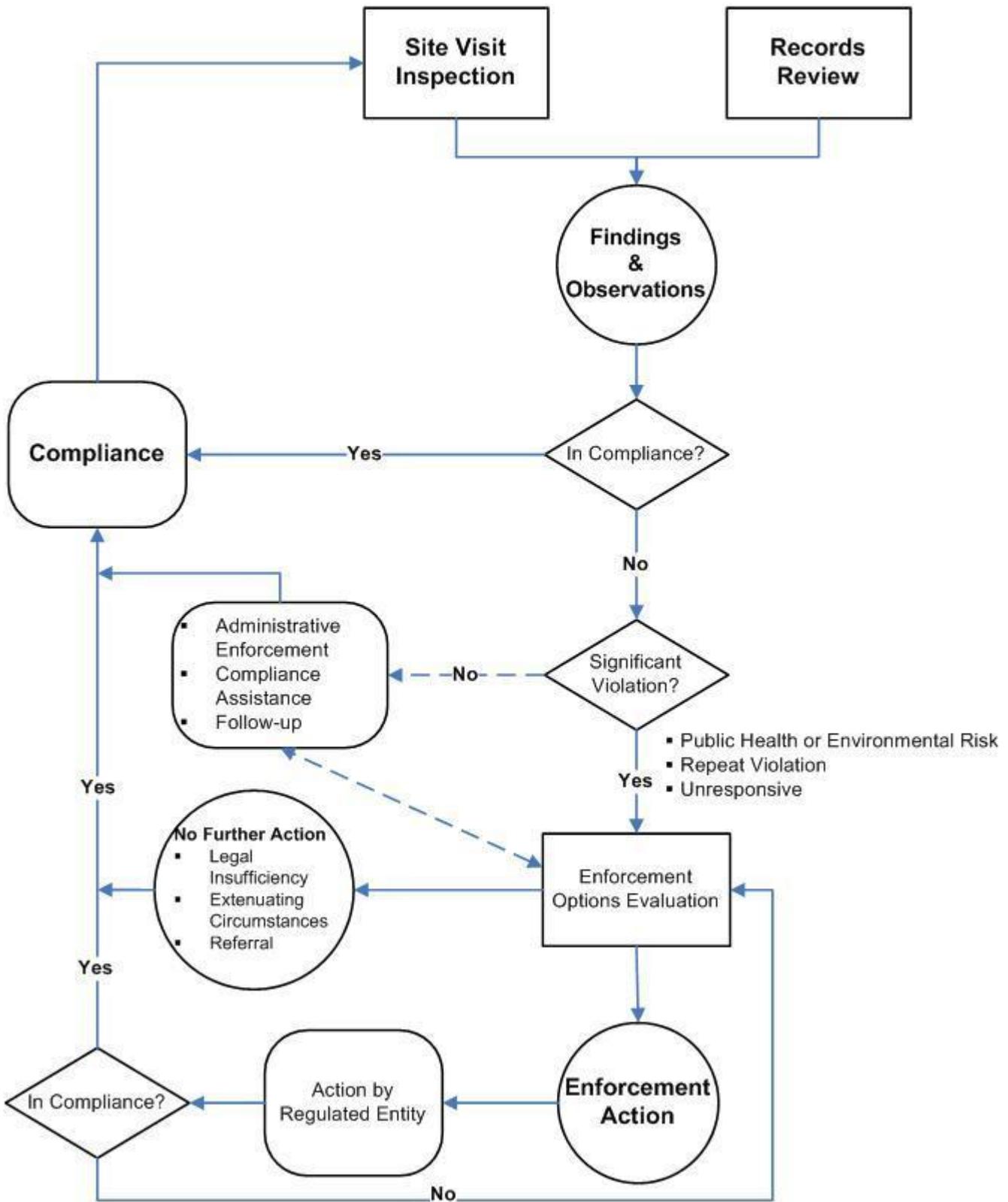
MDE's Approach to Determining the Appropriate Response to Violations

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

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; and
8. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

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

MDE ENFORCEMENT PROCESS



Contacts and Consultations with Businesses

Environment Article section 1-301(d) requires this report to “*include information on the type and number of contacts or consultations with businesses concerning compliance with state environmental laws.*” This section identifies the two types of contacts MDE has with businesses to assist in bringing a site into compliance and to assure future compliance: compliance assistance and other consultations.

Compliance Assistance

Compliance assistance is used by MDE as one of the many tools to educate the regulated community before violations occur and - in the case of non-serious violations - to bring a site into compliance and to assure future compliance. This form of contact between the regulated entities and MDE’s inspectors is counted in the programs’ performance measures tables under the category of “*compliance assistance rendered.*” As an element of MDE’s compliance process, an inspector renders a tangible act of compliance assistance when the inspector does one or both of the following:

- (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 bring a site into compliance and to assure future compliance. The action or actions are voluntarily undertaken by the regulated entity in such manner and within such time period as deemed acceptable by MDE in the absence of a formal enforcement action.

For either (a) or (b), the MDE inspector must document the manner in which the regulated entity voluntarily achieved compliance. This definition of "compliance assistance" requires the action to be measurable and objectively verifiable by a third party.

Consultations with Businesses

MDE provides other tools to educate businesses and other regulated entities. These include making guidance documents available and publishing information about new or updated requirements. MDE also works with businesses before they apply for permits to explain what permits will be required for a proposed activity and the application process for the required permits. Possible compliance requirements such as sampling, reporting, and record-keeping may also be explained. The department’s website (mde.maryland.gov) provides additional information about permitting programs and enforcement activities.

SECTION TWO: ADMINISTRATION DETAILS

Measuring Enforcement and Compliance

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

Enforcement actions are taken by MDE's three administrations:

Air: Includes air pollution, asbestos, and radiation programs.

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

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

Organization of Section Two

Section Two is divided by administration and by enforcement area/program. First, an overall administration executive summary describes the enforcement and compliance efforts during this fiscal year, followed by key performance measures for that administration. Next, the sections for each enforcement area/program briefly summarize the purpose of the program, its underlying authority, and its enforcement process. Each program's section also includes its performance measures table.

Performance Measure Definitions and Sample Table

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

1. Permitted Sites/Facilities and Other Regulated Sites/Facilities: Measures of the MDE or Program workload.

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

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

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

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

9. Inspections and Audits: A measure of output.

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

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

16. Compliance Profile: A measure of the results achieved.

Lines 17-19: A snapshot of the overall compliance status of the facilities inspected during the fiscal year.

Line 17: Identifies how many of the inspected sites were found with significant violations, providing a key element used to determine the inspection compliance rate (percentage) shown on line 18. If a site was found to have a significant violation, it was counted as being out of compliance, even if the site was brought back into compliance later in the year.

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

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

20. Significant Violations: A measure of what was found.

Lines 21- 24: Record the total number and nature of the significant violations the program identified during the fiscal year. Significant violations are defined by individual programs on the basis of their unique statutory and regulatory threshold requirements. MDE’s general definition of a significant violation is any violation that requires MDE to take some form of remedial or enforcement action to bring the facility into compliance. MDE’s penalty policy further clarifies this definition and can be found in Appendix E.

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

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

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

Line 23: Accounts for the number of significant violations carried over from last year. Note that for some programs this will not match the number of ongoing from the previous year’s report. This is due updates in the database used for reporting that occur after the data is collected for this report. For these programs the number reported is what is in the database when the data for the report is collected.

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

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

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

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

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

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

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

- Compliance assistance is rendered when written documentation states that the correction has been made or commenced. This number does not necessarily correspond to the number of significant violations found because potential problems, which have not yet become violations, when corrected and documented, are counted as compliance assistance.
- Using compliance assistance allows MDE to bring facilities into compliance and to assure future compliance. This first step in a process may turn into an enforcement action if violations are uncorrected or environmental harm is threatened. It is often implemented in less time and may reduce the environmental consequences of the violation.

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

Line 33: The number of penalty actions and other enforcement actions not specifically designated above. These actions are primarily penalty actions, but they also include various

forms of remedial requirements that do not fit the descriptions of the actions named in the statute.

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

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

Sample Performance Measures Table

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

AIR AND RADIATION ADMINISTRATION

Air and Radiation Administration Executive Summary

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

The Air Quality Compliance Program (AQCP) devotes a significant portion of its capacity to ensuring compliance at approximately 600 high-impact sources of air pollution. This category includes facilities such as power plants, large industrial operations, and waste combustors. In addition to on-site inspections, compliance staff reviews report submittals, stack test results, sampling results, and continuous monitoring summaries to assess compliance at regulated facilities.

MDE inspects a small percentage of the low-impact facilities. This is due to the large numbers of these sources and the relatively low impact of any particular violation. This category includes sources such as paint spray booths, dry cleaners, small boilers, and gas stations.

The AQCP also received 468 air quality complaints in FY20. The program responds to all complaints by telephone and, based on the nature of the complaint, identifies and places priority on those that require a field inspection. Some complaint situations may need multiple follow-up inspections to address the concerns of the complainants and to ensure compliance with air quality requirements.

In the Asbestos Division, contractors working to abate asbestos are required to provide formal notification to the Division. The Division prioritizes inspections to focus on projects with the highest potential impact on public health. Demolition projects are also inspected. The number of asbestos notifications received in FY20 was 1,822.

The Radiological Health Program (RHP) ensures radiation machine owners conduct regular preventative maintenance. The RHP continues to maintain focus on implementing, through the licensing and inspection process, increased security controls for those licensees with applicable quantities and types of radioactive materials.

ARA's FY20 successes included a settlement agreement with GenOn for exceeding a particulate-matter emissions standard during an annual performance test at the Dickerson power plant. As part of the settlement, GenOn agreed to pay a \$50,000 penalty and to take measures to improve the operation of their air-pollution-control devices, thereby reducing emissions of particulate matter. GenOn has since retired the Dickerson coal-fired units; their last day of operation was July 30, 2020.

ARA achieved another success by overseeing and directing the successful remediation of asbestos waste at an illegal demolition site located at a commercial building on Division Street in Baltimore City. ARA's attorneys filed a civil complaint in Baltimore Circuit Court against the owner of the building for illegal demolition and asbestos violations. Subsequent negotiations with the defendant resulted ultimately in the proper clean-up of the site, eliminating a dangerous asbestos threat to the environment and human health. The civil

complaint was settled and accepted by the court in early FY21, and requires the payment of a penalty that will be reflected in next year's enforcement report.

A significant challenge for FY20 was the COVID-19 pandemic, resulting in lower inspection numbers than in previous years. In the air program, virtual inspections, where possible, have replaced on-site inspections. Record reviews continued. In the radiation arena, inspections were temporarily postponed due to the need to enter high-risk medical facilities and because many medical facilities were shut down (e.g., imaging facilities, dentists, veterinarians, etc.). As these facilities reopen, inspections are resuming, albeit at a reduced volume due to scheduling difficulties. For asbestos, virtual inspections are being conducted to the extent possible.

ARA Summary Performance Measures

	<u>2019 Totals</u>	<u>2020 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	1,140	1,113
Number of Permits/Licenses in Effect at Fiscal Year End	29,508	29,431
<u>OTHER REGULATED SITES/FACILITIES</u>		
Other Regulated Sites	3,338	2,973
<u>INSPECTIONS</u>		
Number of Sites Inspected	3,843	2,986
Number of Sites Audited but Not Inspected	1,004	1,316
Number of Inspections, Audits, Spot Checks	23,010	21,986
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	722	276
Number of Enforcement Actions Taken ⁴	48	27
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$2,901,215 ⁵	\$166,750

⁴ The total of enforcement actions for each program as listed in the chart for each.

⁵ This FY19 total includes \$2.6M in received as part of the settlement of a court action against Fiat/Chrysler and Bosch relating to modifying emission control systems in vehicles sold in Maryland.

Ambient Air Quality Control

PURPOSE

There are approximately 11,000 stationary sources of air emissions registered in Maryland. The AQCP is responsible for ensuring that these sources comply with applicable air pollution control requirements. Approximately 200 of these sources emit more than 95% of all the pollutants emitted from stationary sources. These 200 high-emitting sources and an additional 400 or so priority sources receive a high level of attention. The additional priority sources are selected due to concerns regarding potential emissions, toxic air pollutant emissions, potential for nuisance impact, impact on the general welfare, or the potential for significant risk to public health or the environment. This group of approximately 600 sources includes facilities such as power plants, large industrial operations, manufacturing plants, asphalt plants, and waste combustors. This group varies slightly in number from year to year due to start-up of new sources, shutdown of existing sources, or sources reducing emissions or using less toxic materials to the point where they are no longer considered priority sources and thus do not demand close attention. The remainder of the 11,000 sources are generally smaller in terms of their emissions or their impacts and are considered to be of lesser risk to public health or the environment. Examples of these smaller sources include dry cleaning operations, gas stations, charbroilers, small boilers, paint spray booths, and degreasing machines. For this reason, performance measures information is presented in two categories: *High-Impact Air Emission Facilities* and *Low-Impact Air Emission Facilities*.

