


Maryland Register

Issue Date: July 19, 2019

Volume 46 • Issue 15 • Pages 645—678

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 1, 2019, 5 p.m.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 July 1, 2019.

Gail S. Klakring
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 <http://www.dsd.state.md.us/PDF/CumulativeTable.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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Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2019			
August 2	July 15	July 22	July 24
August 16	July 29	August 5	August 7
August 30	August 12	August 19	August 21
September 13	August 26	August 30**	September 4
September 27	September 9	September 16	September 18
October 11	September 23	September 30	October 2
October 25	October 7	October 11**	October 16
November 8	October 21	October 28	October 30
November 22	November 4	November 8**	November 13
December 6	November 18	November 25	November 27
December 20	December 2	December 9	December 11
2020			
January 3	December 16	December 23	December 24**
January 17	December 30	January 6	January 8
January 31	January 13	January 17**	January 22

* Deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. Due date for documents containing 8 to 18 pages is 48 hours before the date listed; due date for documents exceeding 18 pages is 1 week before the date listed.

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

** Note closing date changes.

*** Note issue date changes.

The regular closing date for Proposals and Emergencies is Monday.

COMAR Online

The Code of Maryland Regulations is available at www.dsd.state.md.us as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.dsd.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.

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 Chapter Section Paragraph
 Subtitle Regulation Subsection 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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05.02.04.01—,18 • 46:1 Md. R. 16 (1-4-19) (ibr)

05.02.06.01,,02 • 46:1 Md. R. 16 (1-4-19)

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08 DEPARTMENT OF NATURAL RESOURCES

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08.03.03.01 • 46:13 Md. R. 596 (6-21-19)

08.07.07.02 • 46:13 Md. R. 597 (6-21-19) (ibr)

09 MARYLAND DEPARTMENT OF LABOR

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10.09.62.01 • 46:12 Md. R. 553 (6-7-19)

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- 13A.18.05.05, .12 and .13 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.06.03—.08 and .10 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.07.02 and .03 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.08.01, .02, .06 and .08 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.09.04 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.10.01 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.11.02—.04 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.12.01 and .06 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.14.02, and .05—.09 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.15.01, .03 and .04 • 46:4 Md. R. 258 (2-15-19)
- 13A.18.16.03 and .04 • 46:4 Md. R. 258 (2-15-19)

13B MARYLAND HIGHER EDUCATION COMMISSION

- 13B.02.03.02,.24 • 46:13 Md. R. 603 (6-21-19)
- 13B.06.01.04 • 46:13 Md. R. 603 (6-21-19)
- 13B.06.02.01 • 46:13 Md. R. 603 (6-21-19)
- 13B.08.11.01—.09 • 46:11 Md. R. 519 (5-24-19)
- 13B.08.17.04 • 46:15 Md. R. 666 (7-19-19)
- 13B.08.21.05,.08,.09,.12,.17 • 46:15 Md. R. 666 (7-19-19)

14 INDEPENDENT AGENCIES

- 14.09.04.03 • 46:12 Md. R. 566 (6-7-19)
- 14.35.18.01—.08 • 46:15 Md. R. 667 (7-19-19)
- 14.38.01.01—.07 • 46:11 Md. R. 520 (5-24-19)
46:12 Md. R. 568 (6-7-19) (err)

15 DEPARTMENT OF AGRICULTURE

15.01.15.02 • 46:9 Md. R. 460 (4-26-19)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08—12 (Part 2)

26.08.01.01 • 46:3 Md. R. 155 (2-1-19)

26.08.04.01 • 46:3 Md. R. 155 (2-1-19) (ibr)

**27 CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

27.01.01.01 • 46:14 Md. R. 627 (7-5-19)

27.01.02.06-1,06-3 • 46:14 Md. R. 627 (7-5-19)

27.01.09.03,04 • 46:14 Md. R. 627 (7-5-19)

27.01.10.01 • 46:14 Md. R. 627 (7-5-19)

