



Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 28, 2014, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of April 28, 2014.

Brian Morris
Acting Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at www.dsd.state.md.us/CumulativeIndex.pdf. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Brian Morris**, Acting Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.
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The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.sos.state.md.us, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title “Maryland Documents”. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. “Maryland Documents” also includes local publications.

Anyone wishing to receive “Maryland Documents” should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

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CLOSING DATES AND ISSUE DATES through JANUARY 23, 2015

NOTE: REVISED DUE TO THE ADDITION OF SERVICE REDUCTION DAYS

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
May 30	May 12	May 21	May 19
June 13**	May 22	June 4	June 2
June 27	June 9	June 18	June 16
July 11	June 23	July 2	June 30
July 25	July 7	July 16	July 14
August 8	July 21	July 30	July 28
August 22	August 4	August 13	August 11
September 5	August 18	August 27	August 25
September 19**	August 28	September 10	September 8
October 3	September 15	September 24	September 22
October 17	September 29	October 8	October 6
October 31**	October 10	October 22	October 20
November 14	October 27	November 5	November 3
December 1***	November 7	November 17	November 13
December 12	November 24	December 3	December 1
December 26**	December 5	December 15	December 11
January 9	December 22	December 30	December 29
January 23	January 5	January 14	January 12

* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9 POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.

** Note closing date changes

*** Note issue date and closing date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

09.12.01.01D(2)(c)(iii)
 Title Subtitle Chapter Regulation Section Subsection Paragraph Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at www.dsd.state.md.us.

Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

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The Governor

EXECUTIVE ORDER 01.01.2014.06

Public School Construction Financing Study

WHEREAS, School facilities are critical to a strong education system and a strong community;

WHEREAS, Building on the record school construction funding provided through the O'Malley Brown Administration and the General Assembly, continued investment in school facilities is needed now to ensure that 21st century teaching and learning environments are available to prepare our students for the future;

WHEREAS, Investment in school facilities is in the interest of the State as a whole, as it will help ensure a prosperous economy, strong business growth, and our students' ability to compete for good jobs in the global, high-technology economy;

WHEREAS, A robust program of school construction will further State policies on high performance building design, community revitalization and stabilization, emergency preparedness, and Minority Business Enterprise participation; and

WHEREAS, If the State intends to continue to position itself as a global leader in education, the State and counties must collectively pursue a path forward by looking at all available options for meeting the financial demands of public school construction.

NOW THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The Interagency Committee on School Construction, in collaboration with the Department of Budget and Management and the Department of Legislative Services, shall conduct a study and make recommendations consistent with the goals of maintaining a structurally balanced State budget and sound debt management practices on:

- (1) Developing creative means, financing or otherwise, to increase funding for public school construction;
- (2) Creating more reliable revenue streams that could include leveraging funds by counties to meet public school construction needs;
- (3) The use of lease payments or other alternative financing methods for public school construction; and
- (4) Local funding for public school construction, county tax capacity, and county tax effort.

B. In conducting the study, the Interagency Committee on School Construction, Department of Budget and Management, and Department of Legislative Services shall:

- (1) Examine how other states fund public school construction, including the use of alternative financing mechanisms; and
- (2) Solicit input from the State Treasurer's Office, county boards of education, and county governments.

C. On or before September 1, 2015, the Interagency Committee on School Construction shall submit a report of its findings and recommendations to the Governor.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 6th Day of May 2014.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[14-10-39]

The Judiciary

COURT OF APPEALS OF MARYLAND ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland
April 25, 2014

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Professionalism Course pursuant to Rule 11 of Rules Governing Admission to the Bar of Maryland. As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Section (k) of Rule 13 (Out-of-State Attorneys) of Rules Governing Admission to the Bar of Maryland.

It is thereupon the 25th day of April 2014, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 27th day of May 2014, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

MARY ELLEN BARBERA
Chief Judge
Court of Appeals of Maryland

Filed: April 25, 2014

BESSIE M. DECKER
Clerk
Court of Appeals of Maryland

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[14-10-35]

ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland
May 2, 2014

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Professionalism Course pursuant to Rule 11 of Rules Governing Admission to the Bar of Maryland. As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Rule 5 (Character Review) of Rules Governing Admission to the Bar of Maryland.

It is thereupon the 2nd day of May, 2014, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 2nd day of June, 2014, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

MARY ELLEN BARBERA
Chief Judge
Court of Appeals of Maryland

Filed: May 2, 2014

BESSIE M. DECKER
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[14-10-36]

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court dated April 28, 2014, **NEAL MARCELLAS JANEY, SR.**, 12 West Montgomery Street, Suite 200, Baltimore, Maryland 21230, has been placed on inactive status by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772 (d)).

* * * * *

This is to certify that by an Order of the Court dated April 29, 2014, **DENISE LASHON KINNARD**, 3618 Sylvan Drive, Baltimore, Maryland 21207, has been disbarred by consent, effective immediately from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772 (d)).

* * * * *

This is to certify that the name **LOUIS PETER TANKO, JR.**, P.O. Box 11451, Baltimore, Maryland 21239, has been replaced upon the register of attorneys in the Court of Appeals effective May 1, 2014 by an Order of Court on February 12, 2014. Notice of this action is certified in accordance with Maryland Rule 16-781(l).

[14-10-33]

SCHEDULE

Wednesday, June 4, 2014

Bar Admissions

- AG 88 Attorney Grievance Commission of Maryland v. (2012 T) Vaughn Miles Mungin
- Misc. 11 NVR Mortgage Finance, Inc., et al. v. Soren Carlsen
- No. 96 Baltimore County, Maryland, et al. v. Baltimore County Fraternal Order of Police, Lodge No. 4
- No. 93 Motor Vehicle Administration v. Joshua Salop

Thursday, June 5, 2014

- No. 94 Dehn Motor Sales, LLC, et al. v. Joseph Schultz, et al.
- No. 98 Spacesaver Systems, Inc. v. Carla Adam
- No. 89 Richard A. Elms v. Renewal By Anderson

On the day of argument, counsel are instructed to register in the Clerk’s Office no later than 9:30 a.m. unless otherwise notified. After June 5, 2014 the Court will recess until September 3, 2014.

BESSIE M. DECKER
Clerk

[14-10-31]

Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

DEPARTMENT OF HUMAN RESOURCES

Opportunity for Public Comment

In accordance with State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Maryland State Department of Human Resources is currently reviewing and evaluating the following chapters of COMAR Title 07:

Subtitle 01 OFFICE OF THE SECRETARY

- 07.01.01 Regulation Adoption and Declaratory Rulings
- 07.01.02 Procedures for Access to Records
- 07.01.03 Nondiscrimination
- 07.01.04 Administrative Hearings
- 07.01.06 Citizen's Review Board for Children
- 07.01.07 Confidentiality of Records
- 07.01.08 Correction or Amendment of Personal Records
- 07.01.09 Evaluation of the Local Directors of Social Services
- 07.01.10 Office of the Inspector General
- 07.01.11 Buildings and Grounds of Local Departments of Social Services
- 07.01.13 Legal Services
- 07.01.17 Homeless Women-Crisis Shelter Home
- 07.01.18 Service Linked Housing Program
- 07.01.19 Homeless Services Program
- 07.01.20 Maryland Emergency Food Program
- 07.01.21 Displaced Homemaker Program

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

- 07.02.01 In-Home Family Services
- 07.02.04 Social Services Eligibility Requirements Based on Income
- 07.02.07 Child Protective Services – Investigation of Child Abuse and Neglect
- 07.02.10 Youth Transitional Services
- 07.02.11 Out-of-Home Placement Program
- 07.02.12 Adoption
- 07.02.13 Post-Adoption Reunion Services
- 07.02.14 In-Home Aide Services
- 07.02.15 Social Services to Adults
- 07.02.16 Adult Protective Services
- 07.02.17 Adult Foster Care
- 07.02.18 Respite Care Services
- 07.02.19 Certified Adult Residential Environment (CARE) Program
- 07.02.21 Treatment Foster Care
- 07.02.22 Family Support Center Program
- 07.02.25 LDSS Foster Home Requirements
- 07.02.26 Child Abuse and Neglect Hearings
- 07.02.27 Maryland Safe Haven Program
- 07.02.29 Guardianship Assistance Program

Subtitle 03 FAMILY INVESTMENT ADMINISTRATION

- 07.03.01 Application for Public Assistance
- 07.03.03 Family Investment Program
- 07.03.05 Temporary Disability Assistance Program
- 07.03.06 Mandatory State Supplement for Supplemental Security Income Recipients
- 07.03.07 Public Assistance to Adults
- 07.03.08 Emergency Assistance to Families with Children (EAFC)
- 07.03.10 Administrative Disqualification Hearings – Food Stamp and Family Investment Programs
- 07.03.14 Correction of Payment Irregularities
- 07.03.16 Refugee Cash Assistance
- 07.03.17 Food Supplement Program
- 07.03.20 Burial Assistance Program
- 07.03.21 Maryland Energy Assistance Program
- 07.03.22 Electrical Universal Service Program
- 07.03.23 Refugee Resettlement Service Program
- 07.03.24 Citizenship Promotion Program

Subtitle 05 Social Services Administration Private Child Placement Agencies

- 07.05.01 License for Private Child Placement Agencies
- 07.05.02 Private Foster Care
- 07.05.03 Private Adoption
- 07.05.04 Private Independent Living Program

Subtitle 07 CHILD SUPPORT ENFORCEMENT ADMINISTRATION

- 07.07.01 Child Support Enforcement – Definitions
- 07.07.02 General Information
- 07.07.03 Location of Parents
- 07.07.04 Establishment of Paternity
- 07.07.05 Establishment of Support Obligation
- 07.07.06 Enforcement of Support Obligation
- 07.07.07 Collection and Distribution of Support
- 07.07.09 Federal Income Tax Refund Offset Program
- 07.07.10 Lottery Intercept Program
- 07.07.11 Child Support Enforcement Incentives
- 07.07.12 Reporting to Consumer Reporting Agencies
- 07.07.13 Voluntary Paternity Acknowledgement Program
- 07.07.15 Driver's License Suspension Program
- 07.07.17 Passport Denial and Revocation Program
- 07.07.18 Administrative Offset Program
- 07.07.19 Administrative Earnings Withholding
- 07.07.20 Administrative Enforcement of Medical Support
- 07.07.21 Administrative Garnishment of Financial Accounts

Pursuant to the Maryland State Department of Human Resources (DHR) Work Plan submitted to and approved by the Joint Committee on Administrative, Executive, and Legislative Review, DHR will evaluate the need to retain, amend, or repeal any provision of these regulation based on whether they:

- Continue to be necessary for the public interest
- Continue to be supported by statutory authority and judicial opinion
- Are obsolete or other appropriate for amendment or repeal
- Are effective in accomplishing their intended purposes

The Maryland State Department of Human Resources would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on these regulations. The comments may address any concerns about the regulations. If the comments include suggested changes to the regulations, please be as specific as possible and provide language for the suggested changes.

Comments should be directed to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 311 W. Saratoga Street, Baltimore, Maryland 21201-3500, by fax to 410-333-0637, or by email to andrea.shuck@maryland.gov. Comments must be received by June 16, 2014.

[14-10-32]

MARYLAND INSURANCE ADMINISTRATION

MISCELLANEOUS

Opportunity for Public Comment

Review of COMAR 31.16

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Maryland Insurance Administration (MIA) is reviewing and evaluating certain regulations codified within Subtitle 16 of Title 31 of the Code of Maryland Regulations, entitled Miscellaneous. The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions.