AUTHORITY

FEDERAL: Clean Air Act, Title I, Section 110
STATE: Environment Article, Title 2; COMAR 26.11

PROCESS

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

Ambient Air Quality Control: High-Impact Facilities

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of sites/facilities	567		
Number of permits/licenses issued	113		
Number of permits/licenses in effect at fiscal year end	3,947		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	289		
Number of sites audited but not inspected	222		
Number of sites evaluated for compliance	511		
Number of inspections, spot checks (captures number of compliance activities at sites)	643		
Number of audits (captures number of reviews of file/submittals for compliance)	1,691		
Number of inspections, audits, spot checks	2,334		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	12		
Percentage of inspected sites/facilities with significant violations	2%		
Inspection coverage rate (number of sites inspected/coverage universe)	51%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	10		
Number of significant violations based on technical/preventative deficiencies	6		
Number of significant violations carried over awaiting disposition from previous fiscal year	6		
Total number of significant violations	22		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	2		
Ongoing	20		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	31		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	2	10	12
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$110,000		

Ambient Air Quality Control: Low-Impact Facilities

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of sites/facilities	10,401		
Number of permits/licenses issued	296		
Number of permits/licenses in effect at fiscal year end	19,457		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	748		
Number of sites audited but not inspected	893		
Number of sites evaluated for compliance	1,641		
Number of inspections, spot checks (captures number of compliance activities at sites)	820		
Number of audits (captures number of reviews of file/submittals for compliance)	1,267		
Number of inspections, audits, spot checks	2,087		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe)	7%		
SIGNIFICANT VIOLATIONS			
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	1		
Total number of significant violations (sum of the three measures above)	1		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	0		
Ongoing	1		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	20		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

Air Quality Complaints

PURPOSE

In addition to the approximately 11,000 registered or permitted sources of air emissions in Maryland, numerous potential sources of air pollution are not required to be registered or permitted. 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 AQCP responds to complaints regarding nuisance odors and dust from both permitted and non-permitted operations.

AUTHORITY

STATE: Environment Article, Title 2; COMAR 26.11

PROCESS

Complaints are addressed in a number of ways depending on the nature of the complaint. A complaint situation may be of sufficient severity to warrant an immediate site visit. Complaints arising from severe nuisance situations generally result in multiple and separate complaints for a single situation. A complaint situation can also be a sporadic occurrence, which may lead to increased surveillance of a site in an attempt to verify the existence of a problem, which may lead to a formal inspection. Some complaints, particularly where only an explanation of what is allowed is needed, can be resolved through phone contact or letters.

If the complaint investigation reveals a violation at a permitted site, the violation and subsequent enforcement action is counted under the ambient air quality control program's performance measures chart. Only those violations that occur at non-permitted sites are counted here; most violations in this category are related to open burning activities or the creation of off-site nuisances caused by odors or dust from sites. Violations such as these rarely result in actual harm, but have the potential to cause harm to the environment or public health, and on this basis are included in this report. Nearly all violations in this program are resolved without the need to take enforcement action, as they generally relate to short-lived activities, are quickly corrected (often at the time of inspection), do not reoccur, and result in no actual harm to public health or the environment.

Air Quality Complaints

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of sites/facilities	N/A		
Number of permits/licenses issued	N/A		
Number of permits/licenses in effect at fiscal year end	N/A		
OTHER REGULATED SITES/FACILITIES			
Complaints received at all sites	468		
Complaints received at unregistered/unpermitted sites	397		
INSPECTIONS			
Number of unregistered/unpermitted sites inspected ("inspected" defined as at the site)	53		
Number of inspections, spot checks at unregistered/unpermitted sites (captures number of compliance activities at sites)	154		
Number of initial complaint inspections at all sites*	110		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe)	24%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	0		
Total number of significant violations (sum of the three measures above)	0		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	0		
Ongoing	0		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	1		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

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

Asbestos

PURPOSE

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

AUTHORITY

FEDERAL: Clean Air Act, Title 1, Section 112

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

PROCESS

Removing or encapsulating asbestos is required to be done by a contractor licensed by the Asbestos Division. The contractor is required to notify the Division of the location of the activity and the approximate amount of asbestos-containing material to be removed or encapsulated prior to undertaking the work. About a quarter 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. Some sites, such as demolition sites, where no notification has occurred, but where asbestos may be encountered, are also inspected.

The inspection coverage rate is computed as the number of sites inspected divided by the number of notifications received. Note that the Division receives notifications for any amount of asbestos that is disturbed. This will include notifications for one to two feet of removal in which the project will last for maybe two hours, to notification for thousands of linear and square feet, in which the project may last up to 12 months. Inspections are more likely at sites where removal will last a day or more. The Division is required by state law to annually inspect at least one asbestos removal project by each contractor. The Division meets this requirement.

Asbestos

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued (Asbestos Contractor Licenses)	103		
Number of permits/licenses in effect at fiscal year end	103		
OTHER REGULATED SITES/FACILITIES			
Number of asbestos notifications received	1,822		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	133		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above)	133		
Number of inspections, spot checks (captures number of compliance activities at sites)	178		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above)	178		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	3		
Percentage of inspected sites/facilities with significant violations	2 %		
Inspection coverage rate (number of sites inspected/coverage universe)	7 %		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	11		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	19		
Total number of significant violations (sum of the three measures above)	30		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	13		
Ongoing	17		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	8		
	Administrative	Civil/Judicial	Total
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	2	2	4
Number of referrals to Attorney General for possible criminal action	1		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$13,000		

Radiation Machines Division

PURPOSE

Radiation exposure can cause adverse health effects, with risk that varies depending upon the amount of radiation received, frequency of radiation exposures, and radio-sensitivity of body parts. Although the medical benefits of radiologic diagnostic and therapeutic treatment procedures far outweigh potential risks of sustained biological damage, evidence suggests that cells in the human body can be damaged by numerous small exposures over time and that these multiple exposures have a cumulative health effect that may be as detrimental as receiving a single large exposure. State regulations, which derive in part from U.S. Food and Drug Administration statutory and regulatory directives, require that all radiation exposures be “As Low As Reasonably Achievable.” The Radiation Machines Division regulates manufactured electronic sources of radiation to minimize the amount of unnecessary radiation exposure received by the general public and machine operators.

AUTHORITY

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

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

PROCESS

The chart below shows the types of facilities regulated and the frequency at which they are inspected. Note that the words “machine” and “tube” are used interchangeably.

Facility Type	Registered X-ray Tubes	Inspection Frequency
High Energy & Particle Accelerators	3 facilities, 3 certified tubes	Annual
Medical (Therapy) Accelerators	47 facilities, 79 certified tubes	Annual
Hospitals	58 facilities, 1,221 certified tubes	Biennial
Physicians: Chiropractic, MD, GP, Podiatric	1,291 facilities, 1,958 certified tubes	Biennial
Industrial	365 facilities, 764 certified tubes	Triennial
Dental	2,784 facilities, 10,426 tubes	Triennial
Veterinary Stationary	470 facilities, 519 tubes	Triennial
Mammography	136 facilities, 207 tubes	Annual
Veterinary Dental	250 facilities, 254 tubes	Triennial

Radiation Machines

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of new facility registrations issued	344		
Number of facility registrations in effect at fiscal year end	5,404		
OTHER REGULATED SITES/FACILITIES			
Number of service companies registered at fiscal year end	340		
Number of licensed private inspectors at fiscal year end	86		
Number of plan review or area surveys reviewed at fiscal year end	200		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	1,650		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site) (shielding reviews)	200		
Number of sites evaluated for compliance (sum of the two measures above)	1,853		
Number of inspections, spot checks (captures number of compliance activities at sites)	4,073		
Number of audits (captures number of reviews of file/submittals for compliance)	13,046		
Number of inspections, audits, spot checks (sum of the two measures above)	17,119		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	234		
Percentage of inspected sites/facilities with significant violations	14%		
Inspection coverage rate (number of sites inspected/coverage universe) *	8%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	377		
Number of significant violations carried over awaiting disposition from previous fiscal year**	42		
Total number of significant violations (sum of the three measures above)	419		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	372		
Ongoing	47		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	3	0	3
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	3	0	3
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$43,750		

* Coverage is computed as the number of sites inspected divided by the sum of the number of facility registrations.

Radioactive Materials Division

PURPOSE

The Radioactive Materials Division regulates the use, handling, and control of radioisotopes at hospitals, cancer treatment facilities, diagnostic imaging centers, private medical practices, industrial irradiators, engineering firms, research laboratories, academic institutions, nuclear pharmacies, and manufacturers and distributors of sealed sources and devices in accordance with federal guidance and criteria. Regulation is accomplished through the issuance of licenses and inspection of the licensees. Facility radiation safety programs and authorized activities are evaluated during the licensing and inspection process to ensure compliance with regulatory requirements for radiation safety, security, storage and control, transportation, disposal, training of personnel, possession of protective devices, and control of radiation hazards.

AUTHORITY

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

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

PROCESS

The following chart shows the inspection frequency, the number of licenses that are inspected at that frequency, and examples of the type of licenses.

Examples of License Types	Number of Licenses	Inspection Frequency
industrial radiography	3	Annual
manufacturing and distribution, panoramic irradiators, medical research, nuclear pharmacies, gamma knife (cancer therapy), gammapod (breast cancer therapy)	46	2 Years
self-shielded irradiators, hospitals and medical facilities, mobile nuclear medicine, academic research	132	3 Years
portable and fixed nuclear gauges, diagnostic nuclear medicine, research laboratories, general license distribution	339	5 Years

Radioactive Materials

Performance Measure		TOTAL	
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued		257	
Number of permits/licenses in effect at fiscal year end		520	
OTHER REGULATED SITES/FACILITIES			
Sources from other jurisdictions		57	
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)		113	
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)		1	
Number of sites evaluated for compliance (sum of the two measures above)		114	
Number of inspections, spot checks (captures number of compliance activities at sites)		113	
Number of audits (captures number of reviews of file/submittals for compliance)		1	
Number of inspections, audits, spot checks (sum of the two measures above)		114	
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations		0	
Percentage of inspected sites/facilities with significant violations		0%	
Inspection coverage rate (number of sites inspected/coverage universe)*		22%	
SIGNIFICANT VIOLATIONS			
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		1	
Total number of significant violations (sum of the three measures above)		1	
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved		0	
Ongoing		1	
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered		216	
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	3	3
Number of referrals to Attorney General for possible criminal action			1
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$0

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

LAND AND MATERIALS ADMINISTRATION

Land and Materials Administration Executive Summary

MDE's Land and Materials Administration (LMA) includes seven programs: Resource Management Program (RMP), Oil Control Program (OCP), Solid Waste Program (SWP), Land Restoration Program (LRP), Mining Program, Technical Services and Operations Program (TSOP), and Lead Poisoning Prevention Program (LPPP). Many of these programs have components that overlap with others. Aspects of hazardous waste regulations can be found in RMP, SWP, LRP and TSOP. In addition, SWP inspectors conduct inspections on behalf of RMP sections. Key LMA successes are summarized below.

LRP and EPA's Region 3 Toxic Substances Control Act office are overseeing remediation of the Middle River Complex Darkhead Cove site. In 2019, monitoring showed that activated carbon treatment reduced the bioavailability of polychlorinated biphenyls in the sediment by over 70%, reaching benchmarks under the consent order within one year of post-treatment monitoring.

At the Port Covington site, a former rail yard for the Western Maryland Railway and now one of the largest urban revitalization projects underway in the world, is under a comprehensive soil management plan overseen by LRP. The Weller Development Company has begun infrastructure work on the Chapter 1 redevelopment of 177 acres along the Patapsco waterfront. The work includes bulkhead replacement in front of Sagamore Spirits and contaminant remedial measures and redevelopment of East Cromwell Street.

The Scrap Tire Unit successfully ensured the cleanup of 11 scrap tire stockpiles, consisting of approximately 1,564 scrap tires. These sites were located in six of the state's 24 jurisdictions, and ranged in size from 10 to 480 scrap tires. The Scrap Tire Unit also initiated the planning and cleanup process for the six illegal scrap tire stockpile sites newly identified. All of the scrap tire stockpile cleanups completed in FY20 were conducted by the responsible party without using the Scrap Tire Fund. Since the inception of the Scrap Tire Unit in 1992, more than 11 million scrap tires have been removed from 1,130 stockpile cleanup sites.