27.02.01.01 • 46:14 Md. R. 627 (7-5-19)

27.02.05.04,11,12 • 46:14 Md. R. 627 (7-5-19)

29 DEPARTMENT OF STATE POLICE

29.03.03.01 • 46:11 Md. R. 521 (5-24-19)

31 MARYLAND INSURANCE ADMINISTRATION

31.03.02.03 • 46:12 Md. R. 567 (6-7-19)

31.04.17.03 • 46:12 Md. R. 567 (6-7-19)

31.09.04.03 • 46:2 Md. R. 82 (1-18-19)

46:13 Md. R. 604 (6-21-19)

31.10.06.02,28,30,31 • 45:23 Md. R. 1119 (11-9-18)

31.15.12.03 • 46:2 Md. R. 84 (1-18-19)

33 STATE BOARD OF ELECTIONS

33.13.10.03 • 46:5 Md. R. 326 (3-1-19)

33.13.21.01—.04 • 46:5 Md. R. 326 (3-1-19)

35 DEPARTMENT OF VETERANS AFFAIRS

35.07.01.01—.04 • 46:2 Md. R. 88 (1-18-19)

Open Meetings Compliance Board

SUMMARY OF OPINIONS ISSUED FROM APRIL 1 — JUNE 30, 2019*

13 Official Opinions of the Compliance Board 18 (2019)

Queen Anne's County Housing Authority

April 19, 2019

Topics Discussed: Minutes, Complaint Guidance

Opinion: The Board determined that it was not practicable at the time for the Housing Authority to post minutes on its website. The Board also noted that the complaint process should not be used for conduct of public body that it has already addressed.

Violations: None

13 Official Opinions of the Compliance Board 21 (2019)

Audit Committee of the Board of Education of Baltimore County

April 19, 2019

Topics Discussed: Public Body Definition, Meeting Notice

Opinion: The Compliance Board determined that a School Board committee created only by president/chair is not a public body. It also found that the website notice for meetings posted by the School Board was adequate.

Violations: None

13 Official Opinions of the Compliance Board 25 (2019)

Board of Trustees for Montgomery College

April 29, 2019

Topics Discussed: Compliance Board Procedures

Opinion: The Board noted that the complaint process should not be used for conduct of public body that it has already addressed.

Violations: None

13 Official Opinions of the Compliance Board 27 (2019)

City of Taneytown

May 14, 2019

Topics Discussed: Meeting Notice, Written Closing Statements, Closed-session Discussions, Legal Advice and Procurement Exceptions, and Meeting Minutes

Opinion: The Board found that use of the calendar function on the town's website met the Act's notice requirement and that the pre-prepared closing statements used by the council in the past were inadequate. The Board found that the council's receipt of "legal advice on implication of anonymous employee misconduct complaint" and "implication of issues related to federal investigation, and LEOBR statute" fell within the Legal Advice exception, but that its discussion of a negotiation strategy not involving competitive bidding or proposals exceeded the Procurement exception. Additionally, the Board found that the written summary of the prior closed session in the written open session minutes was insufficient when the public body's official minutes are in the video format.

Violations: §§ 3-301, 3-305(b) and (d), 3-306(c)(2)

13 Official Opinions of the Compliance Board 33 (2019)

Board of Trustees for Montgomery College

May 28, 2019

Topics Discussed: Compliance Board Authority

Opinion: The Board found that it was unable to gather and determine the facts needed to resolve the complaint regarding violations of the Open Meeting Act, and that it had no authority regarding alleged violations of other laws.

Violations: Undetermined

13 Official Opinions of the Compliance Board 34 (2019)

Calvert County Special Education Citizens Advisory Committee

June 18, 2019

Topics Discussed: Minutes - Posting

Opinion: The Board determined that the school system's Special Education Citizen's Advisory Committee's (SECAC) administrative relationship with the school board would have made it practicable for SECAC and the school board to post minutes online.