Regulations being reviewed include:

- 31.16.01 Disclosure to Policyholders of the Possible Effects of Assessable Insurance Policies
- 31.16.04 Provision of Completed Premium Finance Agreement to Insured
- 31.16.05 Cancellation of Insurance Contracts by Premium Finance Companies
- 31.16.06 Bulk Reinsurance, Stock, and Mutual Insurers
- 31.16.07 Holocaust Victims Insurance Claims and Reports

Interested parties may submit comments to Nancy Egan, Assistant Director of Government Relations, and transmitted by mail to 200 St. Paul Place, Suite 2700, Baltimore, MD 21202; by fax to (410) 468-2020; or by email to InsuranceRegReview@mdinsurance.state.md.us. Comments must be received by June 17, 2014.

[14-10-15]

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 03 FAMILY INVESTMENT ADMINISTRATION

07.03.03 Family Investment Program

Authority: Human Services Article, §5-207 and Title 5, Subtitle 3, Annotated Code of Maryland
Ch. 469, Acts of 2009

Notice of Final Action [14-023-F]

On April 30, 2014, the Secretary of Human Resources adopted amendments to Regulations **.01—, .05, .07-1, and .17—, .19** under **COMAR 07.03.03 Family Investment Program**. This action, which was proposed for adoption in 41:2 Md. R. 99-102 (January 24, 2014), has been adopted as proposed.

Effective Date: May 26, 2014.

TED DALLAS
Secretary of Human Resources

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

Notice of Final Action [14-036-F]

On April 29, 2014, the Secretary of Health and Mental Hygiene adopted:

(1) The repeal of Regulation **.07** and amendments to Regulation **.08** under **COMAR 10.18.05 Maryland AIDS Drug Assistance Program: Eligibility**;

(2) Amendments to Regulations **.04-2** and **.05** under **COMAR 10.18.06 Maryland AIDS Drug Assistance Program: Services**; and

(3) Amendments to Regulation **.04** under **COMAR 10.18.07 Maryland AIDS Drug Assistance Program: Health Insurance (MADAP-PLUS)**.

This action, which was proposed for adoption in 41:2 Md. R. 133—134 (January 24, 2014), has been adopted as proposed.

Effective Date: May 26, 2014.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 34 BOARD OF PHARMACY

Notice of Final Action [14-028-F]

On April 29, 2014, the Secretary of Health and Mental Hygiene adopted:

(1) Amend Regulations **.02, .03, and .05**, and adopt new Regulations **.03-1, and .09—, .11** under **COMAR 10.34.22 Licensing of Wholesale Prescription Drug or Device Distributors**; and

(2) Adopt new Regulations **.01—, .03** under a new chapter, **COMAR 10.34.37 Pharmacy Permit Holder—Wholesale Distribution**.

This action, which was proposed for adoption in 41:2 Md. R. 147—151 (January 24, 2014), has been adopted as proposed.

Effective Date: July 1, 2014.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 10 CORRECTIONAL TRAINING COMMISSION

12.10.06 Instructor Training and Certification

Authority: Correctional Services Article, Title 8, Subtitle 2, Annotated Code of Maryland

Notice of Final Action [13-411-F]

On April 16, 2014, the Secretary of Public Safety and Correctional Services, in cooperation with the Correctional Training Commission, adopted amendments to Regulation **.06** under **COMAR 12.10.06 Instructor Training and Certification**. This action, which was proposed for adoption in 40:26 Md. R. 2198 (December 27, 2013), has been adopted as proposed.

Effective Date: May 26, 2014.

GARY D. MAYNARD
Secretary of Public Safety and Correctional Services

Title 26

DEPARTMENT OF THE ENVIRONMENT

Subtitle 04 REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE

26.04.06 Sewage Sludge Management

Authority: Environment Article, *Title 1, Subtitle 6*, and Title 9, Subtitle 2, *Part III*, Annotated Code of Maryland

Notice of Final Action

[13-280-F]

On April 17, 2014, the Secretary of the Environment adopted the repeal of existing Regulations **.01 — .15** and new Regulations **.01 — .75** under **COMAR 26.04.06 Sewage Sludge Management**. This action, which was proposed for adoption in 40:20 Md. R. 1687 — 1727 (October 4, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: May 26, 2014.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 26.04.06.03B(15)(a)—(c): This change corrects a typographical error by deleting “for example”.

COMAR 26.04.06.03B(34)(b): This change clarifies the abbreviation “USDA” by spelling out the words “United States Department of Agriculture”.

COMAR 26.04.06.05B(1): This change removes Chromium (Cr), and the associated ceiling concentrations from Table 1. This change was made to achieve consistency with EPA's 40 CFR Part 503 regulations, in accordance with the Department's intent expressed in the Notice of Proposed Action that the State's regulations be equivalent to the federal regulations.

COMAR 26.04.06.05B(2): This change removes Chromium (Cr) and its associated cumulative constituent loading rate from Table 2. This change was made to achieve consistency with EPA's 40 CFR Part 503 regulations, in accordance with the Department's intent expressed in the Notice of Proposed Action that the State's regulations be equivalent to the federal regulations.

COMAR 26.04.06.05B(3): This change removes Chromium (Cr) and its associated monthly average concentration from Table 3, and changes the monthly average concentration for Selenium to 100. These changes were made to achieve consistency with EPA's 40 CFR Part 503 regulations, in accordance with the Department's intent expressed in the Notice of Proposed Action that the State's regulations be equivalent to the federal regulations.

COMAR 26.04.06.05B(4): This change removes Chromium (Cr) and its associated annual constituent loading rate from Table 4. This change was made to achieve consistency with EPA's 40 CFR Part 503 regulations, in accordance with the Department's intent expressed in the Notice of Proposed Action that the State's regulations be equivalent to the federal regulations.

COMAR 26.04.06.07A: This change clarifies that the Department requires a “complete and accurate” report form to be submitted.

COMAR 26.04.06.07C(4): This change clarifies the record keeping and reporting requirements for sewage sludge generators by adding “bulk”.

COMAR 26.04.06.08C(2)(b): This change clarifies that the adjustment factor for out-of-State sources of sewage sludge is 2.0.

COMAR 26.04.06.08C(4)(a): These changes clarify the fee calculation for out-of-State sources of sewage sludge by replacing the word “generated” with “utilized” and clarifying the equation used to calculate fees by changing “2.0” to “the base fee rate adjustment factor for out-of-State sources of sewage sludge”.

COMAR 26.04.06.08F(1)-(3): These changes delete the existing F(2) to avoid conflict with existing State law, and adjust F(1) and F(3) to accommodate the deletion.

COMAR 26.04.06.09C(1)(c) and (e): This change adds “field” prior to “stockpiled” to be consistent with language in other sections of the regulations.

COMAR 26.04.06.09C(3)(a): This change deletes “A fee of \$100 is paid to the Department”, eliminating the fee for requesting a waiver. The Department had stated that there will be no increase in permit application fees associated with these regulations.

COMAR 26.04.06.09C(3)(b) — (c): These changes adjust the codification of the regulation to reflect the deletion of proposed §C(3)(a), but do not change the text.

COMAR 26.04.06.09C(4)(a): This change deletes “A fee of \$100 is paid to the Department”, eliminating the fee for requesting a waiver. The Department had stated that there will be no increase in permit application fees associated with these regulations.

COMAR 26.04.06.09C(4)(b)—(e): These changes adjust the codification of the regulation to reflect the deletion of proposed §C(4)(a), but do not change the text.

COMAR 26.04.06.09C(5)(a): This change deletes “A fee of \$100 is paid to the Department”, eliminating the fee for requesting a waiver. The Department had stated that there will be no increase in permit application fees associated with these regulations.

COMAR 26.04.06.09C(5)(b)—(d): These changes adjust the codification of the regulation to reflect the deletion of proposed §C(5)(a), but do not change the text.

COMAR 26.04.06.09C(9)(a): This change replaces “90” days with “180” days to more accurately reflect a reasonable time to store the bagged sewage sludge as part of commercial activities.

COMAR 26.04.06.12A(2): This change clarifies that existing facilities are grandfathered with respect to the 1,000 foot buffer zone by stating that the requirement applies to facilities constructed after the date of the enacted regulations. This change also clarifies the buffer zone to make it consistent with existing regulations.

COMAR 26.04.06.12A(4): This change replaces “demonstrates that” with “shall describe to the Department's satisfaction how”.

COMAR 26.04.06.13A(12): This change clarifies the language of the regulation by moving “on- site” from the end of the sentence to just prior to “storage”.

COMAR 26.04.06.17B(2): This change clarifies that existing facilities are grandfathered with respect to the 1,000 foot buffer zone by stating that the requirement applies to facilities constructed after the date of the enacted regulations. This change also clarifies the buffer zone to make it consistent with existing regulations.

COMAR 26.04.06.17B(6): This change replaces “demonstrate that” with “describe to the Department's satisfaction how”.

COMAR 26.04.06.18A(9)(k): This change replaces “demonstration” with “description that satisfies the Department”.

COMAR 26.04.06.18A(12): This change clarifies the language of the regulation by moving “on- site” from the end of the sentence to just prior to “storage”.

COMAR 26.04.06.20A(4)(a): This change replaces “treated” with “composted”, a more appropriate term.

COMAR 26.04.06.29B: This change adds an additional statutory reference in order to include all relevant requirements and rewords the section to enhance clarity.

COMAR 26.04.06.32A(4): This change clarifies that existing facilities are grandfathered with respect to the 1,000 foot buffer zone by stating that the requirement applies to facilities constructed after the date of the enacted regulations. This change also clarifies the buffer zone to make it consistent with existing regulations.

COMAR 26.04.06.34B: This change adds an additional statutory reference in order to include all relevant requirements and rewords the section to enhance clarity.

COMAR 26.04.06.37D(4)(ii): This change revises the wording of the text to enhance clarity.

COMAR 26.04.06.38D(6): This change removes redundancy with COMAR 26.04.06.38D(7) as revised, and deletes the requirement for information about restricted soils from NRCS because there are no criteria established for restricted soils.

COMAR 26.04.06.38D(7): These changes make the requirements consistent with COMAR 26.04.06.37D(2)(c)(i).

COMAR 26.04.06.71F: This change adds an additional statutory reference in order to include all relevant requirements and rewords the section to enhance clarity.

COMAR 26.04.06.75L: This change corrects a statutory reference.

.03 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1)—(14) (proposed text unchanged)

(15) “Constituent limit” means a numerical value that describes the:

(a) Amount of a constituent allowed per unit amount of sewage sludge, such as[[, for example,]] milligrams per kilogram of total solids;

(b) Amount of a constituent that can be applied to a unit area of land, such as[[, for example,]] kilograms per hectare; or

(c) Volume of a material that can be applied to a unit area of land, such as[[, for example,]] gallons per acre.

(16)—(33) (proposed text unchanged)

(34) “Field ditch” means a perennial or intermittent man-made drainage ditch that:

(a) (proposed text unchanged)

(b) Is distinguished from a natural stream by its landscape position and associated soil mapping units, as found in the [[USDA]] *United States Department of Agriculture (USDA)* soil survey for the county; and

(c) (proposed text unchanged)

(35)—(99) (proposed text unchanged)

.05 Constituent Limits for Sewage Sludge.