For the first time, LMA's composting oversight activities are included in this report. RMP has issued 21 composting permits that include 16 certificates for coverage under the General Permit, four landfill Refuse Disposal permits modified to include composting, and one Individual Composting Facility Permit. Currently, 19 facilities are operational, including 14 facilities that compost yard trimmings, three that compost food scraps and manure, and one that composts hay, straw and manure. In 2019, these facilities composted a total of 222,850 tons of yard trimmings, 25,685 tons of food scraps, 1,406 tons of manure, 10,400 tons of hay and straw, and 14,602 tons of poultry waste.

LMA Summary Performance Measures

	<u>2019 Totals</u>	<u>2020 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	2,266	2,023
Number of Permits/Licenses in Effect at Fiscal Year End	9,247	8,894
<u>OTHER REGULATED SITES/FACILITIES</u>		
Other Sites	146,563	144,551
<u>INSPECTIONS</u>		
Number of Sites Inspected	48,038	25,789
Number of Sites Audited but Not Inspected	1,783	1,429
Number of Inspections, Audits, Spot Checks	60,878	35,343
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	9,969	6,418
Number of Enforcement Actions Taken	9,062	5,839
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$1,096,315	\$776,164

Hazardous Waste

PURPOSE

The Federal Resource Conservation and Recovery Act (RCRA) established a national program of hazardous waste management; MDE implements most elements of the federal regulatory program in Maryland. Regulations govern management of hazardous waste from the point of initial generation through its final disposition by reuse, recycling, treatment, or disposal. Maryland's regulatory program includes elements that are more stringent and broader in scope than the federal program.

AUTHORITY

FEDERAL: RCRA - Subtitle C

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

PROCESS

LMA's Solid Waste Program (SWP) is responsible for compliance at hazardous waste facilities, which include permitted treatment, storage and disposal (TSD) facilities and federally-defined large- and small-quantity generators (LQGs and SQGs). All permitted TSD facilities and those that receive off-site waste are inspected at least once a year. LQGs, defined by federal regulations as generating 2,200 pounds or more of hazardous waste in any calendar month, are inspected at least once every five years. New LQGs and those that have not been inspected in the last three years are first priorities. Maryland has approximately 455 LQGs and 13,000 SQGs. The very large number of SQG facilities means that, as is the case with the large number of low-impact sources of air emissions, only a small percentage of them can be inspected.

LMA's Hazardous Certification and Reporting Section oversees issuance of RCRA Subtitle C Site Identification Numbers (also called EPA ID Numbers), collects and reviews Biennial Hazardous Waste Reports, and issues Controlled Hazardous Substance (CHS) hauler and vehicle certifications. Failure to comply with Maryland and federal laws and regulations can result in enforcement actions.

Hazardous Waste

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/registrations issued	2		
Number of permits/registrations in effect at fiscal year end	23		
OTHER REGULATED SITES/FACILITIES			
Hazardous waste generators	14,154		
New EPA ID numbers Issued	136		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	89		
Number of sites receiving off-site audits and record reviews, but not inspected	0		
Number of sites evaluated for compliance (sum of the two measures above)	89		
Number of inspections, spot checks (captures number of compliance activities at sites)	124		
Number of off-site audits (captures number of reviews of file/submittals for compliance)	0		
Total number of inspections, audits and spot checks	124		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	5		
Percentage of inspected sites/facilities with significant violations	6%		
Inspection coverage rate (number of sites inspected/coverage universe)	0.63%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	5		
Number of significant violations based on technical/preventative deficiencies	20		
Number of significant violations carried over awaiting disposition from previous fiscal year	69		
Total number of significant violations (sum of the three measures above)	94		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	53		
Ongoing	41		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	17		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	32	0	32
Number of referrals to Attorney General for possible criminal action	1		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$90,500		

Lead Poisoning Prevention

PURPOSE

LMA oversees activities designed to reduce the incidence of childhood lead poisoning. These activities involve accreditation and oversight of lead abatement service contractors, maintenance of a registry of blood lead levels, investigation of childhood lead poisoning cases, and enforcement of the statute and regulations. LMA is also responsible for the maintenance of the registry of rental properties.

AUTHORITY

FEDERAL: Toxic Substances Control Act
Centers for Disease Control

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

PROCESS

Maryland law requires that all blood lead level (BLL) test results be reported to MDE, which in turn reports all results for children at risk to the local health departments for case management. Through these BLL referrals and by other means, LMA sometimes discovers that an affected property (pre-1978 rental dwelling properties) does not meet the required standards of care (risk reduction, registration of the rental property, and distribution to tenants of two documents explaining tenant rights and the hazards of lead paint). In such cases, appropriate corrective actions against a violating party may be taken. In order to meet the required standards of care, accredited third-party inspectors and/or contractors may be hired by property owners to meet these compliance standards. LMA may perform oversight of these inspectors and/or contractors to ensure compliance with regulatory standards as outlined in the statute and regulations so that further exposure to lead hazards is kept to a minimum.

LMA also regulates all affected properties. LRS collects information from owners of affected properties and issues tracking numbers for the purpose of registration, inspections, certification and annual renewals of affected properties. TSOP has an Enforcement and Compliance Section with staff tasked with reviewing the registration status of affected properties and whether the owner of the property has obtained a lead inspection certificate, if required. If properties are out of compliance, TSOP tracks their return to compliance, and may take appropriate enforcement actions where necessary.

Lead Poisoning Prevention

PERMITTED SITES/FACILITIES			
Number of permits/registrations issued (accreditations)	1,036		
Number of permits/registrations (accreditations) in effect at fiscal year end	2,546		
OTHER REGULATED SITES/FACILITIES			
Number of registrations processed	11,840		
Number of units registered as of end of FY	125,478		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)			
By accredited lead paint service providers	21,026		
By MDE	2,042		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	8		
Number of sites evaluated for compliance (sum of the three measures above)	23,076		
Number of inspections, spot checks (captures number of compliance activities at sites)			
By accredited lead paint service providers	21,026		
By MDE	2,098		
Number of audits (captures number of reviews of file/submittals for compliance)	8		
Number of inspections, audits, spot checks (sum of the three measures above)	23,132		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	100		
Percentage of inspected sites/facilities with significant violations **	5%		
Inspection coverage rate (number of sites inspected/coverage universe) ***	18%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	738		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	288		
Total number of significant violations (sum of the three measures above)	1,026		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	263		
Ongoing	763		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	26		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	67	0	67
Number of stop work orders	0	0	0
Number of injunctions obtained	1	0	1
Number of penalty and other enforcement actions	5,485	0	5,485
Number of referrals to Attorney General for possible criminal action	0		
Number of supplemental environmental projects (SEPs) entered into / units affected	1/251		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$551,450		

* This total number also includes government fee exempt units.

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

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

Oil Control Program - Aboveground Facilities

PURPOSE

The OCP performs a broad range of activities related to the safe handling, storage, and remediation of petroleum products. The OCP issues permits and performs oversight of aboveground storage facilities, transportation facilities, and oil-contaminated soil treatment facilities. Permits are also issued by OCP for the discharge of treated oil-contaminated water. In addition, OCP issues licenses and collects fees for the import of petroleum products into Maryland.

AUTHORITY

FEDERAL: Clean Water Act

STATE: Environment Article, Title 4, Subtitle 4; COMAR 26.10, COMAR 26.08

PROCESS

OCP is responsible for issuing oil operations permits for oil handling and storage facilities. It does this by reviewing permit applications, inspecting sites prior to writing permits, and providing compliance assistance to facilities. OCP is responsible for issuing general and individual National Pollutant Discharge Elimination System (NPDES) permits to oil handling and storage facilities for the discharge of stormwater and treated oil contaminated water. OCP responds to aboveground oil spills. In addition, OCP licenses entities that transfer oil into Maryland and collects a fee on the transfer.

OCP - Aboveground Facilities

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	178		
Number of permits/licenses in effect at fiscal year end*	1,205		
OTHER REGULATED SITES/FACILITIES			
Oil transfer licenses	285		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	228		
Number of sites receiving off-site audits and record reviews, but not inspected	15		
Number of sites evaluated for compliance (sum of the two measures above)	243		
Number of inspections, spot checks (captures number of compliance activities at sites)	469		
Number of audits (captures number of reviews of file/submittals for compliance)	114		
Number of inspections, audits, spot checks (sum of the two measures above)	583		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	2		
Percentage of inspected sites/facilities with significant violations	1%		
Inspection coverage rate (number of sites inspected/coverage universe)**	19%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	2		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	2		
Total number of significant violations (sum of the three measures above)	4		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	4		
Ongoing	0		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	581		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	12	0	12
Number of referrals to Attorney General for possible criminal action			0
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$10,000		

* Permits/licenses. This includes aboveground storage tanks and oil-contaminated soil operations. The Oil (Contaminated Soil) Operations Permit is issued to facilities that store and/or treat soil contaminated with petroleum products from UST leaks or surface spills. Due to the small number of facilities involved, these numbers were incorporated into the Oil Aboveground Facilities numbers beginning in FY99.

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

Oil Control Program - Pollution Remediation Activities

PURPOSE

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

AUTHORITY

FEDERAL: RCRA - Subtitle I

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

PROCESS

OCP is responsible for the oversight of underground storage tank (UST) removals. When a release of petroleum products is reported, OCP investigates and oversees cleanup activities. OCP prioritizes responses based on multiple factors, including oil type, amount released, and potential impact to public health and the environment. Most remedial sites will require frequent inspections and meetings. Enforcement actions may be taken if the responsible party is not complying with cleanup orders.

Oil Pollution Remediation Activities

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	0		
Number of permits/licenses in effect at fiscal year end	0		
OTHER REGULATED SITES/FACILITIES			
Groundwater remediation sites active at fiscal year end*	885		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	293		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	435		
Number of sites evaluated for compliance (sum of the two measures above)	728		
Number of inspections, spot checks (captures number of compliance activities at sites)	683		
Number of audits (captures number of reviews of file/submittals for compliance)	1,879		
Number of inspections, audits, spot checks (sum of the two measures above)	2,562		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	1		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe)	33%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	1		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	4		
Total number of significant violations (sum of the three measures above)	5		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	2		
Ongoing	3		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	2,561		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	4	0	4
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$5,500		

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

Underground Oil Storage Tank Systems

PURPOSE

The OCP inspects underground oil storage tanks with the goal of reducing the incidence and severity of releases associated with the underground storage of regulated substances. This is accomplished by ensuring compliance with operational requirements, including the following: release detection; corrosion protection; overfill prevention; financial responsibility requirements; and construction standards. Sites can include service stations, oil terminals, hospitals, schools, military facilities, and marinas.

AUTHORITY

FEDERAL: RCRA - Subtitle I

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

PROCESS

MDE requires all regulated underground tank systems to be registered with OCP. In addition, all system technicians, removers, and inspectors must pass a test given by the OCP and maintain a valid certification. The U.S. EPA, requires each federally-regulated UST system to be inspected every three years at a minimum.. A tank owner is required to hire a certified third-party inspector to complete the inspection. When violations are found, an OCP inspector will conduct a follow up investigation and issue corrective action if warranted. OCP also responds to reports of oil spills throughout the state.

Underground Oil Storage Tank Systems

Performance Measure		TOTAL	
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued		149	
Number of permits/licenses in effect at fiscal year end *		389	
OTHER REGULATED SITES/FACILITIES			
Registered UST facilities		2,713	
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)		737	
Number of sites receiving off-site audits and record reviews, but not inspected.		38	
Number of sites evaluated for compliance (sum of the two measures above)		775	
Number of inspections, spot checks (captures number of compliance activities at sites)		1,864	
Number of audits (captures number of reviews of file/submittals for compliance)		822	
Number of inspections, audits, spot checks (sum of the two measures above)		2,686	
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations		46	
Percentage of inspected sites/facilities with significant violations		6%	
Inspection coverage rate (number of sites inspected/coverage universe)**		27%	
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact		46	
Number of significant violations based on technical/preventative deficiencies		0	
Number of significant violations carried over awaiting disposition from previous fiscal year		27	
Total number of significant violations (sum of the three measures above)		73	
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved		28	
Ongoing		45	
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered		3,123	
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	6	0	6
Number of stop work orders	22	0	22
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	57	0	57
Number of referrals to Attorney General for possible criminal action			0
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$29,000

* Certified UST technicians and removers are part of the regulated community and, therefore, the inspection universe, and were included in this report starting in FY00.