Violations: § 306(e)(2)

13 Official Opinions of the Compliance Board 36 (2019)

Deep Creek Lake Policy & Review Board

June 18, 2019

Topics Discussed: Meeting Notice, Minutes

Opinion: The Compliance Board found that the Review Board violated the Act by not adopting and posting minutes online in a timely manner, to the extent practicable. It also determined that the Review Board did give reasonable advance notice of meetings.

Violations: §§ 306(b) and 306(e)

* The Compliance Board's opinions are posted at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>. Statutory references are to the General Provisions Article (2014, with 2018 supp.)

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated June 24, 2019, **EUGENE ALOYSIUS WALSH** (CPF # 7412010370), 13208 Constitutional Avenue, Ocean City, Maryland 21842, has resigned from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-735(e)).

[19-15-22]

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 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Final Action

[19-085-F]

On June 27, 2019, the Maryland Racing Commission adopted amendments to Regulation **.23** under **COMAR 09.10.01 Thoroughbred Rules**. This action, which was proposed for adoption in 46:10 Md. R. 493—494 (May 10, 2019), has been adopted as proposed.

Effective Date: July 29, 2019.

MICHAEL J. ALGEO
Chairman
Maryland Racing Commission

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Final Action

[19-074-F]

On June 27, 2019, the Maryland Racing Commission adopted new Regulation **.89** under **COMAR 09.10.01 Thoroughbred Rules**. This action, which was proposed for adoption in 46:9 Md. R. 449—450 (April 26, 2019), has been adopted as proposed.

Effective Date: July 29, 2019.

MICHAEL J. ALGEO
Chairman
Maryland Racing Commission

Subtitle 10 RACING COMMISSION

09.10.04 General

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Final Action

[19-082-F]

On June 27, 2019, the Maryland Racing Commission adopted amendments to Regulation **.08** under **COMAR 09.10.04 General**. This action, which was proposed for adoption in 46:10 Md. R. 494 (May 10, 2019), has been adopted as proposed.

Effective Date: July 29, 2019.

MICHAEL J. ALGEO
Chairman
Maryland Racing Commission

Subtitle 21 BOARD OF ARCHITECTS

09.21.01 General Regulations

Authority: Business Occupations and Professions Article, §3-208(a)(1), Annotated Code of Maryland

Notice of Final Action

[19-071-F]

On June 26, 2019, the Board of Architects at their regular meeting adopted amendments to Regulations **.04—07** under **COMAR 09.21.01 General Regulations**. This action, which was proposed for adoption in 46:8 Md. R. 404—405 (April 12, 2019), has been adopted as proposed.

Effective Date: July 29, 2019.

PAUL D. EDMEADES
Chairman
Board of Architects

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 27 BOARD OF NURSING

10.27.17 Teletherapy

Authority: Health Occupations Article, §§1-901, 1-902, and 8-205(a)(2)—(5), Annotated Code of Maryland

Notice of Final Action

[18-338-F]

On June 27, 2019, the Secretary of Health adopted new Regulations **.01—.06** under a new chapter, **COMAR 10.27.17 Teletherapy**. This action, which was proposed for adoption in 45:26 Md. R. 1265—1266 (December 21, 2018), has been adopted with the nonsubstantive changes shown below.

Effective Date: July 29, 2019.

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 .02B(3): In response to comments submitted by Kaiser Permanente, the Board changed the definition of “synchronous” to mean simultaneous or quick enough to allow two or more individuals to interact, instead of the original text, which was to conduct a conversation. This change clarifies the types of communication to which the regulation applies. This change does not exceed the scope of the proposed regulation, nor does it substantially affect the rights, duties, or obligations of the regulated profession or public.

Regulation .04A(5): In response to comments submitted by Kaiser Permanente, the Board removed the word “written” before consent. Consent is still required, but the amendment clarifies that the form of the consent does not need to be in writing. Although this change affects the duties, obligations, and rights of the regulated profession and public, it does not do so substantially, and it does not exceed the scope of the proposed regulation.

