



**Maryland**  
Department of  
the Environment

# ANNUAL ENFORCEMENT & COMPLIANCE REPORT

## FISCAL YEAR 2022

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Boyd Rutherford  
Lieutenant Governor

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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 (Department or MDE) to report annual performance results for specific regulatory programs, and the penalty dollars collected and deposited into several funds. 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 FY22 compliance and enforcement activities.

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 or location on the report cover is not an indication of its compliance status, nor does this indicate that the facility or location is referenced in the report.*

## Executive Summary

MDE's 26th Annual Enforcement and Compliance Report covers FY22 (July 2021-June 2022), and reports data from MDE's enforcement and compliance programs, and from the Environmental Crimes Unit (ECU) of the OAG. This document has been prepared in accordance with the requirements of §1-301(d) of the Environment Article, *Annotated Code of Maryland*. In this report, ARA is the Air and Radiation Administration; LMA is the Land and Materials Administration; and WSA is the Water and Science Administration.

During FY22, MDE issued 8,004 new and renewed permits and other approvals, a 12% increase from FY21. The total number of active permits dropped 3% to 62,847.

MDE performed 132,459 inspections, audits, and spot checks, a 10% increase from FY21, and inspected 39,516 sites, a 2% decrease from FY21. The enforcement workforce increased by 13 to 173 full-time employees in FY22.

The number of enforcement actions taken decreased to 2,067 in FY22, down from 15,827 in FY21, due to LMA's later issuance of Notice of Violations (NOVs) to property owners who failed to renew their lead rental registrations. Thousands of these NOVs are issued each year around the end of fiscal year; in summer 2022, the notices were issued at the beginning of FY23. The FY23 Enforcement and Compliance Report will reflect these enforcement actions and those issued at the end of FY23.

Penalties collected from environmental violators totaled \$2,710,153, a decrease from \$2,926,453 in FY21. Changes in penalties collected often reflect the presence or absence of large settlements during the year.

Environmental Justice (EJ) is a priority for MDE, with focus on enhancing quality of life, supporting sustainable economic development, and ensuring environmental protection for all communities. More information about MDE's EJ work appears [here](#).

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's communities and residents.

# Summary Performance Measures

	<u>2021 Totals</u>	<u>2022 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	7,157	8,946
Number of Permits/Licenses in Effect at FY End	64,533	69,414
<u>OTHER REGULATED SITES/FACILITIES</u>		
Total Sites	147,066	141,998
<u>INSPECTIONS</u>		
Number of Sites Inspected	40,213	39,516
Number of Sites Audited But Not Inspected	8,669	7,722
Number of Inspections, Audits, Spot Checks	120,627	132,459
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Actions Rendered	12,776	13,746
Number of Enforcement Actions Taken*	15,827	2,067
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained**	\$2,926,453	\$2,710,153

\* The decrease in enforcement actions was due to a delay in sending Notices of Violation (NOVs) to property owners who failed to renew lead rental registrations. More information on this can be found in LMA's section of the report.

\*\* This reflects the amount collected in the FY, not the penalties assessed. Collection of penalties sometimes takes place in later fiscal years than the associated violations.

# Enforcement Workforce

	Compensation*		Workforce Inspectors**		Full Time Employee (FTE) Vacancies***	
	<u>FY21</u>	<u>FY22</u>	<u>FY21</u>	<u>FY22</u>	<u>FY21</u>	<u>FY22</u>
Air/Radiation	\$3,172,072	\$3,340,399	36	35	5	3
Land	\$6,444,110	\$7,204,509	68	78	19	13
Water	\$4,686,815	\$4,273,909	56	60	9	7
Total	\$14,302,997	\$14,818,817	160	173	33	23

\* "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 FY. 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 FY.

## Section 1-301(d) Penalty Summary

This table reflects penalties collected during the FY, 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).

<b>TOTAL AMOUNT OF MONEY DEPOSITED AS A RESULT OF ENFORCEMENT ACTIONS AS REQUIRED BY SECTION 1-301(d)</b>	<b>FY21</b>	<b>FY22</b>
<b>Clean Air Fund (includes Air Quality and Asbestos)</b>	\$387,134	\$392,000
<b>Clean Water Fund (includes WSA &amp; LMA)</b>	\$108,655 (LMA) \$1,650,466 (WSA)	\$16,900 (LMA) \$1,364,156 (WSA)
<b>Hazardous Substance Control Fund</b>	\$0	\$50,300
<b>Nontidal Wetland Compensation Fund<sup>1</sup></b>	\$0	\$0
<b>Oil Disaster Containment Clean Up and Contingency Fund</b>	\$121,800	\$122,255
<b>Recovered from Responsible Parties (under §7-221)<sup>2</sup></b>	\$150,322	\$217,540
<b>Sewage Sludge Utilization Fund (This fund is now included in the Clean Water Fund)</b>	\$0	\$0

<sup>1</sup> Nontidal wetlands violations are required to be reported here, but no penalty collections are shown because they only collect civil penalties, not administrative penalties.

<sup>2</sup> 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 FY17-FY22

Performance Measure	2017	2018	2019	2020	2021	2022
<b>PERMITTED SITES/FACILITIES</b>						
Number of Permits/Licenses Issued	8,568	8,643	8,615	7,423	7,157	8,946
Number of Permits/Licenses in Effect at FY End	64,766	67,278	68,387	57,513	64,533	69,414
<b>OTHER REGULATED SITES/FACILITIES</b>						
Other Sites	162,068	160,244	153,908	151,468	147,066	141,998
<b>INSPECTIONS *</b>						
Number of Sites Inspected	70,607	68,264	55,329	31,832	40,213	39,516
Number of Inspections, Audits, Spot Checks	189,721	181,852	171,585	127,462	120,627	132,459
<b>ENFORCEMENT ACTIONS</b>						
Number of Compliance Assistance Actions Rendered	16,811	14,829	16,450	12,165	12,776	13,746
Number of Enforcement Actions Taken	8,249	8,590	9,914	6,581	15,827	2,067
<b>PENALTIES</b>						
Amount of Penalties Obtained (\$)**	3,233,531	32,051,614	5,573,586	1,785,225	2,926,453	2,710,153

**\* 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 FY. Note that penalties can be collected in the FY after the violation for which they are assessed. This table reflects the amount of revenue obtained (“collected”) in the FY 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.

## **MDE's Enforcement and Compliance Process**

The enforcement and compliance processes used by MDE's air (ARA), water (WSA), and land (LMA) 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 recordkeeping 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 in this report. 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.