A. (proposed text unchanged)

B. *Constituent Concentrations and Loading Rates—Sewage Sludge.*

(1) *Ceiling Concentrations.*

Table 1 — Ceiling Concentrations

Constituent	Ceiling Concentration (milligrams per kilogram)*
Arsenic (As)— Cadmium (Cd)	(proposed text unchanged)
[[Chromium (Cr)]]	3,000]]
Copper (Cu)— PCBs	(proposed text unchanged)

*Dry Weight Basis

(2) *Cumulative Constituent Loading Rates.*

Table 2 — Cumulative Constituent Loading Rates

Constituent	Cumulative constituent loading rates (kilograms per hectare)
Arsenic (As)— Cadmium (Cd)	(proposed text unchanged)
[[Chromium (Cr)]]	[[3,000]]
Copper (Cu)— Zinc (Zn)	(proposed text unchanged)

(3) *Constituent Concentrations.*

Table 3 — Constituent Concentrations

Constituent	Monthly Average Concentrations (milligrams per kilogram)*
Arsenic (As)— Cadmium (Cd)	(proposed text unchanged)
[[Chromium (Cr)]]	[[1,200]]
Copper (Cu)— Nickel (Ni)	(proposed text unchanged)
Selenium (Se)	[[36]] 100
Zinc (Zn)	(proposed text unchanged)

*Dry Weight Basis

(4) *Annual Constituent Loading Rates.*

Table 4 — Annual Constituent Loading Rates

Constituent	Annual constituent loading rates (kilograms per hectare per 365 day period)
Arsenic (As)— Cadmium (Cd)	(proposed text unchanged)
[[Chromium (Cr)]]	[[150]]
Copper (Cu)— Zinc (Zn)	(proposed text unchanged)

.07 Record-Keeping and Reporting Requirements for a Sewage Sludge Generator.

A. Except for owners or operators of on-site sewage disposal systems as defined in COMAR 26.04.02.02B(27), each sewage sludge generator shall submit to the Department a complete and accurate generator’s report on a form provided by the Department.

B. (proposed text unchanged)

C. The sewage sludge generator shall maintain records of the destination and final utilization of the sewage sludge leaving that generator’s wastewater treatment plant. At a minimum, the records shall include the following:

(1)—(3) (proposed text unchanged)

(4) The county and site where the bulk sewage sludge is being utilized.

D.—H. (proposed text unchanged)

.08 Sewage Sludge Generator Fees.

A.—B. (proposed text unchanged)

C. *Annual Generator Fee Schedule.*

(1) (proposed text unchanged)

(2) *Base Fee Rate Adjustment Factors.*

(a) (proposed text unchanged)

(b) For out-of-State sources of sewage sludge, the base fee rate [[shall be adjusted by a factor of 2.0, as explained in §C(4) of this regulation]] adjustment factor shall be 2.0.

(3) (proposed text unchanged)

(4) *Fee Calculation — Out-of-State Sources of Sewage Sludge.*

To determine the annual sewage sludge generator fee for a sewage sludge generator whose source or sources of sewage sludge is located outside of Maryland, the following process shall be followed:

(a) Calculate the tentative annual sewage sludge generator fee as (the number of wet tons of sewage sludge [[generated]] utilized during the reporting period) x (the base fee rate for the reporting period as determined by the Department) x [[(2.0)]] (the base fee

rate adjustment factor for out-of-State sources of sewage sludge;
and

(b) (proposed text unchanged)

(5) (proposed text unchanged)

D.—E. (proposed text unchanged)

F. If an audit reveals that any amount of money was improperly withheld from the Department:

(1) A generator shall remit that amount to the Department within 30 days of notification of the error by the Department; and

[(2) A generator shall be liable for any expenses incurred by the Department in collecting money owed to the Department; and]

[(3)] (2) (proposed text unchanged)

.09 Sewage Sludge Utilization Permits.

A.—B. (proposed text unchanged)

C. Sewage Sludge Utilization Permits issued under this regulation are not required for the following persons or activities:

(1) A person who is engaged in the transportation or land application on agricultural or marginal land of Class A sewage sludge subject to the following conditions:

(a)—(b) (proposed text unchanged)

(c) The Class A sewage sludge shall only be field stockpiled (staged) in accordance with Section 1D of the Maryland Nutrient Management Manual incorporated by reference into COMAR 15.20.07.02 and in compliance with other applicable State, federal, and local laws and regulations;

(d) (proposed text unchanged)

(e) If the Class A sewage sludge field stockpiled (staged) at a site is otherwise regulated by an individual or general NPDES Permit, the provisions of that permit will supersede the requirements in §C(1)(a) — (c) of this regulation; and

(f) (proposed text unchanged)

(2) (proposed text unchanged)

(3) A person requesting to transport sewage sludge from a wastewater treatment plant to another wastewater treatment plant to be utilized for seeding as determined by the Department if:

[(a) A fee of \$100 is paid to the Department;]

[(b)] (a)—[(c)] (b) (proposed text unchanged)

(4) A person requesting to transport sewage sludge from a wastewater treatment plant during inclement weather conditions, or as a result of a process failure, equipment breakdown, or any other emergency conditions at the wastewater treatment plant as determined by the Department to a permitted sewage sludge or municipal landfill for disposal or alternative utilization if:

[(a) A fee of \$100 is paid to the Department;]

[(b)] (a)—[(e)] (d) (proposed text unchanged)

(5) A person requesting the transportation of liquid sewage sludge from a wastewater treatment plant during inclement weather conditions, or as a result of a process failure, equipment breakdown, or any other emergency conditions at the wastewater treatment plant as determined by the Department to another wastewater treatment if:

[(a) A fee of \$100 is paid to the Department;]

[(b)] (a)—[(d)] (c) (proposed text unchanged)

(6)—(8) (proposed text unchanged)

(9) A person who stores bagged sewage sludge that has been classified by the Department as Class A sewage sludge as part of commercial activities, such as hardware stores, garden centers, and nurseries, if:

(a) The period of storage does not exceed [(90)] 180 days;

and

(b) (proposed text unchanged)

(10)—(12) (proposed text unchanged)

.12 Treatment Facility.

A. The Department may issue a Sewage Sludge Utilization Permit to construct and operate a treatment facility to generate Class A or B

sewage sludge and to market the Class A sewage sludge in Maryland if the person applying for a permit demonstrates that the following conditions and requirements will be met:

(1) (proposed text unchanged)

(2) [(A)] For a facility constructed after May 26, 2014, a 1,000-foot buffer zone shall be maintained between the treatment facility [(property boundary lines)] sewage sludge processing or storage area and the nearest inhabited off-site dwelling, except that this buffer distance may be reduced if the Department determines that the treatment facility has adequate odor control measures;

(3) (proposed text unchanged)

(4) For marketing Class A sewage sludge in Maryland that is generated by a wastewater treatment plant in Maryland, the person applying for a permit [(demonstrates that)] shall describe to the Department's satisfaction how the following conditions will be met:

(a)—(b) (proposed text unchanged)

B.—C. (proposed text unchanged)

.13 Treatment Facility — Permit Application Requirements.

A. A person shall submit to the Department a separate Sewage Sludge Utilization Permit Application for each site where a sewage sludge treatment facility is to be located. A person shall submit to the Department six completed copies of the Sewage Sludge Utilization Permit Application on a form provided by the Department. A person shall also submit a performance bond, liability insurance, or other form of security required under the provisions of Regulation .10 of this chapter. The application shall include the following completed information:

(1)—(11) (proposed text unchanged)

(12) Plans for on-site storage of treated sewage sludge [(on site)];

(13)—(15) (proposed text unchanged)

B.—C. (proposed text unchanged)

.17 Composting Facility.

A. (proposed text unchanged)

B. The Department may issue a Sewage Sludge Utilization Permit to install, materially alter, or materially extend a sewage sludge composting facility and to market the Class A sewage sludge compost if the person applying for a Sewage Sludge Utilization Permit demonstrates that the following conditions and requirements will be met:

(1) (proposed text unchanged)

(2) [(A)] For a facility constructed after May 26, 2014, a 1,000-foot buffer zone shall be maintained between the composting facility [(property boundary lines)] sewage sludge processing or storage area and the nearest inhabited off-site dwelling, except that this buffer distance may be reduced if the Department determines that the composting facility has adequate odor control measures;

(3)—(5) (proposed text unchanged)

(6) For marketing Class A sewage sludge compost in Maryland that is generated by a composting facility in Maryland, the person applying for a permit shall [(demonstrate that)] describe to the Department's satisfaction how the following conditions will be met:

(a)—(b) (proposed text unchanged)

C. (proposed text unchanged)

.18 Composting Facility — Permit Application Requirements.

A. A person shall submit to the Department a separate Sewage Sludge Utilization Permit Application for each site where a sewage sludge composting facility is to be installed, materially altered, or materially extended. A person shall submit to the Department seven completed copies of the Sewage Sludge Utilization Permit Application on a form provided by the Department. A person shall also submit a performance bond, liability insurance, or other form of

security required under the provisions of Regulation .10 of this chapter. The application shall include the following completed information:

(1)—(8) (proposed text unchanged)

(9) A detailed operation plan that includes, when applicable:

(a)—(j) (proposed text unchanged)

(k) For marketing Class A sewage sludge, a ~~[[demonstration]]~~ description that satisfies the Department of how the person will implement any additional conditions and management practices to market the Class A sewage sludge that the Department may require as it determines necessary;

(10)—(11) (proposed text unchanged)

(12) Plans for on-site storage of composted sewage sludge ~~[[on site]]~~;

(13)—(17) (proposed text unchanged)

B. — C. (proposed text unchanged)

.20 Composting Facility — Record-Keeping and Reporting Requirements for a Sewage Sludge Utilization Permit.

A. The permittee shall generate a report containing the following information and maintain all documents used to generate the report for a period of 10 years:

(1)—(3) (proposed text unchanged)

(4) A summary of the results of laboratory analysis that includes:

(a) Copies of all analyses of chemical quality of the ~~[[treated]]~~ composted sewage sludge generated at the facility and the water quality for all constituents listed in the applicable Sewage Sludge Utilization Permit; and

(b) (proposed text unchanged)

(5)—(11) (proposed text unchanged)

B. (proposed text unchanged)

.29 Storage Facility — Public and Local Government Participation.

A. (proposed text unchanged)

B. ~~[[When the Department considers the application complete, the]]~~ The Department shall ~~[[follow the public participation in the permitting process in accordance with the requirements of the Environment Article, Title 1, Subtitle 6, Annotated Code of Maryland]]~~ comply with the requirements for public participation in the permitting process in Environment Article, Title 1, Subtitle 6, and §9-234.1, Annotated Code of Maryland.

.32 Distribution Facility.

A. The Department may issue a Sewage Sludge Utilization Permit to install, materially alter, or materially extend a sewage sludge distribution facility if the person applying for a Sewage Sludge Utilization Permit demonstrates that the following conditions and requirements will be met:

(1)—(3) (proposed text unchanged)

(4) ~~[[A]]~~ For a facility constructed after May 26, 2014, a 1,000-foot buffer zone shall be maintained between the distribution facility ~~[[property boundary lines]]~~ sewage sludge processing or storage area and the nearest inhabited off-site dwelling, except that this buffer distance may be reduced if the Department determines that the distribution facility has adequate odor control measures;

(5)—(11) (proposed text unchanged)

B. (proposed text unchanged)

.34 Distribution Facility — Public and Local Government Participation Requirements for a Permit Application.

A. (proposed text unchanged)

B. ~~[[When the Department considers the application complete, the Department shall publish a notice of application received and a public hearing.]]~~ The Department shall ~~[[conduct the public hearing in accordance with the requirements of the Environment Article, Title~~

1, Subtitle 6, Annotated Code of Maryland]] comply with the requirements for public participation in the permitting process in Environment Article, Title 1, Subtitle 6, and §9-234.1, Annotated Code of Maryland.

.37 Agricultural Land.

A.—C. (proposed text unchanged)

D. Class B sewage sludge may be applied on agricultural land only if the following requirements are met:

(1)—(3) (proposed text unchanged)

(4) Requirements concerning slope, as follows:

(a) Unless modified by the Department in accordance with §D(4)(b) of this regulation, the following requirements concerning slope shall be met:

(i) (proposed text unchanged)

(ii) Liquid sewage sludge which is surface applied ~~[[may only be applied on a slope that is greater than 6 percent]]~~ on a slope that is greater than 6 percent shall be applied in accordance with COMAR 15.20.08; and

(iii) (proposed text unchanged)

(b) (proposed text unchanged)

(5)—(18) (proposed text unchanged)

.38 Agricultural Land — Permit Application Requirements.