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

Refuse Disposal

PURPOSE

Improper handling of society's byproducts in the form of domestic, commercial and industrial wastes can pose direct threats to public health and the quality of Maryland's land and water resources. SWP reviews applications for new solid waste disposal facilities and coal combustion by-product (CCB) landfills. Inspections and enforcement of regulations are conducted routinely at permitted and unpermitted disposal facilities, CCB landfills, CCB storage sites, and for CCB transportation vehicles. Regulated solid waste acceptance facilities include municipal landfills, rubble landfills, land-clearing debris landfills, non-hazardous industrial waste landfills, municipal incinerators, solid waste processing facilities, and transfer stations.

AUTHORITY

FEDERAL: RCRA - Subtitle D; 40 CFR 257 and 258

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

PROCESS

Permits are required for the construction and operation of solid waste acceptance facilities. The permit review activities cover a broad range of environmental and engineering elements to ensure state-of-the-art techniques are used to protect public health and environment. SWP geologists and engineers review groundwater monitoring and soil gas data required by the permit to detect aqueous and 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, and subject to SWP's review and approval prior to implementation. Routine unannounced inspections are performed to ensure compliance. Inspectors also conduct complaint inspections regarding unpermitted facilities and open dumps. Inspections and investigations are conducted to find, stop, and clean up illegal dumps and reduce the problems they cause, including odors, soil erosion, discharge of pollutants to surface water, and groundwater pollution. If violations are found, corrective actions are conducted in accordance with MDE's guidelines and procedures.

Refuse Disposal

Performance Measure		TOTAL	
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued		20	
Number of permits/licenses in effect at fiscal year end		97	
OTHER REGULATED SITES/FACILITIES			
Unpermitted sites		76	
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)		172	
Number of sites receiving off-site audits and record reviews, but not inspected.		56	
Number of sites evaluated for compliance (sum of the two measures above)		228	
Number of inspections, spot checks (captures number of compliance activities at sites)		724	
Number of audits (captures number of reviews of file/submittals for compliance)		239	
Number of inspections, audits, spot checks (sum of the two measures above)		963	
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations		29	
Percentage of inspected sites/facilities with significant violations		16%	
Inspection coverage rate (number of sites inspected/coverage universe)		99%	
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact		79	
Number of significant violations based on technical/preventative deficiencies		1	
Number of significant violations carried over awaiting disposition from previous fiscal year		223	
Total number of significant violations (sum of the three measures above)		303	
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved		99	
Ongoing		204	
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered		6	
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	1	0	1
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	37	0	37
Number of referrals to Attorney General for possible criminal action			2
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$44,026

Scrap Tires

PURPOSE

Licenses and approvals are required for the hauling, collection, storage, processing, recycling, and burning (as tire-derived fuel) of scrap tires. These licenses and approvals ensure that scrap tires are managed in a manner protective of public health and the environment. In coordination with the Maryland Environmental Service (MES), the Scrap Tire Unit may arrange for cleanup of illegal scrap tire dumps. Enforcement actions may be taken to ensure compliance with the scrap tire laws, regulations, and license and approval conditions.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 2;
Environment Article, Title 10, Nuisance Abatement;
COMAR 26.04.

PROCESS

Any person who collects, stores, or hauls as part of a commercial business; recycles; or processes scrap tires is required to obtain the applicable license or approval. To obtain a license or approval, a person must submit a complete application and all required information. The Scrap Tire Unit may conduct a public information meeting on certain types of license or approval applications.

The Scrap Tire Unit requires property owners to clean up illegally-stockpiled scrap tires. Depending on available revenue, special funds can be used when a landowner fails to clean up a scrap tire dump. Cost recovery from the landowner or other identifiable responsible party for all costs associated with the cleanup is required, unless the owner qualifies for an inheritance exemption. Corrective orders and penalties may be issued for violations in accordance with MDE's guidelines and procedures.

Scrap tire inspections are performed by inspectors in SWP. 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.

Scrap Tires

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/registrations issued	322		
Number of permits/registrations in effect at fiscal year end	2,803		
OTHER REGULATED SITES/FACILITIES			
Stockpiles with removal activities during the fiscal year	48		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	326		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	5		
Number of sites evaluated for compliance (sum of the two measures above)	331		
Number of inspections, spot checks (captures number of compliance activities at sites)	411		
Number of audits (captures number of reviews of file/submittals for compliance)	5		
Number of inspections, audits, spot checks (sum of the two measures above)	416		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	55		
Percentage of inspected sites/facilities with significant violations	17%		
Inspection coverage rate (number of sites inspected/coverage universe)*	11%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	21		
Number of significant violations based on technical/preventative deficiencies	35		
Number of significant violations carried over awaiting disposition from previous fiscal year	77		
Total number of significant violations (sum of the three measures above)	133		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	34		
Ongoing	98		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	1		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	51	0	51
Number of referrals to Attorney General for possible criminal action	2		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$30,038		

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

Sewage Sludge Utilization

PURPOSE

Sewage sludge is one of the final products of the treatment of sewage at a wastewater treatment plant and it is not the same thing as sewage. Biosolids is a term that identifies sludge that has been treated to meet federal beneficial-use standards established under 40 CFR 503 and COMAR 26.04.06. An MDE Sewage Sludge Utilization permit is required for any activities involving sewage sludge treatment, composting, transportation, storage, distribution, land application, energy generation, incineration, marketing, innovative or research project, disposal, or alternative utilization at a municipal landfill. 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.

AUTHORITY

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

PROCESS

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

Sewage Sludge Utilization

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/registrations issued	74		
Number of permits/registrations in effect at fiscal year end	625		
OTHER REGULATED SITES/FACILITIES			
Unpermitted sites	2		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	61		
Number of sites receiving off-site audits and record reviews, but not inspected.	243		
Number of sites evaluated for compliance (sum of the two measures above)	304		
Number of inspections, spot checks (captures number of compliance activities at sites)	158		
Number of audits (captures number of reviews of file/submittals for compliance)	996		
Number of inspections, audits, spot checks (sum of the two measures above)	1,154		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe)*	10%		
SIGNIFICANT VIOLATIONS			
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	3		
Total number of significant violations (sum of the three measures above)	3		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	3		
Ongoing	0		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0.00		

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

Animal Feeding Operations

PURPOSE

LMA's Animal Feeding Operations (AFO) Division regulates discharges from farms where animals are stabled or confined for 45 days or more in any 12-month period in an area where crops/forage are not grown. AFOs have the potential to discharge nutrients and sediments to surface waters if improperly designed, constructed, operated, or maintained. The permit is a zero-discharge permit, with the goal of eliminating any impact to the environment.

AUTHORITY

FEDERAL: Federal Clean Water Act

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

PROCESS

AFOs are subject to regulations through registration as a Concentrated Animal Feeding Operation (CAFO) or Maryland Animal Feeding Operation (MAFO) under a General Discharge (GD) Permit. This GD Permit requires these operations to be designed, constructed, operated, and maintained according to specific standards that control or eliminate discharges of pollutants to the waters of the state. All large, and certain medium, AFOs are required to apply for coverage under the GD Permit.

During the five-year duration of the GD Permit, every registered operation will be inspected at least once to ensure compliance with the permit conditions. These conditions incorporate relevant portions of farm-specific required plans, including, but not limited to, a Comprehensive Nutrient Management Plan or a Nutrient Management Plan and Soil Conservation and Water Quality Plan, written in accordance with state and federal requirements. Complaints involving CAFOs or MAFOs are addressed by inspectors specifically assigned to the AFO Compliance Unit. Enforcement is accomplished through site complaints, notice of violation (NOV), and administrative, civil, and criminal mechanisms.

Animal Feeding Operations

Performance Measure			TOTAL
PERMITTED SITES/FACILITIES			
Number of permits/registrations issued			34
Number of permits/registrations in effect at fiscal year end			552
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)*			111
Number of sites receiving off-site audits and record reviews, but not inspected			615
Number of sites evaluated for compliance (sum of the two measures above)			726
Number of inspections, spot checks (captures number of compliance activities at sites)			139
Number of audits (captures number of reviews of file/submittals for compliance)			655
Number of inspections, audits, spot checks (sum of the two measures above)			794
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations			0
Percentage of inspected sites/facilities with significant violations			0%
Inspection coverage rate (number of sites inspected/coverage universe)			19%
SIGNIFICANT VIOLATIONS			
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			5
Total number of significant violations (sum of the three measures above)			5
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved			5
Ongoing			0
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered			40
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	3	0	3
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	24	0	24
Number of referrals to Attorney General for possible criminal action			0
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)		\$8,000	

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

Natural Wood Waste Recycling

PURPOSE

MDE issues Natural Wood Waste (NWW) Recycling permits to ensure that NWW is managed in a manner that will not cause harm to public health and the environment. Recycling is conducted by chipping the wood waste (e.g., stumps, root mat, branches, logs, and brush) and converting it into products, including mulch and compost. The permitting system was developed in accordance with statutory changes in 1991, and is designed to prevent large-scale fires at NWW facilities, after several severe fires at wood waste facilities.

AUTHORITY

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

PROCESS

An individual or general permit is generally required for the operation of facilities that recycle NWW. However, NWW permits are not required for these operations at landfills (as they are covered by conditions in the Refuse Disposal Permit), for activities are performed by an individual or business recycling its own wood wastes on its own premises, or for NWW recycling operations performed by a government or nonprofit agency. MDE conducts routine unannounced inspections at these facilities several times a year to ensure compliance, and also investigates citizen complaints. If violations are found, corrective actions are required in accordance with MDE's guidelines and procedures.

Natural Wood Waste Recycling

Performance Measure			TOTAL
PERMITTED SITES/FACILITIES			
Number of permits/registrations issued			12
Number of permits/registrations in effect at fiscal year end			46
OTHER REGULATED SITES/FACILITIES			
Unpermitted sites at fiscal year end			6
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)*			40
Number of sites receiving off-site audits and record reviews, but not inspected			14
Number of sites evaluated for compliance (sum of the two measures above)			54
Number of inspections, spot checks (captures number of compliance activities at sites)			85
Number of audits (captures number of reviews of file/submittals for compliance)			44
Number of inspections, audits, spot checks (sum of the two measures above)			129
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations			5
Percentage of inspected sites/facilities with significant violations			13%
Inspection coverage rate (number of sites inspected/coverage universe)**			77%
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact			7
Number of significant violations based on technical/preventative deficiencies			1
Number of significant violations carried over awaiting disposition from previous fiscal year			21
Total number of significant violations (sum of the three measures above)			29
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved			12
Ongoing			17
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered			0
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	7	0	7
Number of referrals to Attorney General for possible criminal action			0
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)		\$1,000	

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

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

Coal Mining

PURPOSE

MDE is authorized by the federal Office of Surface Mining to administer a surface mining control program consistent with the federal law. The Bureau of Mines (BOM) Division is responsible for processing, reviewing, and issuing all permits and enforcing all laws and regulations enacted by the state related to coal mine operations. These operations include extraction of coal by surface or underground mining methods, processing, and loading coal after extraction, recovering coal from refuse piles left by previous coal mining operations, and prospecting for coal. The Abandoned Mine Land Division uses funds available through Title IV of the Surface Mining Control and Reclamation Act (SMCRA), the EPA, and various state funds to eliminate health, safety, and environmental issues caused by coal mines that were inadequately reclaimed and abandoned prior to the date of the federal law (Aug. 3, 1977). The Abandoned Mine Lands Division maintains 11 active and 44 passive systems to improve and maintain water quality in more than 115 miles of western Maryland streams, many of which support viable fishery populations.

AUTHORITY

FEDERAL: P.L. 95-87 SMCRA of 1977

STATE: Environment Article, Title 15, Subtitle 1 through 11; COMAR 26.20

PROCESS

Permitted operations are inspected, at a minimum, 12 times per year. They are also required to submit on a regular basis monitoring data for surface and ground water quality; data related to blasting and coal production; and progress reports relating to reclamation of the sites. This submitted data is reviewed for regulatory compliance.

Coal mining operations are required to return the land to a condition similar to what existed prior to mining. Areas disturbed by the operations must be regraded to a similar shape and contour as existed pre-mining and vegetated with diverse permanent species of plants that will stabilize the soil, prevent erosion, and support the intended post-mining use of the land. The bond posted for the permit will not be released for five years following completion of the mining operations, during which time inspections continue and reclamation success is evaluated.