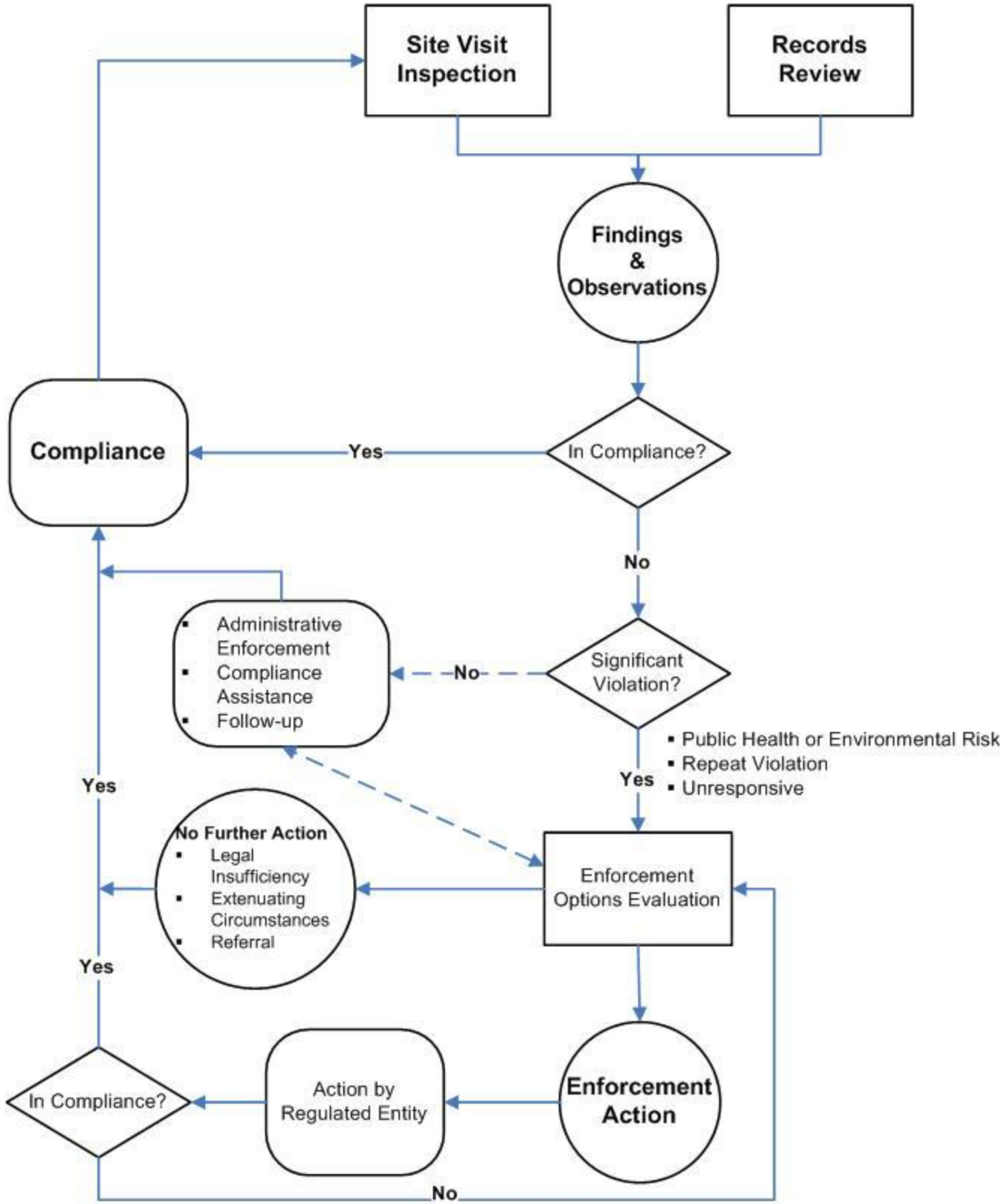
# MDE's Approach to Determining the Appropriate Response to Violations

MDE is committed to consistent, timely, and appropriate compliance that is protective of 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. 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 to protect human health and environmental well-being is always the mission.

# 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 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 often 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 recordkeeping may also be explained. The Department’s website ([mde.maryland.gov](http://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 nontidal 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 FY, 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 FY 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 FY.

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 FY. 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 (DMRs), 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 FY.

*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 FY 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 OAG 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 FY. 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		
<b>1. PERMITTED SITES/FACILITIES</b>			
2. Number of permits/licenses issued			
3. Number of permits/licenses in effect at FY end			
<b>4. OTHER REGULATED SITES/FACILITIES</b>			
5. (other sites)			
6. (other sites)			
7. (other sites)			
8. (other sites)			
<b>9. INSPECTIONS</b>			
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)			
<b>16. COMPLIANCE PROFILE</b>			
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)			
<b>20. SIGNIFICANT VIOLATIONS</b>			
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 FY			
24. Total number of significant violations (sum of the three measures above)			
<b>25. DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
26. Resolved			
27. Ongoing			
<b>28. ENFORCEMENT ACTIONS</b>			
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 OAG for possible criminal action			
<b>35. PENALTIES</b>			
36. Amount of administrative or civil penalties obtained (\$ collected in FY)			

# **AIR AND RADIATION ADMINISTRATION**

## **ARA Executive Summary**

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 reports, 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, and gas stations.

The AQCP received 346 air quality complaints in FY22. The program responds to all complaints by telephone or email and, based on the nature of the complaint, identifies and places priority on those that require a field inspection.

In the Asbestos Division (the 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 Radiological Health Program (RHP) licenses, registers, and regulates both electronic sources of radiation and radioactive materials to protect the citizens and the environment from unnecessary exposure to radiation. The RHP continues to maintain focus on implementing, through the licensing, registration, and inspection process, increased security controls for those licensees with applicable quantities and types of radioactive materials and preventative maintenance for radiation machines. The Radiation Machines Division registers x-ray business service providers and state licensed private inspectors.

Recognizing the importance of EJ, ARA has partnered with the Town of Cheverly and the University of Maryland School of Public Health to monitor local air quality in the Cheverly/Sheriff Road area of Prince George's County. This partnership established a hyper-local air sensor network and included targeted MDE inspections. ARA has also focused inspections in the EJ area of Curtis Bay in Baltimore City.

## ARA Summary Performance Measures

	<u>2021 Totals</u>	<u>2022 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	844	1,194
Number of Permits/Licenses in Effect at FY End	29,258	29,175
<u>OTHER REGULATED SITES/FACILITIES</u>		
Other Regulated Sites	2,546	1,729
<u>INSPECTIONS</u>		
Number of Sites Inspected	2,874	2,921
Number of Sites Audited but Not Inspected	1,301	1,371
Number of Inspections, Audits, Spot Checks	18,666	20,535
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	420	778
Number of Enforcement Actions Taken	17	29
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$405,634	398,250

# 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. The Program also addresses air pollution complaints. For this reason, performance measures information is presented in three categories: High-Impact Air Emission Facilities, Low-Impact Air Emission Facilities, and Complaints.

## 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	
<b>PERMITTED SITES/FACILITIES</b>			
Number of sites/facilities		552	
Number of permits/licenses issued		129	
Number of permits/licenses in effect at FY end		3,962	
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)		308	
Number of sites audited but not inspected		204	
Number of sites evaluated for compliance		512	
Number of inspections, spot checks (captures number of compliance activities at sites)		663	
Number of audits (captures number of reviews of file/submittals for compliance)		1,544	
Number of inspections, audits, spot checks		2,207	
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations		6	
Percentage of inspected sites/facilities with significant violations		2%	
Inspection coverage rate (number of sites inspected/coverage universe)		56 %	
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact		1	
Number of significant violations based on technical/preventative deficiencies		5	
Number of significant violations carried over awaiting disposition from previous FY		13	
Total number of significant violations		19	
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved		11	
Ongoing		8	
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered		40	
	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	8	6	14
Number of referrals to OAG for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)		\$391,000	



## Ambient Air Quality Control: Low-Impact Facilities

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of sites/facilities	10,048		
Number of permits/licenses issued	311		
Number of permits/licenses in effect at FY end	19,235		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	745		
Number of sites audited but not inspected	1,009		
Number of sites evaluated for compliance	1,754		
Number of inspections, spot checks (captures number of compliance activities at sites)	789		
Number of audits (captures number of reviews of file/submittals for compliance)	1,563		
Number of inspections, audits, spot checks	2,352		
<b>COMPLIANCE PROFILE</b>			
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%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	1		
Total number of significant violations (sum of the three measures above)	1		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	1		
<b>ENFORCEMENT ACTIONS</b>			
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	0	0	0
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
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 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 email.

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 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 are quickly corrected (often at the time of inspection) and do not reoccur.