A.—C. (proposed text unchanged)

D. The Sewage Sludge Utilization Permit Application to apply sewage sludge on agricultural land shall include seven completed copies of the following information:

(1)—(5) (proposed text unchanged)

(6) A soil map and soil map units from the USDA-NRCS identifying the ~~[[site's criteria for restricted and potentially restricted soils, the locations of the soil test pits and auger borings required in §D(7) of this regulation, and the]]~~ location of cation exchange capacity tests and pH testing of the soil;

(7) ~~[[The results]]~~ A soil map and soil map units from the USDA-NRCS identifying the proposed location of one soil test pit or auger boring to a depth of at least 36 inches for each soil mapping unit present on the USDA-NRCS county soils map but not less than one soil test pit or auger boring every 5 acres to identify the texture of the soils encountered and the depth to groundwater at the time of application as required by the Department;

(8)—(14) (proposed text unchanged)

E.—F. (proposed text unchanged)

.71 Sewage Sludge Utilization Permit Term and Renewal.

A.—E. (proposed text unchanged)

F. ~~[[When the Department considers]]~~ For the renewal of a Sewage Sludge Utilization Permit Application to install, materially alter, or materially extend a sewage sludge storage or distribution facility ~~[[complete]]~~, the Department shall publish a notice of application received and a public hearing. The Department shall ~~[[conduct the public hearing in accordance with the requirements of the Environment Article, Title 1, Subtitle 6, Annotated Code of Maryland]]~~ comply with the requirements for public participation in the permitting process in Environment Article, Title 1, Subtitle 6, and §9-234.1, Annotated Code of Maryland.

G.—H. (proposed text unchanged)

.75 Delegation of Inspection, Monitoring, or Enforcement.

A.—K. (proposed text unchanged)

L. The Department may provide the local health department with grants for the reasonable reimbursement of costs the local health department has incurred as provided in the delegation agreement in accordance with ~~[[the]]~~ Environment Article, ~~[[§9-244]]~~ §9-320, Annotated Code of Maryland.

M. (proposed text unchanged)

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.19 Volatile Organic Compounds from Specific Processes

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102, and 10-103, Annotated Code of Maryland

Notice of Final Action

[13-371-F-I]

On April 29, 2014, the Secretary of the Environment adopted amendments to Regulation .08 under **COMAR 26.11.19 Volatile Organic Compounds from Specific Processes**. This action, which was proposed for adoption in 40:23 Md. R. 1983—1986 (November 15, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: May 26, 2014.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation.08D(1) and (2): The change clarifies that the applicable VOC emission standards in the tables are expressed in terms of mass of VOC per volume of coating excluding water and exempt compounds, as applied.

This clarification statement does not change the intent or impact of the regulation.

.08 Metal Parts and Products Coating.

A.—C. (proposed text unchanged)

D. Emission Standards.

(1) A person subject to this regulation may not exceed the applicable VOC emission standards *expressed in terms of mass of VOC per volume of coating excluding water and exempt compounds, as applied* of the following table when applying a metal furniture coating:

(proposed table unchanged)

(2) A person subject to this regulation may not exceed the applicable VOC emission standards *expressed in terms of mass of VOC per volume of coating excluding water and exempt compounds, as applied* of the following table when applying a metal parts and products coating:

(proposed table unchanged)

E. (proposed text unchanged)

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Notice of Final Action

[14-006-F]

On April 30, 2014, the Maryland State Lottery and Gaming Control Agency adopted:

(1) Amendments to Regulation .01 under **COMAR 36.02.05 Specific Game Provisions**;

(2) Amendments to Regulation .02 under **COMAR 36.05.01 General**; and

(3) Amendments to Regulation .01 and new Regulations .20 and .21 under **COMAR 36.05.02 Table Game Equipment**.

This action, which was proposed for adoption in 41:1 Md. R. 64—66 (January 10, 2014), has been adopted as proposed.

Effective Date: May 26, 2014.

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

Notice of Final Action

[14-067-F]

On April 30, 2014, the Maryland Lottery and Gaming Control Commission adopted amendments to:

(1) Regulation .16 under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards**; and

(2) Regulation .01 under **COMAR 36.04.02 Video Lottery Terminal Machines**.

This action, which was proposed for adoption in 41:03 Md. R. 259 (February 7, 2014), has been adopted as proposed.

Effective Date: May 26, 2014.

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.15 Striped Bass

Authority: Natural Resources Article, §§4-215 and 4-701, Annotated Code of Maryland

Notice of Proposed Action

[14-127-P]

The Secretary of Natural Resources proposes to amend Regulations .04 and .07 under **COMAR 08.02.15 Striped Bass**.

Statement of Purpose

The purpose of this action is to extend the period in which a striped bass permittee must declare in a striped bass fishery from 2 to 3 years and to make changes to the Atlantic Ocean striped bass fishery.

Currently, a striped bass permittee must declare each of the permits they hold in a striped bass fishery at least every other year, or the undeclared permit is relinquished to the Department. This regulation would allow an extra idle year so that a permit must only be declared once every 3 years. The Department is proposing this extension to allow for the Tidal Fisheries Advisory Commission, in conjunction with the new Striped Bass Workgroup, to provide the Department with guidance as to what the industry would like to see happen with extraneous striped bass permits. Under the old management regime, a derby-style system, accumulating multiple permits allowed individuals to harvest more striped bass than individuals with only one striped bass permit. Under the new management regime, an individual transferrable quota (ITQ) system, there is no advantage to having multiple striped bass permits as individuals have received shares of the fishery that reflect their past engagement with the fishery. Therefore, those individuals who have accumulated multiple striped bass permits now own permits they no

longer need. On the guidance of the Department, many of these individuals did not renew all of their striped bass permits in 2014, as to do so would have been an unnecessary expense. Without this action, those individuals would need to renew all of their permits this year or risk losing them. This action will allow the permits to go undeclared for one more year, saving the individuals that expense while allowing the Department to work with the industry to develop the best plan to move forward.

This action also makes changes to the Atlantic Ocean striped bass fishery. The Atlantic fishery currently operates as a quasi-ITQ, albeit without all of the business flexibilities that a full ITQ system has. This action formalizes the Atlantic as an ITQ system by assigning shares to each permit holder in an equal allocation manner based on the number of permits the permit holder possesses. The action also sets a cap on the amount of quota a person may both permanently hold and temporarily hold. These changes were discussed in a meeting that all of the Atlantic striped bass permit holders were invited to attend on February 7, 2014.

Lastly, this action corrects citations and makes stylistic and grammatical changes to enhance the clarity of the regulation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has an indeterminable positive economic impact on the regulated industry.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1) Changes to Atlantic fishery	NONE	
(2) Extension of inactive period	(R-)	Indeterminable
B. On other State agencies:	NONE	

C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Changes to Atlantic fishery	(+)	Indeterminable
(2) Extension of inactive period	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A(1). The Atlantic striped bass fishery is already run as a quasi-ITQ (individual transferable quota) fishery. The changes to formalize the Atlantic as a full ITQ will not have an economic impact on the Department as current staff will handle all changes.

A(2). This action will allow striped bass permittees to not declare their permits as active in the striped bass fishery for 3 years prior to losing the permit, rather than the current 2 years. Some watermen only declare their permits as active every other year to maintain the permit, while others have multiple permits in their names and due to the switch in management regimes in 2013 from a derby-style fishery to an ITQ fishery only need to declare one of those permits as active. This action will delay those renewals for a year. The loss in revenue is indeterminable as it is not known at this time how many permittees will choose to renew their permits or how many will renew all or some of their permits.

D(1). The Atlantic striped bass fishery is already run as a quasi-ITQ fishery. The changes this action makes will assign each permit a share of the fishery, with a permanent cap of 5 percent of the fishery per person and a temporary cap of 10 percent per person. This will allow more fluid transfers of both yearly pounds (allocations) and permanent pounds (shares) between permittees. It is not known at this time how many permittees will take advantage of the new transfer abilities. The changes also allow a permittee to receive the allocation from all of their permits even if they have only declared one permit. This will save the permittees an indeterminable amount of money.

D(2). This action will allow striped bass permittees to not declare their permits as active in the striped bass fishery for 3 years prior to losing the permit, rather than the current 2 years. Some watermen only declare their permits as active every other year to maintain the permit, while others have multiple permits in their names and due to the switch in management regimes in 2013 from a derby-style fishery to an ITQ fishery only need to declare one of those permits as active. This action will delay those renewals for a year. The positive economic impact to the regulated industry is indeterminable as it is not known at this time how many permittees will choose to renew their permits or how many will renew all or some of their permits.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Striped Bass Regulations, Regulatory Staff, Maryland Department of Natural Resources, Fisheries Service B-2, 580 Taylor Avenue, Annapolis MD 21401, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

.04 Tidal Fish Licensee Intent to Fish.

A. Registration Procedures.

(1) (text unchanged)

(2) Registration Type.

(a)—(d) (text unchanged)

(e) A striped bass permit registered in a Chesapeake Bay fishery as of May 10, 2013 may not be changed to a striped bass permit registered to the Atlantic *Ocean* fishery.

B. Striped Bass Permit.

(1)—(2) (text unchanged)

(3) An individual who is authorized to commercially harvest striped bass in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, and participated in at least one striped bass fishery during the past [2] 3 years, *or who has received a permanent transfer of a striped bass permit as described in §G of this Regulation* is allowed to register to participate for the next striped bass fishery.

(4)—(7) text unchanged

C. Commercial Fisheries.

(1)—(2) (text unchanged)

(3) Atlantic Ocean Fishery.

(a) In the Atlantic Ocean, its coastal bays and their tidal tributaries, the following gears may be used to harvest striped bass in accordance with a tidal fish license authorization as described in Natural Resources Article, §4-701, Annotated Code of Maryland:

[(a)] (i) — [(b)] (ii) (text unchanged)

(b) *A permittee registered in the Atlantic Ocean fishery shall be provided an allocation which may be harvested at any time within the gear, time, and area restrictions set forth in this chapter.*

D. (text unchanged)

E. Pound Net Requirements to Participate in the Striped Bass Fishery.

(1) (text unchanged)

(2) A pound net used to harvest striped bass shall be registered as active with the Department in accordance with COMAR [08.02.05.01F] 08.02.05.01C.

F. Temporary Transfers.

(1)—(4) (text unchanged)

(5) Chesapeake Bay Individual Transferable Quota Fishery.

(a)—(b) (text unchanged)

[(c) Allocation may only be transferred to an individual with a valid striped bass permit.]

(c) *An individual without a valid striped bass permit may not receive a transfer of allocation unless the individual also receives a valid striped bass permit in the transfer.*

(d) (text unchanged)

(6) Atlantic *Ocean* Fishery.

(a) Prior to the start of the quota year, [a striped bass permit registered in the Atlantic fishery described in §A(2) of this regulation may only be temporarily transferred] during the period August 1 through September 30, or the next business day if September 30 falls on a weekend[,], *a tidal fish licensee may temporarily transfer:*

(i) *Allocation to another striped bass permittee;*

(ii) *A permit or permits to a tidal fish licensee; or*

(iii) *Both allocation and a permit or permits to a tidal fish licensee.*

(b) During the quota year, a tidal fish licensee may only temporarily transfer a striped bass permit *or allocation* [registered in the Atlantic fishery] if the tidal fish licensee also transfers all remaining allocation *and associated tags* [with the permit].

[(c) Allocation from each permit may only be transferred if accompanied by a striped bass permit.]

(c) *An individual without a valid striped bass permit may not receive a transfer of allocation unless the individual also receives a valid striped bass permit in the transfer.*

(d) (text unchanged)

(e) *A tidal fish licensee registered in the Atlantic Ocean fishery may not possess more than 10 percent of the Atlantic Ocean quota on a temporary basis.*

[(7) A transferee receiving allocation from a Chesapeake Bay fishery may not transfer that allocation to the Atlantic fishery.]