Coal Mining

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	6		
Number of permits/licenses in effect at fiscal year end	44		
Prospect and forfeiture sites	53		
OTHER REGULATED SITES/FACILITIES			
Coal mining operator licenses issued	21		
Coal mining operator licenses in effect at fiscal year end	21		
Surface coal mining blaster certifications issued	3		
Surface coal mining blaster certifications at fiscal year end	18		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	64		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above)	64		
Number of inspections, spot checks (captures number of compliance activities at sites)	706		
Number of audits (captures number of reviews of file/submittals for compliance)	272		
Number of inspections, audits, spot checks (sum of the two measures above)	978		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	3		
Percentage of inspected sites/facilities with significant violations	5%		
Inspection coverage rate (number of sites inspected/coverage universe)	100%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	2		
Number of significant violations based on technical/preventative deficiencies	2		
Number of significant violations carried over awaiting disposition from previous fiscal year	3		
Total number of significant violations (sum of the three measures above)	7		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	3		
Ongoing	4		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	44		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	4	0	4
Number of referrals to Attorney General for possible criminal action			0
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$500		

Non-Coal Mining

PURPOSE

The extraction of minerals is a basic and essential activity for the economic wellbeing of the state and nation. This activity must be balanced against potential safety and environmental effects. The mining permit review evaluates possible impacts on surrounding properties, the local environment, and the public safety of the operation. Other impacts such as historical resources and habitat protection are reviewed as well. Each site is bonded to ensure compliance with the permit.

AUTHORITY

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

PROCESS

Upon issuance of a permit, the site is assigned an inspection frequency. This frequency can be adjusted at any time based on site conditions and workload. All water quality permits, wetland, waterway and sediment approvals are inspected as part of the mine permit inspection.

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

Improperly maintained environmental controls have the potential to degrade water quality through the transport of sediment-laden water from drainage and stormwater runoff, and can adversely impact the aquatic habitat. The program evaluates mining practices, reclamation, and stormwater management for compliance to ensure that adverse impacts to surface and groundwater are minimized.

Non-Coal Mining

Performance Measure		TOTAL	
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued		73	
Number of permits/licenses in effect at fiscal year end		284	
OTHER REGULATED SITES/FACILITIES			
Unpermitted Sites		5	
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)		269	
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)		0	
Number of sites evaluated for compliance (sum of the two measures above)		269	
Number of inspections, spot checks (captures number of compliance activities at sites)		292	
Number of audits (captures number of reviews of file/submittals for compliance)		959	
Number of inspections, audits, spot checks (sum of the two measures above)		1,251	
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations		5	
Percentage of inspected sites/facilities with significant violations		2%	
Inspection coverage rate (number of sites inspected/coverage universe)		93%	
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact		0	
Number of significant violations based on technical/preventative deficiencies		5	
Number of significant violations carried over awaiting disposition from previous fiscal year		2	
Total number of significant violations (sum of the three measures above)		7	
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved		6	
Ongoing		1	
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered		5	
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	10	0	10
Number of referrals to Attorney General for possible criminal action			0
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$6,150

Oil and Gas Exploration and Production

PURPOSE

Maryland requires permits for drilling and operations of gas or oil wells, operations of natural gas storage facilities, and oil and natural gas exploration using seismic operations. Permits include environmental controls to ensure public safety, provide protection of public and private property, and minimize impacts resulting from the operation. Hydraulic fracturing is not allowed in the State of Maryland.

AUTHORITY

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

PROCESS

Sites are assigned an inspection frequency during issuance of a permit, license, or authorization. Routine inspections are scheduled in accordance with the assigned priorities and may be adjusted to reflect changes in workloads or inspection priorities. The inspector assesses compliance with permit conditions and determines if corrective action may be required. During active drilling operations, the frequency of inspection is higher compared to when a well is completed.

Oil and Gas Exploration and Production

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	7		
Number of permits/licenses in effect at fiscal year end	101		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	0		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above)	0		
Number of inspections, spot checks (captures number of compliance activities at sites)	0		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above)	0		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0		
Inspection coverage rate (number of sites inspected/coverage universe)	0		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	0		
Total number of significant violations (sum of the three measures above)	0		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	0		
Ongoing	0		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0.00		

Electronics Recycling

PURPOSE

Maryland's Statewide Electronics Recycling Program promotes and requires electronics recycling by regulating manufacturers and retailers of Covered Electronic Devices (CEDs). A CED is a computer or video display device with a screen that is greater than four inches measured diagonally. This includes computers, computer monitors, televisions, portable DVD players, cell phones, tablets, etc. CEDs do not include video display devices that are part of motor vehicles, nor those that are contained within household appliances or commercial, industrial, or medical equipment. Manufacturers of CEDs that intend to sell these devices in Maryland are required to register with MDE and pay a registration fee. The fee, which is paid annually, is based on the number of CEDs the manufacturer sold in Maryland during the previous year, as well as whether the manufacturer has a department-approved CED takeback program. To qualify, the takeback program must meet certain requirements, such as provision of a free method for consumers to return the manufacturer's CEDs for recycling and a method for consumers to remove personal data from CEDs prior to return for recycling, if applicable. Both manufacturers and retailers are prohibited from selling or offering for sale CEDs in the state unless the manufacturer of those CEDs is registered with MDE.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 17.

PROCESS

MDE tracks registrations and payments submitted by manufacturers of CEDs. Industry sales data, purchased by MDE, is used to verify the quantity of CEDs sold and reported to MDE by each manufacturer via the annual registration form. MDE also reviews and approves or denies manufacturer takeback programs. A list of registered manufacturers is generated and posted on MDE's website. The listings for manufacturers with an approved takeback program are hyperlinked and/or include a toll-free phone number to help customers to obtain details on takeback programs. Finally, MDE inspects CED manufacturer webpages, brick-and-mortar stores, and web-based retailers to determine manufacturer compliance.

Electronics Recycling

Performance Measure			TOTAL
PERMITTED SITES/FACILITIES			
Number of registrations issued			110
Number of registrations in effect at fiscal year end			105
OTHER REGULATED SITES/FACILITIES			
Number of retail sites*			860
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)			311
Number of sites receiving off-site audits and record reviews, but not inspected			0
Number of sites evaluated for compliance (sum of the two measures above)			311
Number of inspections, spot checks (captures number of compliance activities at sites)			471
Number of audits (captures number of reviews of file/submittals for compliance)			0
Number of inspections, audits, spot checks (sum of the two measures above)			471
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations			0
Percentage of inspected sites/facilities with significant violations			0%
Inspection coverage rate (number of sites inspected/coverage universe)			36%
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact			0
Number of significant violations based on technical/preventative deficiencies			0
Number of significant violations carried over awaiting disposition from previous fiscal year			0
Total number of significant violations (sum of the three measures above)			0
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved			0
Ongoing			0
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered			14
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	11	0	11
Number of referrals to Attorney General for possible criminal action			0
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)		\$0.00	

* The number of retail sites is used to calculate the universe.

Composting

PURPOSE

MDE's composting regulations and permits ensure the proper management and recycling of organic materials, such as yard trimmings, food scraps, non-recyclable paper, and animal manure and bedding. Composting operations produce compost that may be sold to consumers. Subject to certain exceptions, a composting operation that uses greater than 5,000 square feet of area in support of composting is required to obtain a permit from MDE. Composting regulations provide for two types of composting permits: a) General Composting Facility Permit; and b) Individual Composting Facility Permit.

AUTHORITY

STATE: Environment Article, Title 9, Subtitle 17; COMAR 26.04.11

PROCESS

MDE reviews Notices of Intent for General Permit coverage and applications for individual permit coverage. For both types of permits, MDE reviews a detailed operations plan to ensure that the composting facility meets the regulatory requirements. Individual permits require public notice and opportunity for public comments. MDE typically conducts a site inspection prior to issuance of new permit coverage. After a composting permit is issued, MDE conducts periodic inspections of the composting facility to monitor compliance.

Composting

Performance Measure			TOTAL
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued			0
Number of permits/licenses in effect at fiscal year end*			21
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)			20
Number of sites receiving off-site audits and record reviews, but not inspected			0
Number of sites evaluated for compliance (sum of the two measures above)			20
Number of inspections, spot checks (captures number of compliance activities at sites)			101
Number of audits (captures number of reviews of file/submittals for compliance)			0
Number of inspections, audits, spot checks (sum of the two measures above)			101
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations			2
Percentage of inspected sites/facilities with significant violations			10%
Inspection coverage rate (number of sites inspected/coverage universe)			95%
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact			6
Number of significant violations based on technical/preventative deficiencies			0
Number of significant violations carried over awaiting disposition from previous fiscal year			5
Total number of significant violations (sum of the three measures above)			11
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved			0
Ongoing			11
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered			0
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	5	0	5
Number of referrals to Attorney General for possible criminal action			0
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$0.00

*Included four landfill permits

Land Restoration Program

PURPOSE

The Land Restoration Program (LRP) protects public health and the environment by identifying sites that are contaminated or potentially contaminated by controlled hazardous substances (CHS) and by conducting and overseeing environmental assessment and cleanup projects.

AUTHORITY

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

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

PROCESS

Until 1997, Maryland placed sites where hazardous substances were released, or possibly released, on the State Master List and in the Disposal Site Registry. The Disposal Site Registry includes all the sites for which the State performed a preliminary site assessment and determined hazardous waste is present. For these sites, State funds may be used to conduct remedial action as no viable responsible party has been identified. This list is updated annually. The Disposal Site Registry includes all the information and ranking set forth in Section 7-233(f)(2). The Disposal Site Registry is listed in the Maryland Manual. msa.maryland.gov/msa/mdmanual/14doe/html/doer.html

Starting in 2013, the State Master List was revised and renamed. Newly-identified sites are now recorded on the Brownfield Master Inventory List - Active Sites or the Brownfield Master Inventory List - Archive Sites. The lists are available on MDE's website here: mde.maryland.gov/programs/Land/MarylandBrownfieldVCP/Pages/BrownfieldMasterInventory.aspx

LRP's assessment activities include investigating and sampling sites to determine whether cleanup is necessary. If the identified contamination is determined to represent a risk to public health or the environment, remedial activities are conducted to address the sites contaminated by CHS. Assessments and cleanups are conducted based on available resources.

WATER AND SCIENCE ADMINISTRATION

Water and Science Administration Executive Summary

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

SSDSP includes the Dam Safety Division. In past years, a compliance concern has been that many of Maryland's high- and significant-hazard dams lacked current Emergency Action Plans (EAPs), which are critical for storm preparedness and public safety. In 2017, the state enacted new legislation requiring that owners of high- and significant-hazard dams submit updated EAPs by May 1 of each year, and participate in a functional exercise of the EAP once every five years.

WSA's Compliance Program is responsible for compliance monitoring, including inspections and audits, compliance assurance, and enforcement of permit and regulatory requirements for groundwater discharges, surface water discharges, erosion and sediment control, waterway construction, nontidal wetlands, and tidal wetlands. The Compliance Program prioritizes sites across all of these media in order to effectively use its resources to assure compliance with applicable laws, regulations, and permit conditions at the most important sites. When significant noncompliance is found, the program works to return sites to compliance in an expeditious manner. In some cases the actions necessary to achieve compliance require long-term projects or monitoring under enforceable schedules.

In FY20, the Compliance Program investigated contaminated seeps into the Potomac River in Luke. This investigation led to filing suit in federal court.

The Compliance Program is participating in EPA's National Compliance Initiative to reduce NPDES significant noncompliance (SNC). This initiative aims to reduce the SNC rate for individually-permitted facilities by half by the end of FY22. The Compliance Program started on this initiative by reaching out to facilities with data issues. The Compliance Program was able to resolve many of the violations by obtaining the missing data or making corrections in the data system. Continued progress on reducing the SNC rate will result in pollution reductions as a higher percentage of facilities remain in compliance with their permit limits.

In FY20, the Water Supply Program responded to major incidents at several water systems, including the following two examples:

The Mount Pleasant Water Company, a small water system with 42 connections in rural St. Mary's County, suffered from a lack of a licensed operator and poor maintenance. This system suffered an outage and the owner was unable or unwilling to take steps to correct the problem. The local health department alerted MDE staff on the second day of the outage. When efforts to convince the owner to fix the problem failed, MDE reached out to a local agency, MetCom, to help restore water pressure. After water pressure was restored, MDE arranged for MES to repair

and operate the system. Subsequently, an established private water management company has taken over ownership and operations of the water system.

The Town of Pittsville, in Wicomico County, began experiencing discolored water in April 2019 due to elevated iron levels. At the end of March 2019, their certified operator had resigned and a temporary operator was operating the plant. WSP made several site visits in response to complaints from residents and to assist the Town. A significant deficiency was issued in June in regards to management and operations, inadequate treatment, and the distribution system. Elevated iron levels continued into September 2019. The Town hired a private water management company in October 2019 to operate the plant; iron levels have been consistently under the EPA secondary standard since October 21, 2019.