## Air Quality Complaints

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of sites/facilities	N/A		
Number of permits/licenses issued	N/A		
Number of permits/licenses in effect at FY end	N/A		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Complaints received at all sites	346		
Complaints received at unregistered/unpermitted sites	292		
<b>INSPECTIONS</b>			
Number of unregistered/unpermitted sites inspected (“inspected” defined as at the site)	22		
Number of inspections and spot checks at unregistered/unpermitted sites (captures number of compliance activities at sites)	144		
Number of initial complaint inspections at all sites*	85		
<b>COMPLIANCE PROFILE</b>			
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)	25%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	4		
	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			0
Number of referrals to OAG for possible criminal action			0
<b>PENALTIES</b>			
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 260 linear feet or more than 160 square feet of asbestos-containing material is subject to federal standards under the U.S. Environmental Protection Agency's (EPA) 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued (Asbestos Contractor Licenses)	127		
Number of permits/licenses in effect at FY end	127		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of asbestos notifications received	795		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	142		
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)	142		
Number of inspections, spot checks (captures number of compliance activities at sites)	170		
Number of audits (captures number of reviews of file/submittals for compliance)	0		
Number of inspections, audits, and spot checks (sum of the two measures above)	170		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	6		
Percentage of inspected sites/facilities with significant violations	4%		
Inspection coverage rate (number of sites inspected/coverage universe)	18%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	38		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous FY	17		
Total number of significant violations (sum of the three measures above)	55		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	21		
Ongoing	34		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	14		
	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	3	3	6
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$1,000		

# 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, cells in the human body can be damaged by numerous small exposures over time, and these multiple exposures have cumulative impacts that may be as detrimental as those from a single large exposure. State regulations, which derive in part from U.S. Food and Drug Administration requirements, mandate 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, 78 certified tubes	Annual
Mammography	136 facilities, 222 tubes	Annual
Hospitals	58 facilities, 1,210 certified tubes	Biennial
Physicians (Chiropractic, MD, GP, Podiatric)	1,281 facilities, 1,977 certified tubes	Biennial
Industrial	372 facilities, 808 certified tubes	Triennial
Dental	2,708 facilities, 10,297 tubes	Triennial
Veterinary Stationary	473 facilities, 518 tubes	Triennial
Veterinary Dental	270 facilities, 277 tubes	Triennial

## Radiation Machines

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of new facility registrations issued	304		
Number of facility registrations in effect at FY end	5,348		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of service companies registered at FY end	304		
Number of licensed private inspectors at FY end	87		
Number of plan review or area surveys reviewed at FY end	158		
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)	1,511		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site) (shielding reviews)	158		
Number of sites evaluated for compliance (sum of the two measures above)	1,669		
Number of on-site inspections and spot checks	4,238		
Number of audits (captures number of reviews of file/submittals for compliance)	11,231		
Number of inspections, audits, spot checks (sum of the two measures above)	15,469		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	193		
Percentage of inspected sites/facilities with significant violations	13%		
Inspection coverage rate (sites inspected / facilities registered)	28%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	999		
Number of significant violations carried over awaiting disposition from previous FY**	201		
Total number of significant violations (sum of the three measures above)	1,200		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	1,171		
Ongoing	29		
<b>ENFORCEMENT ACTIONS</b>			
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 OAGI for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$1,000		

# 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. The Division also issues general and reciprocity licenses for the use of radioactive material.

## 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)	52	2 Years
self-shielded irradiators, hospitals and medical facilities, mobile nuclear medicine, academic research	122	3 Years
portable and fixed nuclear gauges, diagnostic nuclear medicine, research laboratories, general license distribution	326	5 Years



## Radioactive Materials

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	323		
Number of permits/licenses in effect at FY end	503		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Sources from other jurisdictions	39		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	193		
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)	193		
Number of inspections, spot checks (captures number of compliance activities at sites)	193		
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)	193		
<b>COMPLIANCE PROFILE</b>			
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)*	38%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	4		
Number of significant violations carried over awaiting disposition from previous FY	1		
Total number of significant violations (sum of the three measures above)	5		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	2		
Ongoing	3		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	703		
	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	1	0	1
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$5,250		

\*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**

# LMA Executive Summary

MDE's LMA includes seven programs: Resource Management Program, Oil Control Program (OCP), Solid Waste Program (SWP), Land Restoration Program (LRP), Mining Program, Operational and Administrative Services Program (OASP), and Lead Poisoning Prevention Program. Key LMA successes are summarized below.

As part of our commitment to EJ, LMA is committed to mitigating any existing, and preventing new, inequities in communities overburdened by permitted regulated facilities through use of LMA's compliance and enforcement tools. Specifically, LMA continues to prioritize citizen complaints regarding facility non-compliance in communities with EJ concerns and overburdened or underserved communities through enhanced complaint response and resolution time periods. LMA further intends to enhance compliance monitoring efforts in these communities, and where necessary, take expedited enforcement action to resolve outstanding violations. LMA also continues to work on EJ initiatives to mitigate and prevent environmental inequities and to incorporate EJ considerations into permitting activities.

LMA regulates animal-feeding operations, or AFOs. In February 2022, the Highly-Pathogenic Avian Influenza outbreak resulted in immediate restrictions on AFO site visits that continued through June 2022. Despite the restriction, the AFO Compliance Unit staff developed and implemented procedures that enabled some compliance monitoring to continue at poultry AFO facilities by utilizing off-site, remote media methods. The restriction on site visits did not apply to non-poultry AFOs, so inspections of these facilities continued.

In FY20, LRP implemented the DigClean Safety and Land Use Advisory System, which notifies LRP when a Miss Utility ticket has been entered for planned excavation work on or near sites in LRP's Brownfield Master Inventory. LRP's Enforcement and Compliance Strategy was finalized in FY21, which categorized noncompliance activities and associated penalties. In FY22, DigClean notices prompted LRP to further investigate two sites that resulted in the issuance of Notices of Violation (NOV) and associated penalties pursuant to the Enforcement and Compliance Strategy.

A new law went into effect in October 2021 prohibiting mass balloon releases. In FY22, Solid Waste inspectors responded to a complaint alleging a mass balloon release from a Dollar Tree store in Anne Arundel County. Interviews conducted at the store revealed that approximately 30 balloons were released by a store employee. The store was cited and as part of a compliance assistance action, the Dollar Tree district manager communicated the new restrictions to its other stores to reduce the risk of recurrence.

Since the implementation of House Bill 1233 (2019), MDE has received approximately 950 blood lead level (BLL) referrals for Environmental Investigations. Pursuant to COMAR 26.16.08, each referral requires case development, documented attempts to contact the family, environmental investigative work and follow up correspondence.

Solid Waste Compliance Division staff responded to a variety of issues in FY22, from hazardous waste spills on the Eastern Shore to overseeing the continued redevelopment of the Inner Harbor/Fells Point area.

In December 2019, STAT, Inc., a controlled hazardous substance (CHS) hauler, was unable to produce required certifications upon arriving at Clean Harbors, a CHS disposal facility. STAT, Inc. contacted LMA staff requesting assistance in resolving the issue. Upon review, it was discovered that STAT Inc. had

not renewed their CHS hauler certification in 2019; however, STAT Inc. claimed they had, and provided documents. When reviewing these documents, LMA staff determined that the documents were falsified and contained incorrect information, and referred this case to the Environmental Crimes Unit for further investigation. On June 8, 2022, STAT Inc. pleaded guilty in the Circuit Court for Baltimore City to 10 counts of transporting hazardous waste using falsified documents. The Court ordered STAT Inc. to pay a fine of \$500,000 suspending all but \$200,000 and placed the corporation on five years probation.