(7) *Allocation may not be transferred between either of the Chesapeake Bay fisheries and the Atlantic Ocean fishery.*

(8)—(9) (text unchanged)

(10) The registration type of a striped bass permit may not be changed under a temporary transfer as described in §F(1)—[(7)] (6) of this regulation.

G. Permanent Transfers.

(1) A commercial tidal fish licensee may permanently transfer a striped bass permit if:

(a)—(c) (text unchanged)

(d) The applicable fees required by Natural Resources Article, §4-701, Annotated Code of Maryland have been paid; *and*

(e) All striped bass permits and associated tags are returned to the Department]; *and*].

[(f)] (2) If the permit is registered in one of the Chesapeake Bay fisheries, a commercial tidal fish licensee shall also:

[(i)] (a) — [(ii)] (b) (text unchanged)

[(iii)] (3) A transferee receiving a share of Chesapeake Bay fishery may not transfer that share to the Atlantic Ocean fishery.

(4) *If the permit is registered in the Atlantic Ocean fishery, a commercial fish licensee may permanently transfer:*

(a) *A striped bass permit without transferring the licensee's tidal fish license;*

(b) *The licensee's share, or any portion of that share, without transferring the licensee's tidal fish license or striped bass permit; or*

(c) *A striped bass permit and a portion of the licensee's share without transferring the licensee's tidal fish license, so long as the licensee retains at least one striped bass permit.*

(5) *A transferee receiving a share of the Atlantic Ocean fishery may not transfer that share to either of the Chesapeake Bay fisheries.*

(6) *A tidal fish licensee registered in the Atlantic Ocean fishery may not possess more than 5 percent of the Atlantic Ocean quota on a permanent basis.*

[(2)] (7) (text unchanged)

[(3)] (8) A permit holder receiving a striped bass permit registered in a Chesapeake Bay fishery through a permanent transfer described in [§G(1)— (2) of this regulation] *this section* may not have that authorization changed to a striped bass permit registered in the Atlantic Ocean fishery.

(9) *A permit holder receiving a striped bass permit registered in the Atlantic Ocean fishery through a permanent transfer described in this section may not have that authorization changed to a striped bass permit registered in either of the Chesapeake Bay fisheries.*

.07 Commercial Fishery.

A. (text unchanged)

B. Atlantic Ocean, its Coastal Bays, and Their Tributaries.

(1)—(6) (text unchanged)

(7) *Initial Calculation of Shares in the Atlantic Ocean, Its Coastal Bays, and Their Tidal Tributaries.*

(a) *A tidal fish licensee with a striped bass permit registered in the Atlantic Ocean, its coastal bays, and their tidal tributaries shall receive a share of the striped bass fishery in accordance with this section.*

(b) *A tidal fish licensee shall receive an equal share for each of their permits registered in the Atlantic Ocean fishery.*

(c) *A tidal fish licensee may receive a maximum share equal to four permits registered in the Atlantic Ocean fishery.*

C. Drift Gill Net Fishery Limitations.

(1)—(6) (text unchanged)

(7) **Flag Marker — Tributaries.** A drift gill net set in tributaries of the Chesapeake Bay or Atlantic coastal bays and their tributaries shall be marked by the licensee at each end with a floating marker with a volume of at least 460 cubic inches, each bearing the licensee's commercial tidal fish license number, or a flag according to [§A(9)] §A(8) of this regulation.

(8) (text unchanged)

D.—E. (text unchanged)

F. General.

(1)—(4) (text unchanged)

(5) If a commercial tidal fish licensee registered in the individual transferable quota fishery accumulates 10 or more points for offenses specific to the striped bass fishery as described in COMAR [08.02.15.02 and .03] *08.02.13.02 and .03*, that licensee shall be suspended for one quota year.

(6) (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Title 09
DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION

Subtitle 11 REAL ESTATE
COMMISSION

09.11.02 Code of Ethics

Authority: Business Occupations and Professions Article, §17-207, Annotated Code of Maryland

Notice of Proposed Action

[14-124-P]

The Real Estate Commission proposes to amend Regulation .01 under **COMAR 09.11.02 Code of Ethics**. This action was considered by the Real Estate Commission at a public meeting held on March 19, 2014, notice of which was given by publication in 41:4 Md. R. 318 (February 21, 2014), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require that a licensee who offers the name of a service provider to a party in a real estate transaction or a potential real estate transaction first verify that a service provider required to hold a State license to provide those services has a current license. The licensee is also required to provide the person with the electronic link to the licensing information website as well as the date on which the licensee last verified the information.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Katherine Connelly, Executive Director, Real Estate Commission, 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202, or call 410-230-6227, or email to kathie.connelly@maryland.gov, or fax to 410-333-0023. Comments will be accepted through June 30, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Real Estate Commission during a public meeting to be held on July 16, 2014, at 10:30 a.m., at 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202.

.01 Relations to the Public

A. – I. (text unchanged)

J. *If the licensee offers the name of a service provider, including, but not limited to, a mortgage lender or mortgage broker, a real estate appraiser, a home inspector, a home improvement contractor, a plumber, an electrician, or a heating/ventilation/air conditioning/cooling (HVAC) contractor, to a party in a real estate transaction or a potential transaction, the licensee shall first verify that the provider's State license to perform those services is current. The licensee shall also give the person the electronic link to the licensing record information as well as the date on which the licensee last verified the information, so that the person may verify continued license status before entering into a contract with the provider.*

J. Nicholas D'Ambrosia
Chairman
Real Estate Commission

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.81 Elevator, Escalator, and Chairlift Safety

Authority: Public Safety Article, §§12-805, 12-806, 12-809, and 12-812, Annotated Code of Maryland

Notice of Proposed Action

[14-122-P]

The Commissioner of Labor and Industry proposes to amend Regulation .01 under COMAR 09.12.81 Elevator, Escalator, and Chairlift Safety.

Statement of Purpose

The purpose of this action is to require that an owner, contractor, or lessee of an elevator unit adhere to the requirements of the applicable adopted safety code that is in effect when the contract to install the elevator unit is executed provided the final acceptance inspection is performed within 3 years of the contract date. If the final acceptance inspection is performed more than 3 years from the contract date, then the safety code in effect at the time of installation will apply.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. It is assumed that this proposal will benefit an owner, contractor, or lessee of an elevator unit by clarifying the safety code that applies to that elevator unit. The regulation sets forth that the safety code in effect at the time the contract to install the elevator unit is executed is the safety code that will apply to that elevator unit, as long as the final acceptance inspection is performed within 3 years of the contract date. If the final acceptance inspection is performed more than 3 years from the date the contract was executed, the safety code in effect at the time of installation will apply. Adherence to the safety code at the time of installation may cause an owner or lessee of an elevator unit to incur additional costs.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. This proposal provides an owner, contractor, or lessee of an elevator unit with clarification as to the applicable safety code that must be adhered to at the time the contract to install the elevator unit is executed and the final acceptance inspection is performed. If the elevator unit is installed more than 3 years after the contract is executed, the safety code in effect at the time of installation will apply. This change will provide for a more efficient and timely installation process, but adherence to the safety code at the time of installation may cause an owner or lessee of an elevator unit to incur additional costs.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Debbie Stone, Regulations Coordinator, Department of Labor, Licensing, and Regulation, Division of Labor and Industry, 1100 N. Eutaw Street, Room 606, Baltimore, Maryland 21201, or call 410-767-2225, or email to deborah.stone@maryland.gov, or fax to 410-767-2986. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

.01 Safety Code for Elevators and Escalators.

A. Scope

(1) (text unchanged)

(2) *The applicable adopted safety code will be contingent upon the date the contract to install an elevator unit is signed.*

(3) *Documentation verifying the contract date shall be provided as part of the registration process.*

(4) *The elevator unit shall undergo a final acceptance inspection within 3 years of the contract date or the next subsequent adopted safety code shall be applied.*

[(2)] (5) — [(3)] (6) (text unchanged)

B. (text unchanged)

J. RONALD DEJULIIS
Commissioner of Labor and Industry

Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on July 2, 2014, at 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.12 Extenuating Circumstances/Exceptions.

A. Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements if:

(1) *The licensee has been granted an initial license and is renewing a license for the next full term; and*

(2) *The licensee qualifies under the criteria set forth in Business Regulation Article, Title 2.5, Annotated Code of Maryland.*

[B. A licensee who due to physical disability, illness, military duty, or other extenuating circumstances is unable to comply with the CPC requirements prior to the license expiration date shall to the extent feasible so notify the Board prior to the license expiration date. If at a later date a licensee whose license lapsed because of extenuating circumstances wishes to reinstate the license, the licensee shall fulfill all past due CPC requirements for the previous CPC reporting periods, subject to the maximum amount of required credits as set forth in Regulation .14 of this chapter.]

B. Compliance Exception Request.

(1) *If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board grant a one-time exception from compliance (Compliance Exception Request), provided that the Compliance Exception Request is filed with the Board at least 60 days prior to the licensee's license expiration date.*

(2) *If a Compliance Exception Request is based on physical disability or illness, the licensee must provide the Board with written documentation acceptable to the Board supporting the basis for the request.*

(3) *A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating the licensee's intended plan of compliance with CPC requirements within no later than 6 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the Compliance Exception Request.*

JOHN V. METTEE III
Chairman
State Board for Professional Land Surveyors

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

09.13.08 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article, §§15-314(f), 15-315, and 15-316, Annotated Code of Maryland

Notice of Proposed Action

[14-128-P]

The State Board for Professional Land Surveyors proposes to amend Regulation .12 under **COMAR 09.13.08 Continuing Professional Competency Requirements**. This action was considered by the Board at a public meeting held on March 5, 2014, notice of which was published in 41:4 Md. R. 317 (February 21, 2014), in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the current regulation which has proven difficult to apply and administer. The amendments will clarify the procedures and circumstances under which a licensee may request a one-time exception from compliance with continuing professional competency requirements due to extenuating circumstances.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board for Professional Land Surveyors, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pam.edwards@maryland.gov, or fax to 410-333-0021. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

Subtitle 21 BOARD OF ARCHITECTS

09.21.05 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article, §§3-208, 3-309, 3-309.1, and 3-309.2, Annotated Code of Maryland

Notice of Proposed Action

[14-129-P]

The State Board of Architects proposes to amend Regulation .08 under **COMAR 09.21.05 Continuing Professional Competency Requirements**. This action was considered by the Board of Architects at a public meeting held on March 26, 2014, notice of which was published in 41:5 Md. R. 359 (March 7, 2014), in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the current regulation which has proven difficult to apply and administer. The amendments will clarify the procedures and circumstances under which a licensee may request a one-time exception from compliance with continuing professional competency requirements due to extenuating circumstances.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board of Architects, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pam.edwards@maryland.gov, or fax to 410-333-0021. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Architects during a public meeting to be held on August 27, 2014, at 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

08 Extenuating Circumstances/Exceptions.

A. Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements if:

(1) *The licensee has been granted an initial license and is renewing a license for the next full term; and*

(2) *The licensee qualifies under the criteria set forth in Business Regulation Article, Title 2.5, Annotated Code of Maryland.*

[B. A licensee who, due to physical disability, illness, military duty, or other extenuating circumstances, is unable to comply with the CPC requirements prior to the license expiration date shall to the extent feasible so notify the Board prior to the license expiration date. If at a later date a licensee whose license lapsed due to noncompliance with the CPC requirements wishes to reinstate the license, the licensee shall fulfill all past due CPC requirements for the previous CPC reporting periods, subject to the maximum amount of required credits as set forth in Regulation .10 of this chapter. The Board may consider waiving, if the extenuating circumstances so warrant, all or part of applicable reinstatement fees and a portion of the required number of LUs.]