Regulation .04C(1): In response to comments submitted by Kaiser Permanente, the Board added the word “or access” before personal health information. This change clarifies that confirmation is needed when individuals are present at either location in order to permit them to either hear protected health information or access it by other means, i.e. documentary. This change does not exceed the scope of the proposed regulation, nor does it substantially affect the rights, duties, or obligations of the regulated profession or public.

.02 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1)—(2) (proposed text unchanged)

(3) “*Synchronous*” means simultaneous or quick enough to allow two or more individuals to [[conduct a conversation]] interact.

(4) (proposed text unchanged)

.04 Teletherapy.

A. *In order to provide teletherapy services to a client, a CRNP/PMH or PMH/APRN shall have:*

(1)—(4) (proposed text unchanged)

(5) *Obtained an informed [[written]] consent from the client to provide teletherapy.*

B. (proposed text unchanged)

C. *At the outset of each teletherapy session, the CRNP/PMH or PMH/APRN shall:*

(1) *Identify all individuals present at each location and confirm that they are permitted to hear or access personal health information;*

(2)—(3) (proposed text unchanged)

ROBERT R. NEALL
Secretary of Health

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.05 Programs of Pupil Services

Authority: Education Article, §§2-205(b) and (c) and 7-401, Annotated Code of Maryland

Notice of Final Action

[19-073-F]

On June 26, 2019, the Maryland State Board of Education adopted new Regulation **.02** under **COMAR 13A.05.05 Program of Pupil Services**. This action, which was proposed for adoption in 46:8 Md. R. 408—409 (April 12, 2019), has been adopted as proposed.

Effective Date: July 29, 2019.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.05 Programs of Pupil Services

Authority: Education Article, §§2-205(b) and (c), 7-401, and 7-426, Annotated Code of Maryland

Notice of Final Action

[19-072-F]

On June 25, 2019, the Maryland State Board of Education adopted the repeal of existing Regulation **.04** and new Regulation **.04** under **COMAR 13A.05.05 Programs of Pupil Services**. This action, which was proposed for adoption in 46:8 Md. R. 409—411 (April 12, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: July 29, 2019.

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 .04B(9): A misplaced comma was removed to make clear that research and program evaluations must be based on “research design” not “research, design.” This is a grammatical correction which does not affect the substance of the regulation.

Regulation .04C(1)(a): The verb “remedy” was changed to “mitigate”; although the terms are not synonymous, the difference

between them in the context of the regulation is not substantive. This change does not disadvantage any groups covered by the regulation.

.04 School Psychology Program.

A. (proposed text unchanged)

B. *To meet a student's needs, the School Psychology Program shall provide services and interventions across the following domains of practice:*

(1)—(8) (proposed text unchanged)

(9) *Research and program evaluation that use research[,] design, statistics, measurement, and varied data collection and analysis techniques and program evaluation sufficient for understanding research and interpreting data in applied settings; and*

(10) (proposed text unchanged)

C. *The School Psychology Program shall encompass the following goals to meet a student's needs:*

(1) *Improve academic engagement and achievement by working with educators and families to:*

(a) *Identify and [[remedy]] mitigate barriers to learning, such as disabilities, mental or physical health problems, or social, cultural, language, or family issues;*

(b)—(c) (proposed text unchanged)

(2)—(8) (proposed text unchanged)

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

**Title 26
DEPARTMENT OF THE
ENVIRONMENT**

Subtitle 17 WATER MANAGEMENT

26.17.02 Stormwater Management

Authority: Environment Article, §§4-201 and 4-203, Annotated Code of Maryland

Notice of Final Action

[19-042-F-I]

On July 3, 2019, the Secretary of the Environment adopted amendments to Regulations .08 and .09 under **COMAR 26.17.02 Stormwater Management**. This action, which was proposed for adoption in 46:3 Md. R. 156—158 (February 1, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: July 29, 2019.