The LMA Summary Performance Measures chart below shows a significant decline in enforcement actions taken from 2021 (15,183) to 2022 (1,329). This decrease is a result of the Department's review to eliminate properties that no longer require lead registry, which resulted in a delay in sending NOVs for property owners who failed to renew their registrations. These NOVs are typically issued each year around the end of fiscal year; however, for the 2022 renewal year, the notices were delivered at the beginning of FY23. The FY23 Enforcement and Compliance Report will contain the NOVs and the enforcement actions for two years. Moving forward, LMA expects to continue to issue NOVs at the end of each fiscal year.

### LMA Summary Performance Measures

	<u>2021 Totals</u>	<u>2022 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	1,520	2,347
Number of Permits/Licenses in Effect at FY End	8,455	8,335
<u>OTHER REGULATED SITES/FACILITIES</u>		
Other Sites	140,431	136,110
<u>INSPECTIONS</u>		
Number of Sites Inspected	34,159	33,060
Number of Sites Audited but Not Inspected	1,935	1,993
Number of Inspections, Audits, Spot Checks	41,797	42,654
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	6,512	7,609
Number of Enforcement Actions Taken	15,183	1,329*
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$861,193	\$865,605

\*Enforcement actions will rebound in FY23 as violations are enforced one FY later.

# 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 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 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	
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/registrations issued		3	
Number of permits/registrations in effect at FY end		21	
<b>OTHER REGULATED SITES/FACILITIES</b>			
Hazardous waste generators		14,712	
New EPA ID numbers Issued		158	
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)		195	
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)		195	
Number of inspections, spot checks (captures number of compliance activities at sites)		222	
Number of off-site audits (captures number of reviews of file/submittals for compliance)		0	
Total number of inspections, audits and spot checks		222	
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations		24	
Percentage of inspected sites/facilities with significant violations		12%	
Inspection coverage rate (number of sites inspected/coverage universe)		1%	
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact		22	
Number of significant violations based on technical/preventative deficiencies		45	
Number of significant violations carried over awaiting disposition from previous FY		68	
Total number of significant violations (sum of the three measures above)		135	
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved		57	
Ongoing		70	
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered		256	
	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	390	0	390
Number of referrals to OAG for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$50,300

# 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 BLLs, 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 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. LMA collects information from owners of affected properties and issues tracking numbers for the purpose of registration, inspections, certification and annual renewals of affected properties. LMA reviews the registration status of affected properties and determines whether the owner of the property has obtained a lead inspection certificate, if required. If properties are out of compliance, LMA tracks their return to compliance, and may take appropriate enforcement actions where necessary.

# Lead Poisoning Prevention

<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/registrations issued (accreditations)	1,197		
Number of permits/registrations (accreditations) in effect at FY end	2,300		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of registrations processed	12,860		
Number of units registered as of end of FY	116,520		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)			
By accredited lead paint service providers	28,262		
By MDE	1,393		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	15		
Number of sites evaluated for compliance (sum of the three measures above)	29,670		
Number of inspections, spot checks (captures number of compliance activities at sites)			
By accredited lead paint service providers	28,262		
By MDE	1,618		
Number of audits (captures number of reviews of file/submittals for compliance)	15		
Number of inspections, audits, spot checks (sum of the three measures above)	29,895		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	101		
Percentage of inspected sites/facilities with significant violations **	7%		
Inspection coverage rate (number of sites inspected/coverage universe) ***	25%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	51		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous FY	705		
Total number of significant violations (sum of the three measures above)	756		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	369		
Ongoing	387		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	12		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	29	0	29
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	585	0	585
Number of referrals to OAG for possible criminal action	0		
Number of supplemental environmental projects (SEPs) entered into / units affected	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$566,900		

\* 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. 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	152		
Number of permits/licenses in effect at FY end*	1,092		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Oil transfer licenses	267		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	214		
Number of sites receiving off-site audits and record reviews, but not inspected	5		
Number of sites evaluated for compliance (sum of the two measures above)	219		
Number of inspections, spot checks (captures number of compliance activities at sites)	420		
Number of audits (captures number of reviews of file/submittals for compliance)	111		
Number of inspections, audits, spot checks (sum of the two measures above)	531		
<b>COMPLIANCE PROFILE</b>			
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)**	20%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	531		
	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 OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0.00		

\* 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) system 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	NA		
Number of permits/licenses in effect at FY end	NA		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Groundwater remediation sites active at FY end*	909		
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)	270		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	150		
Number of sites evaluated for compliance (sum of the two measures above)	420		
Number of inspections, spot checks (captures number of compliance activities at sites)	943		
Number of audits (captures number of reviews of file/submittals for compliance)	1,236		
Number of inspections, audits, spot checks (sum of the two measures above)	2,179		
<b>COMPLIANCE PROFILE</b>			
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)	30%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	1		
Total number of significant violations (sum of the three measures above)	3		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	2		
Ongoing	1		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	2,177		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	2	0	2
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 OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$750		

\* This number is only sites that are active at the end of the FY. 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: 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 storage tank (UST) 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 EPA requires each federally-regulated UST system to be inspected every three years at a minimum. A UST system 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	297		
Number of permits/licenses in effect at FY end *	389		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Registered UST facilities	2,664		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	1,136		
Number of sites receiving off-site audits and record reviews, but not inspected.	965		
Number of sites evaluated for compliance (sum of the two measures above)	2,101		
Number of inspections, spot checks (captures number of compliance activities at sites)	2,773		
Number of audits (captures number of reviews of file/submittals for compliance)	999		
Number of inspections, audits, spot checks (sum of the two measures above)	3,772		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	54		
Percentage of inspected sites/facilities with significant violations	5%		
Inspection coverage rate (number of sites inspected/coverage universe)**	43%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	54		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous FY	51		
Total number of significant violations (sum of the three measures above)	105		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	47		
Ongoing	58		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	4,393		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	23	0	23
Number of stop work orders	14	0	14
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	57	0	57
Number of referrals to OAG for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$121,505		

\* 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 the 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	19		
Number of permits/licenses in effect at FY end	94		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Unpermitted sites	131		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	229		
Number of sites receiving off-site audits and record reviews, but not inspected.	124		
Number of sites evaluated for compliance (sum of the two measures above)	353		
Number of inspections, spot checks (captures number of compliance activities at sites)	674		
Number of audits (captures number of reviews of file/submittals for compliance)	185		
Number of inspections, audits, spot checks (sum of the two measures above)	859		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	28		
Percentage of inspected sites/facilities with significant violations	12%		
Inspection coverage rate (number of sites inspected/coverage universe)	94%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	115		
Number of significant violations based on technical/preventative deficiencies	6		
Number of significant violations carried over awaiting disposition from previous FY	237		
Total number of significant violations (sum of the three measures above)	358		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	121		
Ongoing	237		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	14		
	Administrative	Civil/Judicial	Total
Number of show cause, remedial, corrective actions issued	1	1	2
Number of stop work orders	0	0	0
Number of injunctions obtained	0	0	0
Number of penalty and other enforcement actions	30	0	30
Number of referrals to OAG for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$10,000		



# 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, 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/registrations issued	233		
Number of permits/registrations in effect at FY end	2,624		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Stockpiles with removal activities during the FY	37		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	501		
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)	501		
Number of inspections, spot checks (captures number of compliance activities at sites)	705		
Number of audits (captures number of reviews of file/submittals for compliance)	70		
Number of inspections, audits, spot checks (sum of the two measures above)	775		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	70		
Percentage of inspected sites/facilities with significant violations	14%		
Inspection coverage rate (number of sites inspected/coverage universe)*	19%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	30		
Number of significant violations based on technical/preventative deficiencies	51		
Number of significant violations carried over awaiting disposition from previous FY	126		
Total number of significant violations (sum of the three measures above)	207		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	45		
Ongoing	159		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	10		
	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	65	0	65
Number of referrals to OAG for possible criminal action			0
<b>PENALTIES</b>			
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 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/registrations issued	99		
Number of permits/registrations in effect at FY end	693		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Unpermitted sites	0		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	64		
Number of sites receiving off-site audits and record reviews, but not inspected.	290		
Number of sites evaluated for compliance (sum of the two measures above)	354		
Number of inspections, spot checks (captures number of compliance activities at sites)	131		
Number of audits (captures number of reviews of file/submittals for compliance)	1,372		
Number of inspections, audits, spot checks (sum of the two measures above)	1,503		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	4		
Percentage of inspected sites/facilities with significant violations	6%		
Inspection coverage rate (number of sites inspected/coverage universe)*	9%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	4		
Number of significant violations carried over awaiting disposition from previous FY	0		
Total number of significant violations (sum of the three measures above)	4		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	3		
Ongoing	1		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	2		
	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 OAG for possible criminal action	0		
<b>PENALTIES</b>			
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 some 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, NOV, and administrative, civil, and criminal mechanisms.