B. Compliance Exception Request.

(1) *If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board grant a one-time exception from compliance (Compliance Exception Request), provided that the Compliance Exception Request is filed with the Board at least 60 days prior to the licensee's license expiration date.*

(2) *If a Compliance Exception Request is based on physical disability or illness, the licensee must provide the Board with written documentation acceptable to the Board supporting the basis for the request.*

(3) *A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating the licensee's intended plan of compliance with CPC requirements within no later than 12 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board's administrative dismissal of the Compliance Exception Request.*

DIANE CHO

Chair

STATE BOARD OF ARCHITECTS

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.06 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article, §14-314, Annotated Code of Maryland

Notice of Proposed Action

[14-130-P]

The State Board for Professional Engineers proposes to amend Regulation .11 under **COMAR 09.23.06 Continuing Professional Competency Requirements**. This action was considered by the Board for Professional Engineers at a public meeting held on January 9, 2014, notice of which was given by publication in The Daily Record on December 30, 2013.

Statement of Purpose

The purpose of this action is to amend the current regulation which has proven difficult to apply and administer. The amendments will clarify the procedures and circumstances under which a licensee may request a one-time exception from compliance with continuing professional competency requirements due to extenuating circumstances.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board for Professional Engineers, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pam.edwards@maryland.gov, or fax to 410-333-0021. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on July 10, 2014, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.11 [Extenuating Circumstances/Exceptions.] *Exceptions from Compliance with CPC Requirements.*

A. Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements if:

(1) *The licensee has been granted an initial license and is renewing a license for the next full term; and*

(2) *The licensee qualifies under the criteria set forth in Title 2.5, Business Regulation Article, Annotated Code of Maryland.*

[B. A licensee who, due to physical disability, illness, military duty, or other extenuating circumstances, is unable to comply with the CPC requirements prior to the license expiration date shall to the extent feasible so notify the Board prior to the license expiration date. If at a later date a licensee whose license lapsed due to noncompliance with the CPC requirements wishes to reinstate the license, the licensee shall fulfill all past due CPC requirements for the previous CPC reporting periods, subject to the maximum amount of required credits as set forth in Regulation .13 of this chapter. The Board may consider waiving, if the extenuating circumstances so warrant, all or part of applicable reinstatement fees and a portion of the required number of PDH units.]

B. Compliance Exception Request.

(1) *If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board grant a one-time exception from compliance (Compliance Exception Request), provided that the Compliance Exception Request is filed with the Board at least 60 days prior to the licensee’s license expiration date.*

(2) *If a Compliance Exception Request is based on physical disability or illness, the licensee must provide the Board with written documentation acceptable to the Board supporting the basis for the request.*

(3) *A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating the licensee’s intended plan of compliance with CPC requirements within no later than 6 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board’s administrative dismissal of the Compliance Exception Request.*

HOWARD C. HARCLERODE II
Chairman

STATE BOARD FOR PROFESSIONAL ENGINEERS

Title 22

STATE RETIREMENT AND PENSION SYSTEM

Subtitle 01 GENERAL REGULATIONS

22.01.03 Domestic Relations Orders

Authority: State Personnel and Pensions Article, §§21-110 and 21-502, Annotated Code of Maryland

Notice of Proposed Action

[14-126-P]

The Board of Trustees for the Maryland State Retirement and Pension System proposes to amend Regulations .02—, .06, .08, and .09 under **COMAR 22.01.03 Domestic Relations Orders**. This action was considered at the December 17, 2013, Board of Trustees meeting for the State Retirement and Pension System.

Statement of Purpose

The purpose of this action is to make minor updates to the regulations establishing procedures for the State Retirement Agency’s review and administration of eligible domestic relations orders which assign all or a portion of a plan benefit to the former spouse of a participant in a divorce.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Anne E. Gawthrop, Director of Legislative Affairs, State Retirement Agency, 120 E. Baltimore Street, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on June 17, 2014, at 9:30 a.m., at 120 E. Baltimore Street, 16th Floor Board Room, Baltimore, Maryland 21202.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Agency” means the State Retirement Agency [of Maryland] established under State Personnel and Pensions Article, §21-117, Annotated Code of Maryland.

(2) — (6) (text unchanged)

(7) “Eligible domestic relations order” means a domestic relations order that conforms to the requirements of Regulation [.03B] .03 of this chapter.

(8) — (12) (text unchanged)

.03 Eligible Domestic Relations Orders.

A. Domestic relations orders shall be submitted to the [Director of the Benefits Processing Unit of the] Agency and shall be directed to the attention of Eligible Domestic Relations Orders.

B. A domestic relations order shall constitute an eligible domestic relations order only if it satisfies all of the following requirements:

(1) Contains the:

(a) (text unchanged)

(b) [Except as provided in §C of this regulation, the name, date of birth, Social Security number,] Name and last known mailing address of the participant[.];

(c) [Except as provided in §C of this regulation, the name, date of birth, Social Security number,] Name and last known mailing address of the alternate payee[.]; and

(d) (text unchanged)

(2) — (9) (text unchanged)

(10) Subject to §D of this regulation, if a participant is eligible to elect an optional form of allowance that provides a postretirement survivor benefit:

(a) States whether the participant is permitted or required to elect the basic allowance or an optional form of allowance[.];

(b) — (d) (text unchanged)

(11) — (12) (text unchanged)

(13) States that it is the obligation of the alternate payee to promptly:

(a) Provide the Agency a *certified or true-test* copy of the domestic relations order *and any modifications or amendments to the order*;

(b) *Provide the following information to the Agency in writing contemporaneously with the submission of a domestic relations order:*

(i) *The Social Security numbers and dates of birth of the participant and alternate payee; and*

(ii) *The current address and current telephone number of the alternate payee;*

(c) *Submit documentation to verify the alternate payee's date of birth;*

(d) *When an alternate payee becomes eligible to receive a monthly allowance, submit the required forms to commence receipt of the allowance by electronic fund transfer;*

[(b)] (e) Notify the Agency in writing of:

(i) *The death of the participant; or*

(ii) *Any [any] change of the alternate payee's name, [or] address, or telephone number[.]; and*

[(c)] (f) (text unchanged)

(14) States that it is the obligation of the participant to promptly:

(a) [submit] *Submit* any applications or forms required by the Agency to effectuate any provision of the domestic relations order;

(b) *Notify the Agency in writing of:*

(i) *The death of the alternate payee; or*

(ii) *Any change of the participant's name, address, or telephone number; and*

(c) *Comply with all reasonable requests from the Agency for information and documentation necessary for administering the domestic relations order;*

(15) (text unchanged)

(16) States that the Agency is not liable to make further payments to the alternate payee if the participant transfers to another retirement or pension system that is not administered by the Agency; [and]

(17) *States that:*

(a) *All payments to the alternate payee shall be includable in the taxable income of and taxable to the alternate payee in the same proportion as payments to the participant are includable in the taxable income of and taxable to the participant; and*

(b) *After-tax contributions shall be allocated to the parties in the same proportion as the total amount of the alternate payee's share bears to the participant's total plan benefit; and*

[(17)] (18) *Is:*

(a) *Signed and dated by a judge of a court of competent jurisdiction[, and];*

(b) *A certified or true-test copy by the clerk of the court[.]; and*

(c) *In the case of an out-of-State domestic relations order, has been filed in a Circuit Court in the State in accordance with the Uniform Enforcement of Foreign Judgments Act, Courts and Judicial Proceedings Article, Title 11, Subtitle 8, Annotated Code of Maryland.*

C. [A] *The Social Security [number required to be provided under §B(1) of this regulation may] numbers and dates of birth of the participant and alternate payee shall be provided to the Agency in written correspondence accompanying a domestic relations order.*

D. (text unchanged)

E. If the Agency determines that the domestic relations order satisfies the requirements set forth in [§B] §§B *through D* of this regulation, the domestic order shall be administered as an eligible domestic relations order in accordance with Regulation .04 of this chapter.

F. If the Agency determines that the domestic relations order *or written correspondence accompanying the domestic relations order* does not satisfy the requirements set forth in §B, C, or D of this regulation, the domestic relations order shall be rejected according to the procedure in Regulation .05 of this chapter.

.04 Administration of an Eligible Domestic Relations Order.

A. — B. (text unchanged)

C. Notice of Disagreement.

(1) Within [60] 45 days of [receipt of a notice of administration, or 30 days before the payment of a plan benefit to an alternate payee under an eligible domestic relations order, whichever is earlier] *the date that a notice of administration is sent to the order, in writing, if the party disagrees with the Agency's proposed method of distribution set forth in the notice of administration and the basis for the party's disagreement.*

(2) On receipt of a notice of disagreement from a party, *if the Agency determines that a genuine dispute exists regarding the proper interpretation of the order*, the Agency shall:

(a) — (b) (text unchanged)

(c) Notify the parties that payment of plan benefits shall begin not earlier than the last day of the month following the month of receipt of the *amended order or consent agreement.*

(3) The Agency shall begin making payments of plan benefits to the participant and the alternate payee as provided in the consent agreement [not later than the last day of the month following the month of receipt by the Agency of the consent agreement] *as soon as is practicable.* Unless otherwise provided in the consent agreement, the payments shall be retroactive to the date the Agency ceased making payments to the participant and the alternate payee. Interest is not payable by the Agency with respect to any plan benefits that were not paid when due.

(4) If the Agency does not receive a consent agreement or *an amended eligible domestic relations order* within [6] 3 months following receipt of a notice of disagreement from a party, the Agency shall administer the domestic relations order in accordance with the notice of administration.

D. (text unchanged)

.05 Rejection of Domestic Relations Order.

A. — B. (text unchanged)

C. *The System, the Agency, and the Board of Trustees are not liable for payment of benefits to a person pursuant to a domestic relations order if the order is not an eligible domestic relations order.*

.06 Amendment or Modification of Order.

A. The Agency does not have an obligation to determine if a domestic relations order has been amended or modified. If a court amends a domestic relations order, the participant or alternate payee shall submit the amended or modified order to the [Director of the Benefits Processing Unit of the] Agency.

B. (text unchanged)

.08 Alternate Payee Responsibilities.

An alternate payee shall promptly:

A. Submit a *certified or true-test* copy of a domestic relations order *and any modifications or amendments to the order* to the Agency;

B. Provide the following information to the Agency in writing contemporaneously with the submission of a domestic relations order:

(1) The Social Security numbers and dates of birth of the participant and the alternate payee; and

(2) The current address and current telephone number of the alternate payee;

C. Submit documentation to verify the alternate payee's date of birth in accordance with COMAR 22.01.05;

D. When an alternate payee becomes eligible to receive a monthly allowance, properly complete an electronic fund transfer sign-up form and file it with the Agency in accordance with COMAR 22.01.06;

[B.] E. Notify the Agency in writing of:

(1) [any] Any change of the alternate payee's name, [or] address, or telephone number; or

(2) The death of the participant; and

[C.] F. (text unchanged)

.09 Participant Responsibilities.

A. A participant shall promptly:

(1) Notify the Agency in writing of:

(a) [any] Any change of the participant's name, [or] address, or telephone number; or

(b) The death of the alternate payee;

(2) — (3) (text unchanged)

B. (text unchanged)

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

Title 26
DEPARTMENT OF THE
ENVIRONMENT
Subtitle 08 WATER POLLUTION

Notice of Proposed Action

[14-123-P]

The Secretary of the Environment proposes to amend:

(1) Regulation .09 under COMAR 26.08.02 Water Quality; and

(2) Regulation .01 under COMAR 26.08.04 Permits.

Statement of Purpose

The purpose of this action is to allow the land application of food processing wastewater to be exempted from obtaining a State discharge permit if the wastewater meets the requirements of a soil conditioner by MDA's State Chemist Office. MDE will retain its authority to require a discharge permit even if the wastewater meets the requirements of a soil conditioner if the land applied wastewater could cause or increase the discharge of pollutants into the waters of the State.