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:

One nonsubstantive change was made to the Standard Plan for Agricultural Structures (SP1). Under "Conditions" on page 2 of the standard plan, the following language was added to the first condition: "ESD shall be used to the MEP to treat runoff according to Chapter 5 of the Manual." The regulations state that each standard plan must satisfy the minimum control requirements established in COMAR 26.17.02.06A(2), i.e., environmental site design (ESD) shall be used to the maximum extent practicable (MEP). The added language is not a new requirement; it clarifies an existing condition.

BENJAMIN H. GRUMBLES
Secretary of the Environment

**Title 33
STATE BOARD OF
ELECTIONS**

Subtitle 08 CANVASSING

33.08.05 Post-Election Verification and Audit

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-403, 11-201, and 11-309(f), Annotated Code of Maryland

Notice of Final Action

[19-036-F-1]

On June 27, 2019, the State Board of Elections adopted amendments to Regulation .01 and new Regulations .08 — .10 under **COMAR 33.08.05 Post-Election Verification and Audit**. The amendments that were proposed to Regulation .02 under **COMAR 33.16.07 Post-Election Procedures** were already adopted in 46:12 Md. R. 548 (June 7, 2019). The remainder of the original action, which was proposed for adoption in 46:5 Md. R. 324—325 (March 1, 2019), is now being adopted as proposed.

Effective Date: July 29, 2019.

LINDA H. LAMONE
State Administrator of Elections

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 05

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 13 NEIGHBORHOOD BUSINESS DEVELOPMENT

05.13.01 Business Development Program

Authority: Housing and Community Development Article, §6-308(a)(2),
Annotated Code of Maryland

Notice of Proposed Action

[19-135-P]

The Secretary of Housing and Community Development proposes to repeal existing Regulations **.01—**.19 and adopt new Regulations **.01—**.14 under **COMAR 05.13.01 Business Development Program**.

Statement of Purpose

The purpose of this action is to conform the regulations to Ch. 211, Acts of 2019, and Ch. 482, Acts of 2016, and to prescribe the policies, procedures, and authorization for the origination of loans and other financial assistance provided for qualified businesses in the State of Maryland through the Business Development Program, operated by the Department of Housing and Community Development.

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 amendments will make it possible for the Maryland Department of Housing and Community Development (DHCD) to offer more types of loans and financial assistance than are currently permitted under the existing

regulations. Recent statutory changes in 2016 expanded DHCD's ability to provide business project loans in priority funding areas and eligible opportunity zones. New products may include loans for business owners who lack resources or are otherwise not able to obtain a competitive interest rate when starting or expanding a business. These additional products will allow new and existing businesses new opportunities by providing access to competitive loans that they might not be able to obtain from the existing private market or the U.S. Small Business Administration.

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

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

A. DHCD will receive revenue from the origination fees and loan repayments associated with expanded lending under the program. The number of and amounts of the loans that will be originated are indeterminable. DHCD will incur some minor administrative costs, but these costs will be less than the revenue generated.

Administrative costs are already budgeted. No additional costs would be incurred administratively because of these regulations.

B. DHCD anticipates that the regulation changes will increase the number of loans for eligible businesses by public and private lenders since DHCD's loans will make more projects financially feasible. The actual amount of the increase in loans is indeterminable.

D. Private lenders should benefit by the proposed regulations because additional businesses may be eligible for loans originated by DHCD. The actual amount of the increase in loans made by private lenders is indeterminable.

F. The proposed regulations are expected to result in additional types of loans for business projects that are not currently being served. The proposed regulations are expected to result in an increase in business projects and growth by expanding the availability of loans. The actual increase is indeterminable.

Economic Impact on Small Businesses

The proposed action has meaningful economic impact on small businesses. Analysis of this economic impact follows. The proposed action will have a positive economic impact on businesses by expanding the availability of capital that is needed for the establishment and expansion of businesses.