# Animal Feeding Operations

Performance Measure			TOTAL
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/registrations issued			132
Number of permits/registrations in effect at FY end			527
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)*			110
Number of sites receiving off-site audits and record reviews, but not inspected			444
Number of sites evaluated for compliance (sum of the two measures above)			554
Number of inspections, spot checks (captures number of compliance activities at sites)			149
Number of audits (captures number of reviews of file/submittals for compliance)			536
Number of inspections, audits, spot checks (sum of the two measures above)			685
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations			1
Percentage of inspected sites/facilities with significant violations			1%
Inspection coverage rate (number of sites inspected/coverage universe)			21%
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact			4
Number of significant violations based on technical/preventative deficiencies			3
Number of significant violations carried over awaiting disposition from previous FY			1
Total number of significant violations (sum of the three measures above)			8
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved			3
Ongoing			2
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered			69
	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	63	0	63
Number of referrals to OAG for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$6,900

\*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.

## 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. NWW permits are not required for activities performed by an individual or business recycling its own wood wastes on its own premises, for operations at landfills (as they are covered by conditions in the Refuse Disposal Permit), 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/registrations issued	11		
Number of permits/registrations in effect at FY end	48		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Unpermitted sites at FY end	9		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)*	45		
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)	45		
Number of inspections, spot checks (captures number of compliance activities at sites)	134		
Number of audits (captures number of reviews of file/submittals for compliance)	8		
Number of inspections, audits, spot checks (sum of the two measures above)	142		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	8		
Percentage of inspected sites/facilities with significant violations	18%		
Inspection coverage rate (number of sites inspected/coverage universe)**	79%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	26		
Number of significant violations based on technical/preventative deficiencies	3		
Number of significant violations carried over awaiting disposition from previous FY	30		
Total number of significant violations (sum of the three measures above)	59		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	15		
Ongoing	44		
<b>ENFORCEMENT ACTIONS</b>			
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	10	0	10
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0.00		

\* 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 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.

## AUTHORITY

FEDERAL: P.L. 95-87 SMCRA of 1977, Title V

STATE: Environment Article, Title 15, Subtitle 1 through 6 and 8 through 10; COMAR 26.20

## PROCESS

Permitted operations are inspected at least 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	12		
Number of permits/licenses in effect at FY end	41		
Prospect and forfeiture sites	14		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Coal mining operator licenses issued	22		
Coal mining operator licenses in effect at FY end	22		
Surface coal mining blaster certifications issued	3		
Surface coal mining blaster certifications at FY end	15		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)			
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	230		
Number of sites evaluated for compliance (sum of the two measures above)			
Number of inspections, spot checks (captures number of compliance activities at sites)	795		
Number of audits (captures number of reviews of file/submittals for compliance)	230		
Number of inspections, audits, spot checks (sum of the two measures above)	1,025		
<b>COMPLIANCE PROFILE</b>			
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)	100%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	3		
Total number of significant violations (sum of the three measures above)	5		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	4		
Ongoing	1		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	113		
	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 OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$2,750		

# 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	59		
Number of permits/licenses in effect at FY end	282		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Unpermitted Sites	5		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	243		
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)	243		
Number of inspections, spot checks (captures number of compliance activities at sites)	273		
Number of audits (captures number of reviews of file/submittals for compliance)	398		
Number of inspections, audits, spot checks (sum of the two measures above)	668		
<b>COMPLIANCE PROFILE</b>			
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)	85%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	1		
Total number of significant violations (sum of the three measures above)	6		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	6		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
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 OAG for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$106,500

# 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 prohibited 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 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	28		
Number of permits/licenses in effect at FY end	92		
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)	28		
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)	28		
Number of inspections, spot checks (captures number of compliance activities at sites)	28		
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)	28		
<b>COMPLIANCE PROFILE</b>			
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)	100%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
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 OAGI for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

# Electronics Recycling

## PURPOSE

Maryland's 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 take back programs. A list of registered manufacturers is generated and posted on MDE's website. The listings for manufacturers with an approved takeback program are linked and/or include a toll-free phone number to help customers to obtain details on take back programs. Finally, MDE inspects CED manufacturer webpages, brick-and-mortar stores, and web-based retailers to determine manufacturer compliance.

# Electronics Recycling

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of registrations issued	108		
Number of registrations in effect at FY end	96		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of retail sites*	819		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	308		
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)	308		
Number of inspections, spot checks (captures number of compliance activities at sites)	323		
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)	323		
<b>COMPLIANCE PROFILE</b>			
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)	38%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	25		
	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	27	0	27
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	1		
Number of permits/licenses in effect at FY end*	22		
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)	31		
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)	31		
Number of inspections, spot checks (captures number of compliance activities at sites)	73		
Number of audits (captures number of reviews of file/submittals for compliance)	2		
Number of inspections, audits, spot checks (sum of the two measures above)	75		
<b>COMPLIANCE PROFILE</b>			
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)	100%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	7		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous FY	11		
Total number of significant violations (sum of the three measures above)	18		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	4		
Ongoing	14		
<b>ENFORCEMENT ACTIONS</b>			
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	4	0	4
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
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

Since 1997, Maryland has 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 here:

[msa.maryland.gov/msa/mdmanual/14doe/html/doer.html](http://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 here:

[mde.maryland.gov/programs/Land/MarylandBrownfieldVCP/Pages/BrownfieldMasterInventory.aspx](http://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**

# WSA Executive Summary

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 Stormwater, Dam Safety, and Flood Management Program (SDSFMP) is responsible for dam safety compliance.

Consistent with the Department's commitment to EJ, WSA is incorporating EJ screening into its enforcement and compliance efforts. Currently, all permitted sites are prioritized, and those sites in EJ communities will be elevated for higher-level and more frequent inspections, in addition to enhanced communication and outreach to the communities where they are located. The prioritization will enable WSA to more easily incorporate EJ screening into our day-to-day processes, both in permitting and enforcement.

SDSFMP 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 (SNC) 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.

The Compliance Program continues to participate in EPA's National Compliance Initiative to reduce NPDES SNCs. This initiative aimed to reduce the SNC rate for individually-permitted facilities by half by the end of FY22. The Compliance Program began by reaching out to facilities with missing data in reports and was able to resolve many violations by correcting reports. These efforts reduced the number of individual facilities in SNC from 66 to 37.

The enactment of HB 694 in the 2022 legislative session will have a significant impact on the Compliance program going forward. The new law requires certain inspection frequencies at discharge permitted facilities in SNC. WSA's compliance staff will reduce sediment control, tidal wetlands and nontidal wetlands inspections to meet these

requirements. In addition, the Compliance Program’s response annually to the average 700+ complaints may be reduced or delayed to prioritize the NPDES SNC requirements.