WSA SUMMARY PERFORMANCE MEASURES

	<u>2019 Totals</u>	<u>2020 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	5,074	4,165
Number of Permits/Licenses in Effect at Fiscal Year End	29,245	18,803
<u>OTHER REGULATED SITES/FACILITIES</u>		
Other Sites	4,007	3,944
<u>INSPECTIONS</u>		
Number of Sites Inspected	3,305	2,929
Number of Sites Audited but Not Inspected	3,504	3,949
Number of Inspections, Audits, Spot Checks	87,395	69,871
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	5,759	5,471
Number of Enforcement Actions Taken*	803	715
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$1,576,056	\$842,311

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

Discharges to Groundwater

PURPOSE

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

AUTHORITY

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

PROCESS

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

Groundwater Discharges

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	19		
Number of permits/licenses in effect at fiscal year end	251		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	29		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	107		
Number of sites evaluated for compliance (sum of the two measures above)	136		
Number of inspections, spot checks (captures number of compliance activities at sites)	70		
Number of audits (captures number of reviews of file/submittals for compliance)	2,010		
Number of inspections, audits, spot checks (sum of the two measures above)	2,080		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	2		
Percentage of inspected sites/facilities with significant violations	6%		
Inspection coverage rate (number of sites inspected/coverage universe)	11.55%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	4		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	20		
Total number of significant violations (sum of the three measures above)	24		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	2		
Ongoing	22		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	1		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action	1		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$10,000 ⁶		

⁶ Penalty action was taken prior to FY20, but penalty was collected in FY20.

Discharges to Surface Water

PURPOSE

Federal Clean Water Act requirements control water pollution generated from a wide variety of sources, including industrial activities, sewage treatment plants, certain agricultural activities, and stormwater runoff from industrial, municipal and agricultural sources. All industrial, commercial or institutional facilities that discharge wastewater, including stormwater from certain industrial facilities, directly to surface waters of Maryland need a permit. Permit holders include local, state, and federal government agencies, as well as privately-owned treatment systems.

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

Surface water discharge permits may combine all applicable state and federal requirements into one permit for facilities that discharge to state surface waters.

AUTHORITY

FEDERAL: Clean Water Act

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

PROCESS

WSA's Compliance Program performs inspections of sites with surface water discharge permits as part of its overall inspection priority scheme.

Surface Water Discharges

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued*	1,199		
Number of permits/licenses in effect at fiscal year end	8,645		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	801		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	864		
Number of sites evaluated for compliance (sum of the two measures above)	1,665		
Number of inspections, spot checks (captures number of compliance activities at sites)	2,287		
Number of audits (captures number of reviews of file/submittals for compliance)	17,938		
Number of inspections, audits, spot checks (sum of the two measures above)	20,225		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	29		
Percentage of inspected sites/facilities with significant violations	3%		
Inspection coverage rate (number of sites inspected/coverage universe)	26.72%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	48		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	119		
Total number of significant violations (sum of the three measures above)	167		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	42		
Ongoing	125		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	77		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	2	2	4
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	17	1	18
Number of referrals to Attorney General for possible criminal action			1
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$555,998		

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

Industrial Pretreatment Discharges

PURPOSE

WSA's Pretreatment Program is responsible for overseeing implementation of the National Pretreatment Program delegated to Maryland localities. The responsibilities include regulating wastewaters from industrial and other non-domestic sources discharged into publicly-owned treatment works (POTW). The program also seeks to prevent the discharge of toxic or corrosive discharges to the collection systems serving POTWs that may result in process upsets and failure of critical infrastructure. 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 treatment plant operator and by WSA, and incorporated by reference into the permit issued by WSA. Local governments are responsible for issuing penalties and enforcement actions associated with this program, so those numbers are not reflected in WSA's enforcement statistics.

AUTHORITY

FEDERAL: Clean Water Act

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

PROCESS

Primarily the Pretreatment Program oversees 20 delegated local pretreatment programs. Oversight also involves providing the local programs with technical and regulatory assistance. Staff inspect and audit the local pretreatment programs, they conduct joint review of industrial user permits, they review quarterly status reports, and take enforcement actions when necessary. The Pretreatment Program also issues permits to industrial users discharging to wastewater treatment plants in areas of the state without delegated pretreatment programs. Compliance of these industrial users is evaluated through annual inspections and review of periodic compliance reports. The Pretreatment Program also issues permits to categorical industrial users located in areas not serviced by jurisdictions with delegated pretreatment programs. The inspection coverage rate includes these industrial users as well as the entities directly permitted by WSA.

Pretreatment Discharges

Performance Measure			TOTAL
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued			1
Number of permits/licenses in effect at fiscal year end *			4
OTHER REGULATED SITES/FACILITIES			
POTWs			20
POTW issued permits (delegated programs)			198
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)			7
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)			5
Number of sites evaluated for compliance (sum of the two measures above)			12
Number of inspections, spot checks (captures number of compliance activities at sites)			7
Number of audits (captures number of reviews of file/submittals for compliance)			5
Number of inspections, audits, spot checks (sum of the two measures above)			12
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations			0
Percentage of inspected sites/facilities with significant violations			0%
Inspection coverage rate (number of sites inspected/coverage universe) **			6.1%
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact			0
Number of significant violations based on technical/preventative deficiencies			0
Number of significant violations carried over awaiting disposition from previous fiscal year			0
Total number of significant violations (sum of the three measures above)			0
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved			0
Ongoing			0
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered			0
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action			0
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$0

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

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

Erosion and Sediment Control and Stormwater Management for Construction Activity

PURPOSE

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

AUTHORITY

FEDERAL: Clean Water Act, Section 402; 40 CFR

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

PROCESS

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

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

Stormwater and Erosion and Sediment Control are combined into one table because at the state level these projects are reviewed and approved as one project. Inspections performed related to permits for the discharge of stormwater associated with construction activities are included in the table for surface water discharges.

Erosion and Sediment Control and Stormwater Management for Construction Activity

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of approvals issued	740		
Number of approvals in effect at fiscal year end	3,243		
INSPECTIONS			
Number of sites inspected (“inspected” defined as at the site)	692		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above)	692		
Number of inspections, spot checks (captures number of compliance activities at sites)	2,072		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above)	2,072		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	16		
Percentage of inspected sites/facilities with significant violations	2%		
Inspection coverage rate (number of sites inspected/coverage universe)	21%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	18		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	53		
Total number of significant violations (sum of the three measures above)	71		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	16		
Ongoing	55		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	72		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	1	0	1
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	3	0	3
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$90,285		

Water Supply Program

PURPOSE

The mission of WSP is to ensure that public drinking water systems provide safe and adequate water to all current and future users, and that appropriate usage, planning, and conservation policies are implemented for water resources. This mission is accomplished through proper planning for water withdrawal, protection of water sources used for public water supplies, oversight and enforcement of routine water quality monitoring at public water systems, regular on-site inspections of water systems, review of design plans for new or upgraded water treatment, and prompt response to water supply emergencies. In addition to ensuring that public drinking water systems meet federal and state requirements under the public water system supervision program, WSP also administers the wellhead/source protection program, and issues Water Appropriation and Use Permits to both public and privately-owned water suppliers, and to thousands of other entities withdrawing water for agricultural, industrial or commercial purposes statewide. The program also certifies laboratories that analyze water samples, issues licenses for water samplers, and oversees two professional licensure boards: the Board of Waterworks and Waste Systems Operators and the Board of Well Drillers. WSP's activities reported here are divided into six categories as listed and discussed below.

Community and Non-Transient Non-Community Water Systems

WSP regulates approximately 1,016 community water systems, including municipal, county, and private systems, and non-transient non-community water systems such as businesses, schools, and day care facilities that have their own water source. These systems must test for over 90 regulated contaminants on schedules that vary based on water source, system type and population.

Transient Non-Community Water Systems

Maryland also has approximately 2,259 transient non-community water systems such as rest areas, gas stations, campgrounds, and restaurants with their own water source. These systems are regularly inspected and tested for acute contaminants. Fifteen of the 23 counties have MDE-delegated authority for these systems. WSP directly enforces the requirements for the other eight counties.

Drinking Water Laboratory Certification

The federal Safe Drinking Water Act requires that compliance samples be analyzed by state-certified laboratories. The laboratories certified under this program are also used by the county health departments and other MDE programs to analyze drinking water for private wells and for investigation of underground storage tanks (USTs).

Water Appropriation and Use Permits

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

Board of Waterworks and Waste Systems Operators

WSP oversees a certification program for operators and superintendents of water treatment plants, water distribution systems, wastewater treatment plants, wastewater collection systems, industrial wastewater facilities, and certain pretreatment facilities that discharge to sanitary sewers. Certification helps to protect public health and the environment by setting minimum education, experience, and examination standards that applicants must satisfy.

Board of Well Drillers

The State Board of Well Drillers sets standards and administers qualifying license examinations to individuals who drill water wells or install water pumps or water conditioning equipment.

PROCESSES

Community and Non-Transient Non-Community Water Systems

WSP includes review and approval of potential water sources and construction plans; evaluation of each new system's technical, financial, and managerial capacity; regular inspection of drinking water facilities; complaint and emergency response; monthly operating report review; review of each county's water and sewer amendments and plans (to ensure that planned growth can be supported by existing utilities); close oversight of water quality monitoring; and ensuring that water treatment facilities employ licensed operators.

Public water systems are required to conduct routine sampling of their water quality. The type and frequency of analysis depend on the type of system, its population, and the vulnerability of its water supply. WSP reviews and evaluates more than 50,000 water quality records each year. Emphasis is placed on preventive measures to avoid serious public health incidents. The vast majority of drinking water violations are corrected immediately or following the issuance of a Notice of Violation. Systems must notify their consumers when violations of the Safe Drinking Water Act occur.

Transient Non-Community Water Systems

Transient non-community water systems are required to monitor only for contaminants that have acute public health risks, including nitrate, nitrite, and bacteria. In Maryland, 15 counties have received delegated authority for oversight of transient non-community water systems in their counties. These counties conduct routine inspections and ensure that systems are monitored in accordance with state and federal requirements. In addition to providing funding, WSP provides guidance and training to the counties, and reports health-based violations to EPA for these systems.

WSP directly oversees implementation of federal and state regulations for 922 transient non-community water systems in the eight non-delegated counties: Anne Arundel, Cecil, Charles, Harford, Montgomery, Prince George's, Washington and Wicomico counties. Oversight includes regular inspections of the systems, enforcement of monitoring requirements, and follow-up to any water quality problems that arise. WSP reports technical and health-based violations to EPA on a quarterly basis for these systems.

Drinking Water Laboratory Certification

WSP currently certifies 97 laboratories, including 43 Maryland labs and 54 out-of-state labs certified through reciprocity arrangements. These labs analyze compliance samples for public drinking water systems in Maryland. The certification of in-state laboratories includes an annual document review and a triennial on-site inspection. Each Maryland laboratory is evaluated by the appropriate personnel for the specialized area of analysis (i.e., microbiology, inorganic chemistry, or organic chemistry). WSP does not perform on-site evaluations for out-of-state laboratories, so in the following table, the inspection completion rate is based on the universe of 43 active Maryland laboratory sites.

Water Appropriation and Use Permits

The Water Appropriation and Use Permit review process is complex, and requires significant technical and administrative evaluation. All applicants except agricultural users are required to submit the results of aquifer tests and hydrogeologic investigations as part of their permitting process. For agricultural users, WSP staff conducts hydrogeologic investigations on behalf of the applicant.

Community and Non-Transient Non-Community Water Systems

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	0		
Number of permits/licenses in effect at fiscal year end	0		
OTHER REGULATED SITES/FACILITIES			
Number of community and non-transient non-community water systems *	1,016		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	186		
Number of sites audited but not inspected	830		
Number of sites evaluated for compliance (sum of the two measures above)	1,016		
Number of inspections, spot checks (captures number of compliance activities at sites)	186		
Number of audits (captures number of reviews of file/submittals for compliance)	34,420		
Number of inspections, audits, spot checks (sum of the two measures above)	34,606		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations **	1		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe) ***	18%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	1		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year.	0		
Total number of significant violations (sum of the three measures above)	1		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	1		
Ongoing	0		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	268	0	268
Notices given to public by water systems under Section 9-410	51		
Number of referrals to Attorney General for possible criminal action	1		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

* This number is the total number of systems at the end of the fiscal year. This number can fluctuate throughout the year. The coverage universe is 1,016.