MDE and MDA have regulatory authority for the land application of nutrient containing wastewater. MDE regulations require a discharge permit for land application of wastewater which includes food processing. MDE regulations currently require a permit for offal, which is a type of food processing wastewater. MDE already has broad authority to require permits for land application of wastewater, including offal. MDA's State Chemist Office authorizes the land application of certain categories of nutrient containing wastewater as a soil conditioner, including food processing

wastewater. This proposed action will eliminate the regulatory language that redundantly singles out offal as requiring a discharge permit, and will create a narrow exemption, eliminating the need for a discharge permit to cover the subject wastewater when it meets the requirements of a soil conditioner by MDA.

This action is directed to businesses that generate food processing wastewater, if the wastewater is intended to be managed by land application. These generally include small-scale, value-added, on-farm production of food products, or small-scale food processing operations. These include, but are not limited to: milk product processing (e.g., ice cream, yogurt, cheese), beer, wine, and whiskey making, and on-farm, small-scale poultry and rabbit growing and processing operations. The number of these types of small food processing operations is increasing.

MDE's proposed regulation changes will support multiple agency regulations to promote production and marketing of food products, including value-added, on-farm production and marketing. These agencies are MDA, DHMH, and USDA. Maryland's "Mobile Farmers Market License" also promotes on-farm, value-added production and marketing of food products.

These proposed regulation changes will lower the cost of operation, reduce reporting requirements, and expedite approval for land applying food processing operations wastewater. Environmental protection will not be compromised because the land application of food processing wastewater approved as a soil conditioner requires compliance with nutrient management regulations and best management practices that are functionally equivalent to those in a discharge permit. However, MDE will retain its authority to require a discharge permit even if the wastewater is approved as a soil conditioner if the land applied wastewater could cause or increase the discharge of pollutants into the waters of the State.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Currently land applied wastewater must obtain a MDE issued State discharge permit. Costs to obtain the permit include an application fee, public participation advertisement fee, and in some cases wastewater quality testing. It may take up to 9 months to issue a new discharge permit. Permits are valid for 5 years. Compliance costs include an annual fee and typically wastewater testing. Permits must be renewed every 5 years. The renewal process will typically have the same costs as the initial permit issuance. It may take up to 14 months to reissue the permit.

The proposed action will have economic impacts on State agencies, the regulated community, trade groups, and the public. There will be significant cost and time saving benefits to the regulated community. State agencies impacted will be MDE and MDA. There will be a moderate decrease in MDE workload, and a minimal increase in MDA workload. There may be minimal benefits to electrical and plumbing service providers. The public will benefit from the opportunity to buy locally produced high quality food products. Coordination between MDE's Water Management Administration's Wastewater Permits Program and MDA's State Chemist Office will be ongoing.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	Minimal
B. On other State agencies:	(E+)	Minimal
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Moderate
E. On other industries or trade groups:	(-)	Minimal
F. Direct and indirect effects on public:	(+)	Minimal

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Under existing MDE regulations, a State discharge permit is required for “wastewater effluents disposed of by means of spray or other land treatment or application systems.” Based on this, food processing wastewater that is land applied requires a discharge permit. These regulation changes allow continued approval of land applied food processing wastewater as a soil conditioner by MDA’s State Chemist Office and provides an opportunity for exemption from additional authorization by a State discharge permit. These changes will reduce MDE permit workload for land applied food processing wastewater. However, MDE will retain authority to require a State discharge permit if such operations could cause or increase the discharge of pollutants into the waters of the State.

B. MDA has authority to approve the land application of food processing wastewater as a soil conditioner. There may be a small increase in MDA’s workload from coordination with MDE on this exemption.

C. Maryland County Environmental Health Departments have inquiries of permitting requirements for management of food processing wastewater and typically contacts MDE. There is no anticipated change to them.

D. The regulated community includes small-scale, family farm food processing operations and small-scale food product manufacturing. These operations will benefit if MDE exempts them from discharge permit requirements.

Discharge permits have associated application and annual fees, as well as operation and monitoring requirements, which may include testing of wastewater quality prior to discharge. There are no fees for MDA approval of wastewater as a soil conditioner. Approving the land application of wastewater as a soil conditioner will cost less, be faster, and have less reporting requirements than with approval via a discharge permit. These are significant benefits to this regulated community.

E. Equipment needed may include plumbing and electrical for wastewater collection, treatment, storage, and land application. Since MDE permit requirements and MDA soil conditioner requirements are similar, there are minimal anticipated benefits to other industries.

F. The Maryland public benefits by opportunities to buy high quality, locally produced food products. These actions contribute to the economic vitality of Maryland’s family farms and contribute to protecting our rural landscape.

These benefits to the public will be coupled with environmental protection because MDE’s wastewater permit requirements and MDA’s soil conditioner requirements are functionally similar.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The proposed action will have positive benefits to small businesses that do food processing. The business community that may benefit are family-owned farms and small-scale food

manufacturing operations. On-farm, value-added food production can be an important component in maintaining the economic viability of family farms.

MDA’s approval process for land applying food processing wastewater and compost operations wastewater as a soil conditioner is simpler and quicker, and there are no fees for application and approval. There are costs to issue, comply with, and renew a discharge permit. The approval time for a discharge permit is typically longer than soil conditioner approval and there are more reporting requirements for a discharge permit compared to a soil conditioner. An analysis of the economic impact on food processing and compost processing operations follows.

Discharge permits have associated application and annual fees, as well as operation and monitoring requirements, which may include testing of wastewater quality prior to discharge. In addition, all discharge permits have public participation requirements that provide the public opportunities to request both informational meetings and formal hearings. Advertisements are placed in a local newspaper informing the public of these opportunities for participation. In all cases, the applicant bears the cost of the newspaper ads. The permit application fee for such operations will typically be \$100. This fee increases based on volume of discharge. Newspaper advertisement for the public participation process typically ranges from \$300 to \$2200 dollars. Estimated costs for these operations will be typically be at the low end of this range. Annual fees will typically be \$100. This fee increases based on volume of discharge. It may take up to 9 months to issue the permit.

Since 2010, MDA-sponsored seminars have trained 276 Maryland farmers to slaughter and process their poultry and rabbits. Forty-four of these are currently in operation and have slaughtered in Maryland approximately 62,000 animals per year. The average value-added income for these farmers is \$4,900 per year. MDA has seen increased interest in this program and this trend is expected to continue. In addition, interest in on-farm value-added food processing operations (e.g., ice cream, yogurt, and cheese) is increasing.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Eisner, Geologist, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230, or call 410-537-3771, or email to mike.eisner@maryland.gov, or fax to 410-537-3163. Comments will be accepted through June 16, 2014. A public hearing will be held on June 18, 2014, at 10 a.m.—12 p.m., at Maryland Department of the Environment, 1800 Washington Boulevard, Aerie and Aqua Conference Rooms, Baltimore, MD 21230.

26.08.02 Water Quality

Authority: Environment Article, §§9-303.1, 9-313—9-316, 9-319, 9-320—9-325, 9-327, and 9-328, Annotated Code of Maryland

.09 Water Quality Standards.

A. Discharge Approval Required.

(1) — (4) (text unchanged)

(5) *The land application of food processing wastewater is exempt from the requirement to obtain a State discharge permit if the wastewater meets the Maryland Department of Agriculture (MDA) State Chemist Office requirements for registration as a soil conditioner, subject to the following conditions and exceptions:*

(a) *MDA notifies the Department that a determination has been made that the wastewater meets the requirements for registration as a soil conditioner. If the Department has not responded within 45 days of the notification, the determination made*

by MDA shall be considered accepted and the applicant shall be exempt from obtaining a State discharge permit. If the Department verifies or rejects MDA's State Chemist determination within 45 days of the notification, the Department may still require a State discharge permit.

(b) The applicant continues to perform any necessary actions to ensure that the wastewater meets the requirements for registration as a soil conditioner, and complies with the COMAR 15.20.04 — 15.20.08, which includes the applicant's obligation to obtain and comply with a Nutrient Management Plan governing the application of the wastewater.

(c) Department representatives upon presentation of credentials are allowed at reasonable times to enter premises to inspect any wastewater collection, treatment, land application records and practices, and food processing operation records.

(d) An application for renewal of the exemption set forth herein must be submitted to MDA within 5 years of the exemption date from obtaining a State discharge permit. The requirements of this subsection apply for the renewal process.

(e) The Department may at any time choose to revoke a permit exemption provided under this section.

B. — D. (text unchanged)

26.08.04 Permits

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330, Annotated Code of Maryland

.01 Discharge Permits Required.

A. (text unchanged)

B. Activities for Which Discharge Permits Are Required. A person may not commit any of the following acts except as authorized by a discharge permit issued by the Department:

(1) — (5) (text unchanged)

[(6) Land apply offal.]

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Subtitle 08 WATER POLLUTION

26.08.04 Permits

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330, Annotated Code of Maryland

Notice of Proposed Action

[14-125-P]

The Secretary of the Environment proposes to amend Regulations .09 and .09-1 under COMAR 26.08.04 Permits.

Statement of Purpose

The purpose of this action is to update regulations to include additional related discharge categories of dewatering (such as aquifer testing, construction dewatering, and foundation drainage) and groundwater remediation in order to protect the waters of the State, improve customer service, and increase efficiency.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action provides developers and utilities with consistent requirements that can be budgeted and planned for, whereas the current method of developing individual permits for each instance creates in their planning process and potential delays in permit coverage. The change will also allow

these activities to be more effectively regulated, the Department to issue permits with consistent content and on a timely basis, both of which will improve enforceability and compliance.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Minimal

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The agency will be able to be more efficient as it will spend less time customizing permit requirements for each individual project. Environmental risks are reduced due to the fact that the permit requirements are more conservative as the permit must be protective for the entire category of dischargers.

D. The new certainty allows applicants to understand upfront the requirements for doing business in the State. The permittee may face more stringent requirements than an individual permit but the overall outcome is considered to be B+.

F. This provides the public with a consistent set of requirements in a single document to review and understand and comment on.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Richardson, Division Chief, Maryland Department of the Environment-Wastewater Permits Program, 1800 Washington Boulevard, Baltimore, MD 21230, or call 410-537-3654, or email to Michael.Richardson@maryland.gov, or fax to 410-537-3163. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

.09 General Discharge Permits.

A. — J. (text unchanged)

K. General Discharge Permit for *Dewatering, Hydrostatic Testing, and Groundwater Remediation* [Tanks, Pipes, and Other Liquid Containment Structures at Facilities Other Than Oil Terminals].

(1) (text unchanged)

(2) Eligible Discharges. This general permit covers all new and existing discharges of:

(a) — (d) (text unchanged)

(e) Storm water discharges from storage tank containment structures; [and]

(f) Emergency discharges of potable water[.];

(g) *Extracted water from an aquifer test;*

(h) *Wastewater from construction dewatering;*

(i) *Foundation drainage which has been treated for any contaminants; and*

(j) *Air stripping, activated carbon adsorption, or equivalently treated wastewater from groundwater remediation sites not covered by the General Discharge Permit of Treated Ground Water From Oil Contaminated Ground Water Sources to Surface or Ground Waters of the State.*

L. — P. (text unchanged)

.09-1 Fees for General Discharge Permits.