In FY22, WSP continued to make major progress toward identifying drinking water sources that have been impacted by Per- and Polyfluoroalkyl Substances (PFAS). MDE completed sampling the over 400 non-consecutive, Community Water Systems (CWSs) in Maryland; alternative water sources were found for all six locations with results exceeding the 2016 EPA Health Advisory Level of 70 ppt. The Water Supply Program also published a PFAS Fact Sheet describing our sampling approach to our webpage.

On June 15, 2022, EPA issued interim updated Health Advisory Levels for Perfluorooctanoic acid (PFOA) and PFAS, to replace those issued in 2016, at 0.004 parts per trillion (ppt) and 0.02 ppt, respectively. EPA also issued final Health Advisory Levels for Gen X chemicals and PFBS at 10 ppt and 2,000 ppt, respectively. As a result, WSP will collect confirmation samples in FY23 at all water systems with previously detectable PFOA or PFAS results. While Gen X chemicals and PFBS were included in the previous sampling panel, there were no detectable results in Maryland.

## WSA SUMMARY PERFORMANCE MEASURES

	<u>2021 Totals</u>	<u>2022 Totals</u>
<u>PERMITTED SITES/FACILITIES</u>		
Number of Permits/Licenses Issued	4,664	5,289
Number of Permits/Licenses in Effect at FY End	26,431	31,537
<u>OTHER REGULATED SITES/FACILITIES</u>		
Other Sites	4,089	4,159
<u>INSPECTIONS</u>		
Number of Sites Inspected	3,078	3,422
Number of Sites Audited but Not Inspected	5,433	4,358
Number of Inspections, Audits, Spot Checks	59,901	69,001
<u>ENFORCEMENT ACTIONS</u>		
Number of Compliance Assistance Rendered	5,844	5,359
Number of Enforcement Actions Taken*	627	709
<u>PENALTIES</u>		
Amount of Administrative or Civil Penalties Obtained	\$1,659,626	\$1,446,298

\* 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, recordkeeping, 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 DMRs. DMRs are reviewed, 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	19		
Number of permits/licenses in effect at FY end	226		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	35		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	129		
Number of sites evaluated for compliance (sum of the two measures above)	164		
Number of inspections, spot checks (captures number of compliance activities at sites)	79		
Number of audits (captures number of reviews of file/submittals for compliance)	2,134		
Number of inspections, audits, spot checks (sum of the two measures above)	2,213		
<b>COMPLIANCE PROFILE</b>			
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)	15%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	3		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous FY	30		
Total number of significant violations (sum of the three measures above)	33		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	5		
Ongoing	28		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	0		
	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	0	0	0
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		



# 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 recordkeeping 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	
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued*		1,470	
Number of permits/licenses in effect at FY end		10,096	
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)		1,042	
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)		1,225	
Number of sites evaluated for compliance (sum of the two measures above)		2,267	
Number of inspections, spot checks (captures number of compliance activities at sites)		2,774	
Number of audits (captures number of reviews of file/submittals for compliance)		23,097	
Number of inspections, audits, spot checks (sum of the two measures above)		25,871	
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations		7	
Percentage of inspected sites/facilities with significant violations		1%	
Inspection coverage rate (number of sites inspected/coverage universe)		10%	
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact		36	
Number of significant violations based on technical/preventative deficiencies		1	
Number of significant violations carried over awaiting disposition from previous FY		182	
Total number of significant violations (sum of the three measures above)		219	
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved		38	
Ongoing		181	
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered		65	
	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	57	3	60
Number of referrals to OAG for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)		\$1,160,429	

\* 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 significant industrial users, including categorical 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 inspection coverage rate includes these entities directly permitted by WSA.

# Pretreatment Discharges

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	0		
Number of permits/licenses in effect at FY end *	4		
<b>OTHER REGULATED SITES/FACILITIES</b>			
POTWs	20		
POTW issued permits (delegated programs)	198		
<b>INSPECTIONS</b>			
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)	2		
Number of sites evaluated for compliance (sum of the two measures above)	9		
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)	2		
Number of inspections, audits, spot checks (sum of the two measures above)	9		
<b>COMPLIANCE PROFILE</b>			
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) **	4%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
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 OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

\* These are state-permitted industries subject to Categorical Pretreatment Standards under 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, either 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of approvals issued	942		
Number of approvals in effect at FY end	6,595		
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)	773		
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)	773		
Number of inspections, spot checks (captures number of compliance activities at sites)	2,559		
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)	2,559		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	1		
Percentage of inspected sites/facilities with significant violations	0.1%		
Inspection coverage rate (number of sites inspected/coverage universe)	13%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	5		
Number of significant violations based on technical/preventative deficiencies	0		
Number of significant violations carried over awaiting disposition from previous FY	64		
Total number of significant violations (sum of the three measures above)	69		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	5		
Ongoing	64		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	61		
	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	13	1	14
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$203,727		

# 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 planning for withdrawal, protection of sources, oversight and enforcement, review of design plans for water treatment, and prompt response to water emergencies. To ensure that drinking water systems meet federal and state requirements, WSP does the following: 1) administers the wellhead/source protection program; and 2) issues public and private Appropriation and Use Permits for agricultural, industrial or commercial supplies. The program certifies laboratories that analyze water samples, issues licenses for water samplers, and oversees: the Board of Waterworks and Waste Systems Operators and the Board of Well Drillers.

## Community and Non-Transient Non-Community Water Systems

WSP regulates approximately 1,014 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.

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. Systems must notify their consumers when violations of the Safe Drinking Water Act occur.

## Transient Non-Community Water Systems

Maryland has ~2,239 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.

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.

WSP directly oversees implementation of federal and state regulations for 910 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.

### **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 used by the county health departments, other MDE programs and the general public to analyze drinking water for private wells and for investigation of leaking underground storage tanks (LUSTs).

WSP currently certifies 97 laboratories, including 42 Maryland labs and 55 out-of-state labs certified through reciprocity arrangements. These labs are certified to analyze compliance samples for public drinking water systems in Maryland. The certification of all laboratories includes an annual document review. A triennial on-site inspection is required for In-state laboratories.

### **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 unless the use is by a community water system or within a designated water management strategy area.

The Water Appropriation and Use Permit review process includes aquifer tests and hydrogeological investigations. WSP personnel conduct hydrogeologic investigations on behalf of agricultural applicants.



# Community and Non-Transient Non-Community Water Systems

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	0		
Number of permits/licenses in effect at FY end	0		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of community and non-transient non-community water systems *	1,014		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	355		
Number of sites audited but not inspected	659		
Number of sites evaluated for compliance (sum of the two measures above)	1,014		
Number of inspections, spot checks (captures number of compliance activities at sites)	355		
Number of audits (captures number of reviews of file/submittals for compliance)	23,080		
Number of inspections, audits, spot checks (sum of the two measures above)	23,435		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations **	1		
Percentage of inspected sites/facilities with significant violations	0.3%		
Inspection coverage rate (number of sites inspected/coverage universe) ***	35%		
<b>SIGNIFICANT VIOLATIONS</b>			
Number of significant violations involving environmental or health impact	0		
Number of significant violations based on technical/preventative deficiencies	8		
Number of significant violations carried over awaiting disposition from previous FY.	0		
Total number of significant violations (sum of the three measures above)	8		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	8		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	1		
	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	331	0	331
Notices given to public by water systems under Section 9-410	41		
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

\* This number is the total number of systems at the end of the FY. This number can fluctuate throughout the year. The coverage universe is 1,014.