** Number of sites in significant violation includes sites with violations carried over.

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

Transient Non-Community Water Systems

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	0		
Number of permits/licenses in effect at fiscal year end	0		
OTHER REGULATED SITES/FACILITIES			
Number of transient non-community water systems	2,258		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	312		
Number of sites audited but not inspected	1,946		
Number of sites evaluated for compliance (sum of the two measures above)	2,258		
Number of inspections, spot checks (captures number of compliance activities at sites)	312		
Number of audits (captures number of reviews of file/submittals for compliance)	8,404		
Number of inspections, audits, spot checks (sum of the two measures above)	8,716		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0		
Inspection coverage rate (number of sites inspected/coverage universe) *	14%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year.	0		
Total number of significant violations (sum of the three measures above)	0		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	0		
Ongoing	0		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	310	0	310
Notices given to public by water systems under Section 9-410 **	9		
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

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

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

Drinking Water Laboratory Certification

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	76		
Number of permits/licenses in effect at fiscal year end	96		
OTHER REGULATED SITES/FACILITIES			
Number of in-state certified drinking water laboratories*	43		
Number of out-of-state certified drinking water laboratories	54		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	8		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	106		
Number of sites evaluated for compliance (sum of the two measures above)	114		
Number of inspections, spot checks (captures number of compliance activities at sites)	11		
Number of audits (captures number of reviews of file/submittals for compliance)	106		
Number of inspections, audits, spot checks (sum of the two measures above)	117		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe)*	19%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	0		
Total number of significant violations (sum of the three measures above)	0		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	0		
Ongoing	0		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Notices given to public by water systems under Section 9-410	N/A		
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

* This is the total number of laboratories that had certification during the fiscal year and may be greater than the number in effect at the end of the fiscal year. Only in-state laboratories receive on-site inspections.

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

Water Appropriation Permits

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	229		
Number of permits/licenses in effect at fiscal year end	6,917		
OTHER REGULATED SITES/FACILITIES			
	N/A		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	0		
Number of sites audited but not inspected	91		
Number of sites evaluated for compliance (sum of the two measures above)	91		
Number of inspections, spot checks (captures number of compliance activities at sites)	0		
Number of audits (captures number of reviews of file/submittals for compliance)	91		
Number of inspections, audits, spot checks (sum of the two measures above)	91		
COMPLIANCE PROFILE*			
Number of inspected sites/facilities with significant violations	0		
Percentage of inspected sites/facilities with significant violations	0		
Inspection coverage rate (number of sites inspected/coverage universe)	0		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations awaiting disposition from previous fiscal year	0		
Total number of significant violations (sum of the three measures above)	0		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	0		
Ongoing	0		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	5,271		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	44	0	44
Notices given to public by water systems under Section 9-410	N/A		
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

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

Dam Safety

PURPOSE

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

The purpose of the Dam Safety Inspection and Compliance Division is to ensure that dams and other impoundment structures are constructed, operated, and maintained in accordance with applicable permits and requirements. The Division conducts safety inspections of existing dams, conducts construction inspections, ensures that satisfactory emergency action plans are in place, and provides technical assistance to dam owners and local soil conservation districts.

AUTHORITY

STATE: Environment Article, Title 5, Subtitle 5; COMAR 26.17.04.05

PROCESS

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

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

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

Hazard Class	Number in Category	Inspection Frequency	Sites Targeted/Year
High	101	Annually	101
Significant	148	Every 3 years	49
Low	304	Every 5-7 years	50
Total	553	--	200

Dam Safety

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	26		
Number of permits/licenses in effect at fiscal year end	737		
OTHER REGULATED SITES/FACILITIES			
High-hazard dams in operation	101		
Total dams in operation	553		
INSPECTIONS			
Number of high-hazard dams inspected*	61		
Number of total sites inspected ("inspected" defined as at the site)	127		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above)	127		
Number of inspections, spot checks (captures number of compliance activities at sites)	127		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above)	127		
COMPLIANCE PROFILE			
Percentage of required emergency plans received by fiscal year end	86%		
Number of inspected sites/facilities with significant violations	31		
Percentage of inspected sites/facilities with significant violations	24%		
Inspection coverage rate (number of sites inspected/coverage universe)**	23%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	3		
Number of significant violations based on technical/preventative deficiencies	28		
Number of significant violations carried over awaiting disposition from previous year	8		
Total number of significant violations (sum of the three measures above)	39		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	31		
Ongoing	8		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	0		
	Admini- strative	Civil/ Judicial	Total
Number of show cause, remedial, corrective actions issued	3	0	3
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

* Dam inspections are performed on a calendar year basis to facilitate reporting to the National Inventory of Dams. It is anticipated that all high hazard dams will be inspected by the end of CY20, although this may be impacted by current COVID restrictions.

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

Nontidal Wetlands, Waterways, and Floodplains

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 non-tidal wetlands over present conditions. One of the mechanisms established by the act to accomplish this goal is a comprehensive regulatory program that targets all activities that have a potential to adversely impact nontidal wetlands, including:

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

MDE's permitting process requires applicants to first evaluate project designs that will avoid wetland impacts. Based on this evaluation, if MDE finds that impacts are unavoidable, the applicant must use the project design that minimizes and mitigates those impacts.

Mitigation means that the applicant must replace lost wetland acreage, function, and value. This is usually accomplished by requiring wetlands creation, restoration, or enhancement. MDE may also accept monetary compensation if mitigation of wetland losses is not feasible. These payments are used to construct nontidal wetlands.

In addition, MDE is also responsible for addressing potential impacts to the state's nontidal waterways. Authorization is required for any activity that changes the course, current or cross-section of a nontidal stream or body of water, including the 100-year floodplain. Waterway construction activities are evaluated to ensure that they do not create flooding and protect aquatic resources from degradation.

AUTHORITY

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

PROCESS

Inspections are performed to verify that projects are in accordance with their authorizations and that the resultant construction impacts are in accordance with applicable permits. This may involve identifying or verifying a nontidal wetland boundary or determining the floodplain boundary before project compliance can be determined. MDE does not have the statutory authority to collect administrative penalties for this program.

Nontidal Wetlands, Waterways, and Floodplains

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/authorizations issued	712		
Number of permits/authorizations in effect at fiscal year end	3,078		
INSPECTIONS			
Number of sites inspected (“inspected” defined as at the site)	565		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above)	565		
Number of inspections, spot checks (captures number of compliance activities at sites)	1,462		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above)	1,462		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	9		
Percentage of inspected sites/facilities with significant violations	1%		
Inspection coverage rate (number of sites inspected/coverage universe)	18%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	8		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	29		
Total number of significant violations (sum of the three measures above)	37		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	9		
Ongoing	28		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	43		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	1	0	1
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	2	0	2
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$93,392		

Tidal Wetlands, Waterways, and Floodplains

PURPOSE

Tidal wetlands are open water and vegetated estuarine systems affected by the rise and fall of the tide. In 1970, Maryland enacted the Wetlands and Riparian Rights Act to restrict and regulate activities conducted in tidal wetlands in order to preserve and protect them.

Today, through its regulatory program, MDE strives for a net resource gain over present conditions. Tidal wetlands are managed to provide reasonable use while furnishing essential resource protection. A license or permit must be obtained before a person dredges, fills or otherwise alters a tidal wetland. Licenses are issued for activities conducted in state wetlands by the Maryland Board of Public Works, based on recommendations from MDE. Permits are issued directly by MDE for activities conducted in private wetlands.

The permitting process for tidal wetlands is similar to that described for nontidal wetlands and waterways. Applications are evaluated to ensure that appropriate steps are taken to first avoid, and then minimize, impacts to tidal wetlands. Mitigation is required for unavoidable impacts, with the amount of mitigation based on resources impacted; type of mitigation proposed; and location of mitigation. In-kind and on-site mitigation is preferred and required wherever appropriate site conditions exist.

AUTHORITY

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

PROCESS

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

WSA actively works to resolve numerous cases involving unauthorized impacts to tidal wetlands. Citizen complaints help MDE identify the majority of tidal wetlands violations.

Tidal Wetlands and Waterways

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	1,163		
Number of permits/licenses in effect at fiscal year end	3,613		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	202		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above)	202		
Number of inspections, spot checks (captures number of compliance activities at sites)	363		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above)	363		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	4		
Percentage of inspected sites/facilities with significant violations	1%		
Inspection coverage rate (number of sites inspected/coverage universe)	5.59%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	4		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	37		
Total number of significant violations (sum of the three measures above)	41		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	8		
Ongoing	33		
ENFORCEMENT ACTIONS			
Number of compliance assistance rendered	7		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	1	1
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$92,636		

OFFICE OF BUDGET AND INFRASTRUCTURE FINANCING

Water Supply and Sewerage Construction

PURPOSE

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

AUTHORITY

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

PROCESS

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

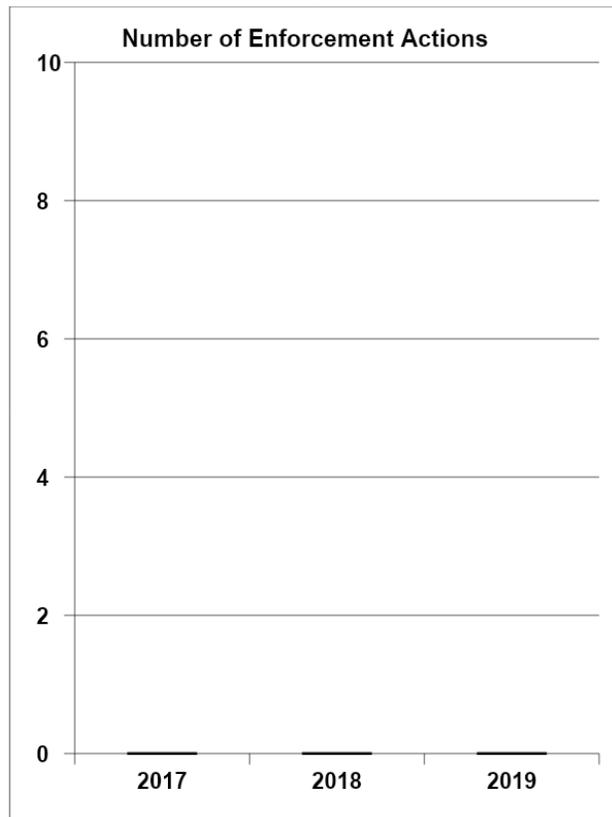
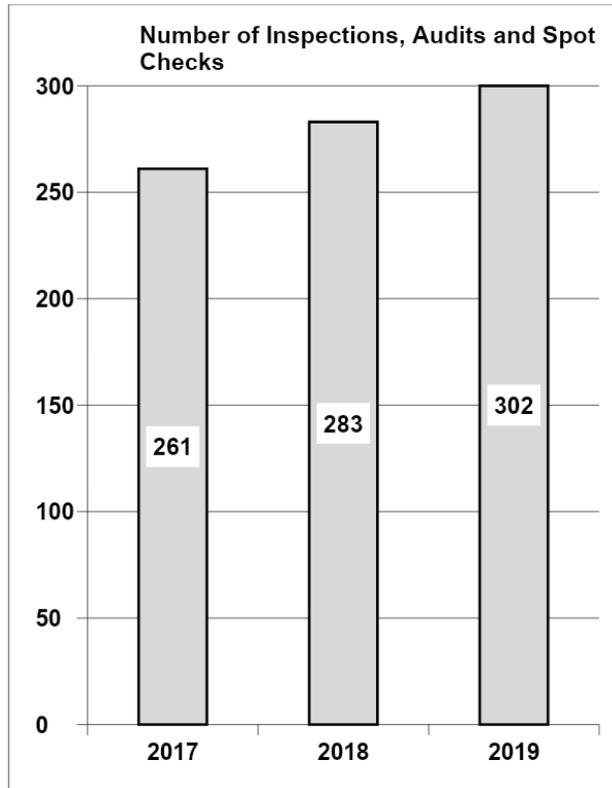
Once approved, the project must be constructed in accordance with the approved plans and specifications. Staff engineers perform inspections to verify the facility is constructed to the approved design and/or the permittee submits "as built" plans or certification that the project was built in accordance with original plans as approved by MDE. This program does not have authority to pursue traditional enforcement actions. For projects where MDE is providing funding, construction violations would necessitate the return of state funds by the local jurisdiction. If a construction violation were to go unnoticed, the eventual result would be the failure of the facility to meet its discharge permit requirements or other performance requirements. At that time, traditional enforcement tools available under the discharge permit program would be utilized.