A. — F. (text unchanged)

G. Fees for Discharges from [Tanks, Pipes, and Other Liquid Containment Structures at Facilities Other Than Oil Terminals] *Dewatering, Hydrostatic Testing, and Groundwater Remediation.*

(1) — (2) (text unchanged)

H. — K. (text unchanged)

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Errata

COMAR 21.11.14

At 41:8 Md. R. 473 (April 18, 2014), column 2, line 18 from the bottom:

For: **21.11.14 Socioeconomic Policies**; and
 Read: **21.11.14 American-Manufactured Goods and Services—Preference**; and
 [14-10-21]

COMAR 26.08.01.01

At 40:25 Md. R. 2107 (December 13, 2013), column 2, line 12 from the top:

For: A. General.
 Read: A. (text unchanged)

At 40:25 Md. R. 2107 (December 13, 2013), column 2, after line 12 from the top:

Insert: B. Definitions.
 [14-10-24]

COMAR 26.08.02.03-3

At 40:25 Md. R. 2109 (December 13, 2013), column 2, lines 22 through 24 from the bottom:

For: 26.08.04.02C. C-1. Criteria for [Use] *Class II-P Waters—Support of Estuarine and Marine Aquatic Life and Shellfish Harvesting and Public Water Supplies*. The following criteria apply:
 Read: 26.08.04.02C.
 [14-10-22]

COMAR 26.11.09.01

At 41:2 Md. R. 167 (January 24, 2014), column 1, lines 7 and 8 from the bottom:

For: (a) Coal or any other fossil fuel [and wood or wood products; [and]
 Read: (a) Coal or any other fossil fuel [and wood or wood products; and];
 [14-10-23]

Special Documents

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on June 5, 2014, in Entriiken, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

DATE: June 5, 2014, at 9:00 a.m.

ADDRESS: Lake Raystown Resort, Lodge & Conference Center, River Birch Ballroom, 3101 Chipmunk Crossing, Entriiken, Pa. 16638

FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 1306; fax: (717) 238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) informational presentation on the Raystown Lake project; (2) election of officers for FY-2015; (3) settlement agreement pertaining to Federal Energy Regulatory Commission (FERC) licensing of hydroelectric dams; (4) the proposed Water Resources Program for fiscal years 2015 and 2016; (5) an American Eel Restoration Plan; (6) amending the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; (7) amending the Commission's Records Processing Fee Schedule; (8) amending the Commission's Regulatory Program Fee Schedule; (9) adoption of a FY-2016 budget; (10) ratification/approval of contracts/grants; (11) regulatory compliance matters for Somerset Regional Water Resources, LLC; Susquehanna Gas Field Services LLC; and Tioga Downs Racetrack, LLC; and (12) Regulatory Program projects. Projects, proposed amendments to fee schedules, and amendments to the comprehensive plan listed for Commission action are those that were the subject of a public hearing conducted by the Commission on May 8, 2014, and identified in the notice for such hearing, which was published in 79 FR 20961, April 14, 2014.

Opportunity to Appear and Comment:

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of Conduct, which are posted on the Commission's website, www.srbc.net. As identified in the public hearing notice referenced above, written comments on the Regulatory Program projects, proposed amendments to fee schedules, and amendments to the Comprehensive Plan that were the subject of the public hearing, and are listed for action at the business meeting, are subject to a comment deadline of May 19, 2014. Written comments pertaining to any other matters listed for action at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street,

Harrisburg, Pennsylvania 17110-1788, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Any such comments mailed or electronically submitted must be received by the Commission on or before May 30, 2014, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: May 2, 2014.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[14-10-34]

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

STATE ANATOMY BOARD

Subject: Public Meeting
Date and Time: June 18, 2014, 10:30 a.m. — 12:30 p.m.
Place: Uniformed Services University Campus, 8901 Wisconsin Ave., U.S. Naval Base Main Gate Entrance, Bldg. A, Rm. G-028/Anatomy Classroom, Bethesda, MD
Add'l. Info: Meeting will be held at a secured military installation. Contact the Board to register for this meeting 10 days in advance to provide name and contact information. Photo identification will be required to enter the Base.
Contact: Ronn S. Wade (410) 706-3313
 [14-10-20]

BOARD OF ARCHITECTS

Subject: Public Meeting
Date and Time: May 28, 2014, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [14-10-28]

MARYLAND STATE ARTS COUNCIL

Subject: Public Meeting
Date and Time: June 6, 2014, 10 a.m. — 1 p.m.
Place: Maryland State Arts Council, Baltimore, MD
Add'l. Info: Annual Council Meeting
Contact: Okeena Stephenson (410) 767-78832
 [14-10-05]

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: May 28, 2014, 2 — 5 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [14-10-38]

MARYLAND COLLECTION AGENCY LICENSING BOARD

Subject: Public Meeting
Date and Time: May 21, 2014, 10:30 a.m. — 12:30 a.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Kelly Mack (410) 230-6079
 [14-10-17]

CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

Subject: Public Meeting
Date and Time: June 16, 2014, 1 — 3 p.m.
Place: Judicial Training Center, 2009-D Commerce Park Dr., Annapolis, MD
Contact: Robyn Lyles (410) 585-3185
 [14-10-30]

PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

Subject: Public Meeting
Date and Time: June 5, 2014, 9:30 a.m. — 12 p.m.; July 10, 2014, 9:30 a.m. — 12 p.m.
Place: 200 W. Baltimore St., 7th Fl. Board Rm., Baltimore, MD
Contact: Ruth Downs (410) 767-0385
 [14-10-19]

STATE BOARD OF STATIONARY ENGINEERS

Subject: Public Meeting
Date and Time: June 17, 2014, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [14-10-09]

BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

Subject: Public Meeting
Date and Time: June 11, 2014, 10:30 a.m. — 12:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: John Papavasiliou (410) 230-6160
 [14-10-03]

DEPARTMENT OF HUMAN RESOURCES

Subject: Public Hearing
Date and Time: June 9, 2014, 10 a.m. — 12 p.m.
Place: Talbot County Neighborhood Service Center, 126 Port St., Conf. Rm., Easton, MD

Add'l. Info: A public hearing will be held to solicit comments for the Low-Income Home Energy Assistance Program (LIHEAP) State Plan that will be submitted to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, Division of Energy Assistance. Written comments regarding the Plan must be submitted no later than 4 p.m., July 2, 2014, to Leslie Moore, Senior Policy Analyst, Office of Home Energy Programs, Department of Human Resources, Family Investment Administration, 311 W. Saratoga Street, Baltimore MD 21201.
Contact: Cardeaner Robinson (410) 763-6745
 [14-10-27]

FACILITIES ADVISORY BOARD- JUVENILE SERVICES

Subject: Public Meeting
Date and Time: June 14, 2014, 10 a.m. — 12 p.m.
Place: Baltimore City Juvenile Justice Center, 300 N. Gay St., Baltimore, MD
Contact: Bridgett Tucker (410) 752-3500 x 130
 [14-10-16]

STATE ADVISORY BOARD FOR JUVENILE SERVICES

Subject: Public Meeting
Date and Time: June 17, 2014, 2 — 4 p.m.
Place: Annapolis DJS Office, 49 Old Solomons Island Rd., Ste. 300, Annapolis, MD
Contact: Tim Gilbert (410) 230-3488
 [14-10-04]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: June 19, 2014, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
 [14-10-10]

GENERAL NOTICES

**MARYLAND PUBLIC
BROADCASTING COMMISSION**

Subject: Public Meeting
Date and Time: June 7, 2014, 11:30 a.m.
Place: 2700 Turf Valley Rd., Ellicott City, MD
Contact: Sharon Abernathy (410) 581-4141

[14-10-14]

**DEPARTMENT OF NATURAL
RESOURCES/FISHERIES SERVICE**

Subject: Public Notice — 2014 Commercial Atlantic Coast Striped Bass Season Modification
Add'l. Info: The Secretary of the Maryland Department of Natural Resources pursuant to COMAR 08.02.15.12H announces that the 2014 commercial striped bass season in the Atlantic Ocean, its Coastal Bays, and their tributaries will be extended through Thursday, May 15, 2014. A commercial striped bass permit holder in the Atlantic Ocean fishery is limited to the quota assigned to the striped bass permit.

Joseph P. Gill

Secretary

Maryland Department of Natural Resources

Contact: Tamara O'Connell (410) 260-8271

[14-10-29]

BOARD OF PHYSICIANS

Subject: Public Meeting
Date and Time: June 11, 2014, 9 a.m. — 4 p.m.
Place: 4201 Patterson Ave., Rm. 108/109, Baltimore, MD
Contact: Christine A. Farrelly (410) 764-4771

[14-10-18]

**BOARD OF PODIATRIC MEDICAL
EXAMINERS**

Subject: Public Meeting
Date and Time: June 12, 2014, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[14-10-06]

**BOARD OF PODIATRIC MEDICAL
EXAMINERS**

Subject: Public Meeting
Date and Time: July 10, 2014, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[14-10-07]

**BOARD OF PODIATRIC MEDICAL
EXAMINERS**

Subject: Public Meeting
Date and Time: September 11, 2014, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[14-10-08]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: June 18, 2014, 10:30 a.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Charlene Faison (410) 230-6202

[14-10-12]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: June 18, 2014, 12:30 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Charlene Faison (410) 230-6202

[14-10-13]

**BOARD OF WATERWORKS AND
WASTE SYSTEMS OPERATORS**

Subject: Public Meeting
Date and Time: June 19, 2014, 10 a.m. — 4 p.m.
Place: Howard Co. Board of Utilities, Columbia, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Pat Kratochvil (410) 537-3167

[14-10-01]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: June 25, 2014, 9 a.m. — 4 p.m.
Place: MDE, 1800 Washington Blvd., Gwynn Falls Conf. Rm., Baltimore MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Willie Everett (410) 537-3644

[14-10-02]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting
Date and Time: June 12, 2014, 9 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300

[14-10-11]

COMAR IN PDF — ORDER FORM

Titles	Agency Name	Price ¹	Subscription ²	Quantity	Total
Complete set of COMAR PDF format		\$1,000	\$500	_____	_____
Title 01	Executive Department	\$35	\$24	_____	_____
Title 02	Office of the Attorney General	\$22	\$13	_____	_____
Title 03	Comptroller of the Treasury	\$30	\$20	_____	_____
Title 04	General Services	\$16	\$10	_____	_____
Title 05	Housing and Community Development	\$78	\$50	_____	_____
Title 07	Human Resources	\$80	\$53	_____	_____
Title 08	Natural Resources	\$78	\$51	_____	_____
Title 09	Labor, Licensing and Regulation	\$89	\$60	_____	_____
Title 10	Health & Mental Hygiene (All parts) **	\$272	\$180	_____	_____
Title 10	Part 1 **	\$48	\$32	_____	_____
Title 10	Part 2 **	\$75	\$50	_____	_____
Title 10	Part 3 **	\$75	\$50	_____	_____
Title 10	Part 4 **	\$50	\$35	_____	_____
Title 10	Part 5 **	\$69	\$50	_____	_____
Title 11	Transportation (All parts) **	\$106	\$75	_____	_____
Title 11	Part 1 (Transportation) **	\$42	\$25	_____	_____
Title 11	Parts 2 & 3 (MVA)**	\$74	\$50	_____	_____
Title 12	Public Safety and Correctional Services	\$67	\$43	_____	_____
Title 13A	Board of Education	\$63	\$42	_____	_____
Title 13B	Higher Education Commission	\$25	\$15	_____	_____
Title 14	Independent Agencies	\$80	\$53	_____	_____
Title 15	Agriculture	\$48	\$30	_____	_____
Title 16	Juvenile Service	\$23	\$15	_____	_____
Title 17	Budget and Management	\$28	\$16	_____	_____
Title 18	Assessments and Taxation	\$20	\$12	_____	_____
Title 19A	State Ethics Commission	\$24	\$14	_____	_____
Title 20	Public Service Commission	\$49	\$32	_____	_____
Title 21	State Procurement Regulations	\$48	\$30	_____	_____
Title 22	State Retirement and Pension System	\$22	\$13	_____	_____
Title 23	Board of Public Works	\$18	\$11	_____	_____
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