\*\* 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	0		
Number of permits/licenses in effect at FY end	0		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of transient non-community water systems	2,239		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	226		
Number of sites audited but not inspected	2,013		
Number of sites evaluated for compliance (sum of the two measures above)	2,239		
Number of inspections, spot checks (captures number of compliance activities at sites)	226		
Number of audits (captures number of reviews of file/submittals for compliance)	12,229		
Number of inspections, audits, spot checks (sum of the two measures above)	12,455		
<b>COMPLIANCE PROFILE</b>			
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%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY.	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered			
	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	299	0	299
Notices given to public by water systems under Section 9-410 **	0		
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	97		
Number of permits/licenses in effect at FY end	97		
<b>OTHER REGULATED SITES/FACILITIES</b>			
Number of in-state certified drinking water laboratories*	43		
Number of out-of-state certified drinking water laboratories	57		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	1		
Number of sites audited but not inspected (places where MDE reviewed submittals but did not go to the site)	98		
Number of sites evaluated for compliance (sum of the two measures above)	99		
Number of inspections, spot checks (captures number of compliance activities at sites)	24		
Number of audits (captures number of reviews of file/submittals for compliance)	98		
Number of inspections, audits, spot checks (sum of the two measures above)	122		
<b>COMPLIANCE PROFILE</b>			
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)*	2%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
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	0		
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$0		

\* This is the total number of laboratories that had certification during the FY and may be greater than the number in effect at the end of the FY. 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	491		
Number of permits/licenses in effect at FY end	6,831		
<b>OTHER REGULATED SITES/FACILITIES</b>			
	N/A		
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)	0		
Number of sites audited but not inspected	30		
Number of sites evaluated for compliance (sum of the two measures above)	30		
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)	30		
Number of inspections, audits, spot checks (sum of the two measures above)	30		
<b>COMPLIANCE PROFILE*</b>			
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		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	4,987		
	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 OAG for possible criminal action	0		
<b>PENALTIES</b>			
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 potential 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 EAPs 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: potential 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	102	Annually	102
Significant	148	Every 3 years	50
Low	358	Every 5-7 years	50
<b>Total</b>	<b>608</b>	--	202

# Dam Safety

Performance Measure	TOTAL		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits issued	38		
Number of permits in effect at year end*	800		
<b>OTHER REGULATED SITES/FACILITIES</b>			
High-hazard dams in operation	102		
Total dams in operation	608		
<b>INSPECTIONS</b>			
Number of high-hazard dams inspected in previous year*	86		
Number of total 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)	202		
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)	202		
<b>COMPLIANCE PROFILE</b>			
Percentage of required emergency plans received by year end*	92%		
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)**	33%		
<b>SIGNIFICANT VIOLATIONS***</b>			
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 year	2		
Total number of significant violations (sum of the three measures above)	2		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	2		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	202		
	Admini- strative	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 OAG for possible criminal action	0		
<b>PENALTIES</b>			
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. MDE's goal is to inspect all high-hazard dams at least once each year.

\*\* 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.

\*\*\* A significant violation is when the OAG sends a NOV to a dam owner.

# 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 nontidal 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/authorizations issued	642		
Number of permits/authorizations in effect at FY end	3,428		
<b>INSPECTIONS</b>			
Number of sites inspected (“inspected” defined as at the site)	658		
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)	658		
Number of inspections, spot checks (captures number of compliance activities at sites)	1,800		
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)	1,800		
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations	1		
Percentage of inspected sites/facilities with significant violations	0.2%		
Inspection coverage rate (number of sites inspected/coverage universe)	19%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	42		
Total number of significant violations (sum of the three measures above)	44		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	2		
Ongoing	44		
<b>ENFORCEMENT ACTIONS</b>			
Number of compliance assistance rendered	38		
	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	0	2
Number of referrals to OAG for possible criminal action	0		
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)	\$79,642		



# 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.

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
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued			1,548
Number of permits/licenses in effect at FY end			4,042
<b>INSPECTIONS</b>			
Number of sites inspected ("inspected" defined as at the site)			123
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)			123
Number of inspections, spot checks (captures number of compliance activities at sites)			305
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)			305
<b>COMPLIANCE PROFILE</b>			
Number of inspected sites/facilities with significant violations			2
Percentage of inspected sites/facilities with significant violations			2%
Inspection coverage rate (number of sites inspected/coverage universe)			3%
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY			26
Total number of significant violations (sum of the three measures above)			28
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved			2
Ongoing			26
<b>ENFORCEMENT ACTIONS</b>			
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	1	0	1
Number of referrals to OAG for possible criminal action			0
<b>PENALTIES</b>			
Amount of administrative or civil penalties obtained (\$ collected in FY)			\$2,500

# **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 comply with the State design guidelines to 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. Other approvals associated with the construction (i.e., sediment control, wetlands, etc.) are inspected under those media and by those inspectors. 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		
<b>PERMITTED SITES/FACILITIES</b>			
Number of permits/licenses issued	116		
Number of permits/licenses in effect at FY end	367		
<b>INSPECTIONS</b>			
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)	0		
Number of sites evaluated for compliance (sum of the two measures above)	113		
Number of inspections, spot checks (captures number of compliance activities at sites)	269		
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)	269		
<b>COMPLIANCE PROFILE</b>			
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)	31%		
<b>SIGNIFICANT VIOLATIONS</b>			
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 FY	0		
Total number of significant violations (sum of the three measures above)	0		
<b>DISPOSITION OF SIGNIFICANT VIOLATIONS</b>			
Resolved	0		
Ongoing	0		
<b>ENFORCEMENT ACTIONS*</b>			
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 OAG for possible criminal action	0		
<b>PENALTIES</b>			
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  
(410) 537-3333  
ECU.oag@maryland.gov**

# Environmental Crimes Unit

## EXECUTIVE SUMMARY

The Environmental Crimes Unit (ECU) is part of the OAG's Criminal Investigations Division and is responsible for the investigation and prosecution of environmental crimes.

During FY22, ECU handled 66 in-coming inquiries including referrals, complaints, and requests for information or records. Twenty-seven of the inquiries were from MDE. Of those inquiries, ECU initiated 39 investigations. At the end of FY22, of those investigations, 13 investigations were closed without charges due to insufficient information available to justify a full-scale investigation, or were matters readily resolved, or sent to another, more appropriate agency to handle. Twenty-six of the FY22 investigations remained open. Once open, certain investigations often last more than one year and thus can overlap FYs.

In FY22, criminal charges were filed or prosecuted by ECU in 24 separate cases in multiple jurisdictions. Of the cases, 12 originated from MDE referrals. ECU successfully prosecuted ten of these cases while 14 remained open at the end of the FY. In prosecuting cases, it is not unusual for a case to be filed during one FY and concluding during a subsequent FY.

Of the cases completed in FY22, individual and corporate defendants were found guilty of 26 separate criminal charges. This resulted in suspended jail sentences totaling three years, terms of probation totaling 28.5 years, and criminal fines totaling \$707,250 imposed, with \$265,750 to be paid. Penalties also included restitution and community service. Pursuant to statute, the fines are paid directly to various environmental funds.

## PURPOSE

The OAG's Environmental Crimes Unit is responsible for the investigation and prosecution of criminal environmental violations and other associated criminal charges. Typical environmental cases involve the illegal discharge of pollutants into Maryland waters; the illegal accumulation, storage or disposal of hazardous waste; open dumping and accumulation of solid waste; violations of natural resource laws, and frauds associated with permitting and reporting requirements.