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

Water Supply and Sewerage Construction

Performance Measure	TOTAL		
PERMITTED SITES/FACILITIES			
Number of permits/licenses issued	122		
Number of permits/licenses in effect at fiscal year end	385		
INSPECTIONS			
Number of sites inspected ("inspected" defined as at the site)	128		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	0		
Number of sites evaluated for compliance (sum of the two measures above)	128		
Number of inspections, spot checks (captures number of compliance activities at sites)	262		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, spot checks (sum of the two measures above)	262		
COMPLIANCE PROFILE			
Number of inspected sites/facilities with significant violations	0		
% of inspected sites/facilities with significant violations	0%		
Inspection coverage rate (number of sites inspected/coverage universe)	33%		
SIGNIFICANT VIOLATIONS			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous fiscal year	0		
Total number of significant violations (sum of the three measures above)	0		
DISPOSITION OF SIGNIFICANT VIOLATIONS			
Resolved	0		
Ongoing	0		
ENFORCEMENT ACTIONS*			
Number of compliance assistance rendered	0		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	0	0	0
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	0	0	0
Number of referrals to Attorney General for possible criminal action	0		
PENALTIES			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

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



**OFFICE OF THE ATTORNEY
GENERAL**

ENVIRONMENTAL CRIMES UNIT

Environmental Crimes Unit Executive Summary

The Environmental Crimes Unit (ECU) is part of the Maryland Office of the Attorney General's Criminal Investigations Division, and is responsible for the investigation and prosecution of environmental crimes throughout Maryland.

During FY20, ECU handled 69 incoming inquiries, including referrals, complaints, and requests. Of that total, ECU opened 12 preliminary investigations and 20 formal investigations, for a total of 32 investigations. Of these inquiries and investigations, 20 were the result of referrals from MDE.

Criminal charges were filed and/or prosecuted by ECU in 13 cases. Six cases were completed during the fiscal year, and in those cases the defendants were found guilty of seven separate criminal charges. These cases resulted in jail terms totaling 39 months, terms of probation totaling 18 years, and criminal fines totaling \$120,500 imposed, with \$37,500 to be paid, the majority of which was directed to various environmental funds. At the close of the fiscal year, 27 matters remained open or pending. The matters investigated and reviewed without opening formal criminal investigations were the result of insufficient information available to justify a full-scale investigation; matters readily resolved; or matters sent to another, more appropriate agency to handle.

PURPOSE

Typical environmental cases involve the illegal discharge of pollutants into the air or waters of the state; the illegal accumulation, storage or disposal of oil or hazardous waste; open dumping and accumulation of solid waste; violations of natural resource laws; and frauds associated with Maryland's lead paint laws.

AUTHORITY

The General Assembly, through the Environment Article, provides the Attorney General exclusive or concurrent authority to prosecute criminal violations stemming from investigations involving water pollution, air pollution and waste. Furthermore, the Attorney General's Office is granted authority pursuant to Article V, Section 3 of the Constitution of Maryland to investigate and prosecute certain specified crimes as directed by the governor. Historically, the governor has included authority to investigate and prosecute violations of Maryland's Litter Control Law (§10-110 of the Criminal Law Article) and other broadly-defined related offenses. The unit may seek the governor's authorization to investigate and prosecute other violations not within the Environment Article on either a case-by-case basis, or based on specific areas of concern.

PROCESS

ECU receives complaints or allegations of possible criminal activity from multiple sources, including citizen complaints, other governmental and law enforcement agencies, MDE administrations, or as a result of ECU investigation initiatives. Complaints are initially reviewed by an ECU prosecutor and investigator to determine the appropriateness and available resources for either a preliminary or a full investigation. Cases deemed potentially suitable for prosecution are then subjected to a full investigation for the purpose of gathering sufficient evidence to accurately assess whether to file criminal charges. Various factors are considered in determining whether to pursue criminal enforcement, including:

- whether there is significant environmental harm and/or long-term effects on the public health;
- whether there is evidence of intentionally deceptive, misleading or fraudulent misconduct;
- whether the violator was operating outside the regulatory scheme;
- whether the violation is an isolated incident or part of a continuing or repetitive pattern;
- whether the violator has either a prior criminal record or a history of civil/regulatory enforcement action.

ECU prosecutors file charges by way of criminal information or by indictments returned by grand juries. The cases are then handled by the unit throughout the trial, subsequent violations of probation, and any possible appeals.

In FY20, ECU consisted of two Assistant Attorneys Generals and one criminal investigator. ECU investigators have specialized training and experience in the investigation and prosecution of environmental crimes. Additionally, the Unit coordinates with MDE, the EPA, the Maryland Department of Natural Resources and other local, state and federal authorities.

MDE REFERRALS

In FY20, ECU received 20 referrals from MDE. As a result of these MDE referrals, ECU opened 14 investigations. Including matters carried over from FY19, ECU filed charges in five cases generated from MDE referrals and completed four prosecutions during the fiscal year. Other investigations remain ongoing. Note that charges may also be formally filed in a different fiscal year than when the investigation was opened by ECU. Additionally, in prosecuting criminal cases, it is not uncommon for charges in a case to be filed during one fiscal year and concluded during a subsequent fiscal year.

Table 1 shows the number of total investigations, initiated from MDE referrals, conducted by ECU during FY20.

Table 1: MDE REFERRALS and INVESTIGATIONS OPENED			
	SOURCE OF COMPLAINTS	NUMBER OF REFERRALS	INVESTIGATIONS OPENED
M D E	ARA	1	0
	LMA	9	6
	WSA	1	0
	ERD	9	8
	MDE TOTAL	20	14

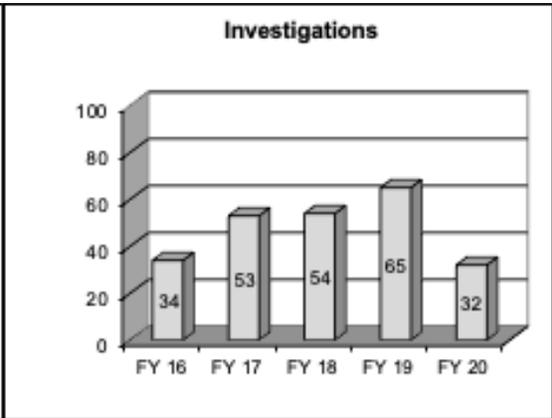
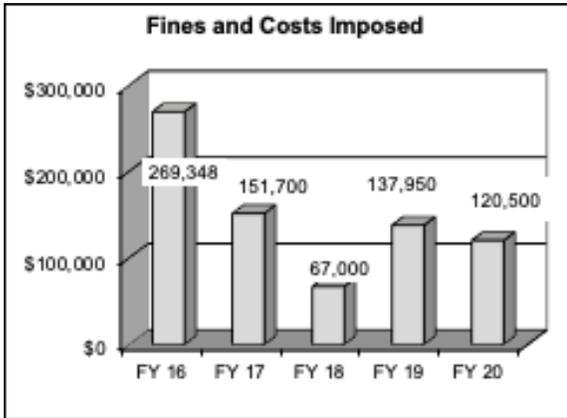
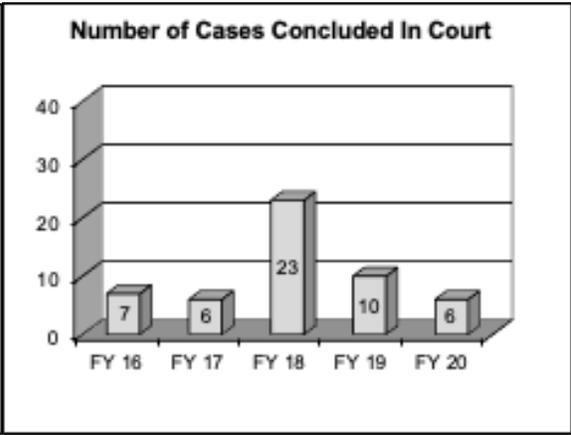
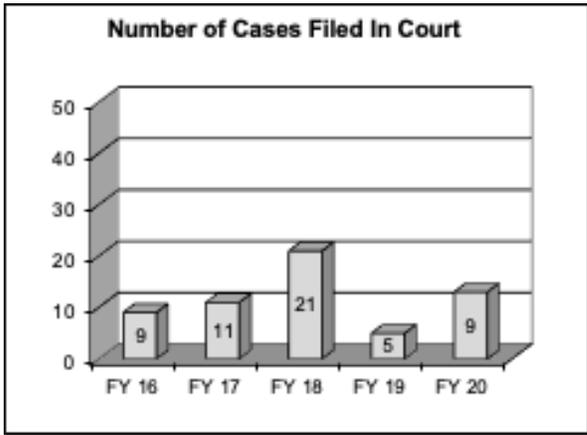
Table 2 shows the total number of cases initiated and/or concluded by ECU during FY20.

Table 2: PROSECUTIONS		
SOURCE OF COMPLAINTS	NUMBER OF CASES FILED	NUMBER OF CASES CONCLUDED
MDE-ARA	0	0
MDE-LMA	2	1
MDE-WSA	1	0
MDE-ERD	2	3
Other Sources	4	2
TOTAL	9	6

Table 3 shows information on criminal cases prosecuted under specified subtitles of the Environment Article.

Table 3: PROSECUTIONS BY ENVIRONMENT ARTICLE SUBTITLE					
	Title 2 Ambient Air Quality Control	Title 7 Hazardous Materials and Hazardous Substances	Title 9 Water, Ice, and Sanitary Facilities		TOTAL
	Subtitle 6	Subtitle 2	Subtitle 2 Water Pollution Control	Subtitle 3 Drinking Water	
Number of Convictions Obtained*	1	1	2	3	7
Imprisonment Time Ordered (Years)	90 days	0	2 yrs	1 yr	3 yrs, 3 mos
Imprisonment Time to Be Served	0	0	0	0	0
Probation Ordered (Years)	3 yrs	5 yrs	3 yrs	7 yrs	18 yrs
Criminal Fines, Restitution and Costs Ordered	0	\$60,000	\$30,000	\$30,500	\$120,500
Criminal Fines & Costs to be Paid	0	\$25,000	\$10,000	\$2,500	\$37,500

* A single case may involve charges from any number of the various titles. In some cases, defendants received Probation Before Judgment, pursuant to Criminal Procedure Article § 6-220.



SECTION THREE:

APPENDICES

APPENDIX A

Environmental Audit Guidance

(Revised 5/15/2006)

MDE encourages strong internal controls in the regulated community and self reporting when permit requirements fall short. MDE may use its enforcement discretion in evaluating penalties for regulated entities that disclose violations of environmental laws or regulations as provided herein.

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

Definitions

“Department” means the Maryland Department of the Environment.

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

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

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

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

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

Statement of Guidance

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

5. The violation made imminent or caused significant environmental harm or had a significant effect upon public health;
 6. The same or a related violation has occurred within the past three years or the violation is part of a pattern of recurrent violations by the regulated entity. For purposes of this section, violation includes any violation of a federal, State or local environmental law or regulation identified in a judicial or administrative order, consent agreement, order or decree, complaint, or notice of violation, conviction or plea agreement; or
 7. The disclosure is made for a fraudulent purpose.
- C. This guidance is not intended for use under circumstances in which the violation(s) at issue would result in the regulated entity gaining an economic advantage over its competitors.
- D. This guidance does not affect individual liability for criminal misconduct.
- E. This guidance does not apply to liability under a judicial or administrative order, consent agreement, order or decree, complaint, notice of violation, conviction or plea agreement.
- F. Relief under this guidance shall not be available if the Department receives formal notification from the delegating federal agency of that agency's intention to propose rescission of the Department's authority over the applicable federal environmental program.

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

May 15, 2006
Date

APPENDIX B Supplemental Environmental Projects

A supplemental environmental project (SEP) is an enforcement tool that augments traditional penalty actions. They are important because the projects provide direct environmental benefits to communities beyond those achieved by facilities returning to compliance.

Administration	Number of SEPs		Total Value of SEPs	
	2019	2020	2019	2020
Air and Radiation Administration	0	0	0	0
Land and Materials Administration	3	1	\$3,552,500	\$2,510,000
Water and Science Administration	0	1	\$0	\$9,000
TOTALS	3	1	\$3,552,500	\$2,519,000

LMA issued one lead-enforcement SEP in FY20, which required the Howard County Housing Authority to take actions to reduce lead-paint risks in 251 residential units.

WSA issued one SEP in FY20, in which Montgomery County agreed to invest \$9,000 in planting trees in the Anacostia River Watershed. This will improve both water and air quality. Additionally, Montgomery County will implement new operating procedures for stormwater management projects that are expected to lead to improved compliance for all county-funded stormwater projects.