Various factors are considered in deciding whether to pursue criminal enforcement for environmental violations, including the following: (1) whether the violation was associated with significant environmental harm and/or long-term risks to public health; (2) whether the violation involved intentionally deceptive, misleading or fraudulent misconduct; (3) whether the violator was operating outside the regulatory scheme; (4) whether the violations are repetitive; (5) whether the violation(s) were part of an isolated incident or instead a pattern

of continuing conduct; and (6) whether the violator(s) has either a prior criminal record or a history of civil/regulatory enforcement action.

In FY22, the Unit consisted of two Assistant Attorneys General and one criminal investigator. ECU staff have specialized training and experience in the investigation and prosecution of environmental crimes. Additionally, the Unit coordinates with MDE, EPA, the Maryland Department of Natural Resources and other local, state and federal agencies to prosecute criminal violations of Maryland's environmental 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 OAG 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*); violations of the Natural Resources 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**

The Environmental Crimes Unit receives complaints, inquiries, requests, referrals, and allegations of possible criminal activity from multiple sources, including MDE Administrations, citizen complaints, other governmental and law enforcement agencies, or from ECU's own investigation initiatives. Inquiries and 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 an investigation for the purpose of gathering evidence to accurately assess whether evidence supports the filing of criminal charges. ECU prosecutors file charges by way of criminal information or by indictment returned by grand jury. Once filed, cases are handled by the Unit throughout the trial, subsequent violations of probation and any possible appeals.



## SUCSESSES/CHALLENGES

FY22 saw significant lifting of COVID-19 restrictions that had been in place since March 2020. While those restrictions created certain limitations on investigations and prosecutions, ECU successfully charged and prosecuted complex cases resulting from lengthy investigations, and continued to prosecute environmental violations such as scrap-tire dumping and illegal discharges.

## MDE REFERRALS

In FY22, ECU received 27 various referrals from MDE. As a result of these MDE referrals, ECU opened 23 investigations. At the end of the FY, eight of these investigations had been closed and 15 remained open.

In FY22, ECU filed charges in three cases generated from MDE referrals. When including cases filed in prior years, the Unit completed 10 prosecutions during the FY, eight of which originated from MDE referrals. Note that charges may be filed in a different FY than when the investigation was opened by ECU.

FY '22 – MDE REFERRALS & INVESTIGATIONS OPENED			
	SOURCE OF COMPLAINTS	NUMBER OF REFERRALS	INVESTIGATIONS OPENED
M D E	ARA	0	0
	LMA	4	4
	WSA	9	8
	ERD	14	11
MDE TOTAL		27	23

FY '22 – PROSECUTIONS		
SOURCE OF COMPLAINTS	NO. OF CASES FILED	NO. OF CASES CONCLUDED
MDE-ARA	0	0
MDE-LMA	1	2
MDE-WSA	1	4
MDE-ERD	2	2
Other Sources	6	2
TOTAL	10	10

## CRIMINAL CASES BY SUBTITLE

This report is required to include the following information about criminal cases prosecuted under specified subtitles of the Environment Article.

FY '22 – YEARLY TOTALS	ENVIRONMENT ARTICLE			CRIMINAL LAW ARTICLE	NATURAL RESOURCES ARTICLE	TOTAL
	Title 9	Title 9	Title 7	Title 10	Title 10	
	Subtitle 2	Subtitle 3	Subtitle 2	Subtitle 1	Subtitle 11	
Number of Convictions Obtained***	2	9	10	1	4	26
Imprisonment Time Ordered (Years)	1	1	0	1	0	3
Imprisonment Time <u>To</u> Be Served	0	0	0	0	0	0
Probation Ordered (Years)		20.5 yrs	5 yrs		3 yrs	28.5 yrs
Total Criminal Fines Ordered	0	\$201,250.00	\$500,000		\$6,000	\$707,250.00
Criminal Fines <u>To</u> Be Paid		\$62,750.00	\$200,000		\$3,000	\$265,750.00
Restitution to be paid				\$17,916.00		\$17,916.00
Community Service Hours				100 hrs		100 hrs

**Environment Article (EN)**  
 Title 9 – Water, Ice & Sanitary Facilities  
 Title 7- Hazardous Materials & Hazardous Substances

**Natural Resources Article (NR)**  
 Title 10- Wildlife

**Criminal Law Article (CR)**  
 Title 10- Crimes Against Public Health, Conduct and Sensibilities

\*\*\*Note: A single case may involve charges from any number of various titles. Additionally, in some cases, Defendants received a 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	
	2021	2022	2021	2022
ARA	0	1	0	\$75,000
LMA	2	0	\$1,370,000	none
WSA	1	0	\$150,000	none
<b>TOTALS</b>	<b>3</b>	<b>2</b>	<b>\$1,520,000</b>	<b>\$225,000</b>

## APPENDIX C

### Historical data: FY98 - FY15

### Performance Measures Summary FY98-FY03

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

\* 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 FY. Note that penalties can be collected in the FY after the violation for which they are assessed. This table reflects the amount of revenue obtained ("collected") in the FY as a result of all enforcement actions regardless of the fund into which they are deposited.



## Performance Measures Summary FY04-FY09

MDE Performance Measure	2004	2005	2006	2007	2008	2009
<b>PERMITTED SITES/FACILITIES</b>						
Number of Permits/Licenses Issued	11,264	10,799	10,737	10,455	11,463	10,043
Number of Permits/Licenses in Effect at FY End	75,729	73,155	77,721	77,041	100,206	92,960
<b>OTHER REGULATED SITES/FACILITIES</b>						
Other Sites	204,873	222,673	239,612	253,715	257,744	117,421
<b>INSPECTIONS *</b>						
Number of Sites Inspected	43,434	43,722	55,294	47,723	44,161	44,587
Number of Inspections, Audits, Spot Checks	106,845	103,586	115,977	107,496	122,389	122,079
<b>ENFORCEMENT ACTIONS</b>						
Number of Compliance Assistance Actions Rendered	18,646	10,953	11,067	10,158	11,443	14,412
Number of Enforcement Actions Taken	1,856	1,395	1,946	2,004**	2,704**	2,901
<b>PENALTIES</b>						
Amount of Penalties Obtained (\$)**	1,781,526	1,631,054	2,803,685	2,248,131	3,970,275	6,516,601

\* 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 FY. Note that penalties can be collected in the FY after the violation for which they are assessed. This table reflects the amount of revenue obtained ("collected") in the FY as a result of all enforcement actions regardless of the fund into which they are deposited.

## Performance Measures Summary FY10-FY15

MDE Performance Measure	2010	2011	2012	2013	2014	2015
<b>PERMITTED SITES/FACILITIES</b>						
Number of Permits/Licenses Issued	8,982	9,089	8,369	8,405	8,708	10,332
Number of Permits/Licenses in Effect at FY End	93,323	92,195	92,271	92,537	78,588	69,088
<b>OTHER REGULATED SITES/FACILITIES</b>						
Other Sites	158,112	158,058	158,161	160,223	160,332	169,094
<b>INSPECTIONS *</b>						
Number of Sites Inspected	45,332	52,561	43,448	39,458	42,414	104,454
Number of Inspections, Audits, Spot Checks	124,045	129,213	122,046	118,836	126,337	183,192
<b>ENFORCEMENT ACTIONS</b>						
Number of Compliance Assistance Actions Rendered	21,352	21,323	21,121	18,200	20,536	16,762
Number of Enforcement Actions Taken	3,099	2,564	2,655	2,280	2,151	7,676
<b>PENALTIES</b>						
Amount of Penalties Obtained (\$)**	5,099,340	3,486,141	3,622,330	5,878,392	3,620,272	3,681,138

\* 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 FY. Note that penalties can be collected in the FY after the violation for which they are assessed. This table reflects the amount of revenue obtained ("collected") in the FY 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.