Impact of Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Matthew Heckles, Director of Community Development Administration, Department of Housing and Community Development, 7800 Harkins Road, Lanham, Maryland 20706, or call 301-429-7855. Comments will be accepted through August 19, 2019. A public hearing has not been scheduled.

.01 General.

This chapter prescribes the policies, procedures, and authorizations for providing financial assistance to eligible small businesses, nonprofit organizations, and microenterprises from the Neighborhood Business Development Fund and for administering the Business Development Program, also known as the Neighborhood Business Works Program.

.02 Objectives.

The purposes of the Program as set forth in the Act are:

A. In priority funding areas or eligible opportunity zones, to:

- (1) Help develop, redevelop, or expand small businesses and microenterprises;*
- (2) Stimulate investment by the private sector;*
- (3) Invest in revitalization projects for small businesses and microenterprises; and*
- (4) Stimulate political subdivisions to participate in developing and expanding small businesses and microenterprises; and*

B. In food deserts or parts of priority funding areas or eligible opportunity zones that serve food deserts, to help create small businesses and other food-related enterprises that provide fresh fruits, vegetables, and other healthy foods to residents in the food desert.

.03 Definitions.

A. In this chapter, the following words have the meanings indicated and as defined in the Act.

B. Terms Defined.

- (1) "Act" means Housing and Community Development Article, Title 6, Subtitle 3, Annotated Code of Maryland.*
- (2) "Business" means a commercial or industrial enterprise.*

(3) "Business project" means a project that is:

(a) Both:

(i) Located in a priority funding area or eligible opportunity zone; and

(ii) Acquired, owned, developed, constructed, reconstructed, rehabilitated, or improved by a person or an entity for the purposes of carrying on a business whether or not for profit; or

(b) Eligible for funding from the Fund.

(4) "Department" means the Department of Housing and Community Development, a principal department of the State.

(5) "Development costs" means the costs incurred to develop, redevelop, or expand a business project and include the costs of:

(a) Necessary studies, surveys, plans, and specifications;

(b) Architectural, engineering, or other special services, including flood plain studies, environmental audits, and critical area or wetland assessments;

(c) Land and improvements;

(d) Site preparation;

(e) Construction, reconstruction, and rehabilitation;

(f) Machinery, equipment, and furnishings;

(g) Essential operating costs, including working capital and initial occupancy expenses;

(h) Indemnity and surety bonds and premiums on insurance;

(i) Temporary relocation expenses; and

(j) Other costs determined to be acceptable by the Department.

(6) "Eligible opportunity zone" means an area designated as a qualified opportunity zone under §1400 Z-1 of the Internal Revenue Code that is located in Allegany County, Garrett County, Somerset County, or Wicomico County.

(7) "Financial assistance" means any form of grant, loan, loan participation, assurance, guarantee, or other credit enhancement, reduction in the principal obligation of or in the rate of interest payable on a loan or portion of a loan, and prepayment of interest on a subordinate or superior loan or portion of a loan.

(8) "Financial assistance documents" means those documents executed by an approved applicant and the Department which set forth the terms and conditions of financial assistance under the Program.

(9) "Food desert" means that part of a priority funding area or eligible opportunity zone designated by the Secretary in accordance with COMAR 05.13.06.05.

(10) "Food desert project" means a project that is located in a food desert or a part of a priority funding area or eligible opportunity zone that serves a food desert for the purpose of providing fresh fruits, vegetables, and other healthy foods to residents in the food desert.

(11) "Fund" means the Neighborhood Business Development Fund under Housing and Community Development Article, §6-310, Annotated Code of Maryland.

(12) Local Jurisdiction.

(a) "Local jurisdiction" means:

(i) A municipal corporation subject to the provisions of the State Constitution, Article XI-E, if a project is located entirely within the boundaries of the municipal corporation; or

(ii) Any of the 23 counties of this State and the City of Baltimore within which a project is located.

(b) "Local jurisdiction" includes each local jurisdiction within which any part of a project is located, if part of the project is located within one local jurisdiction while the remainder of the project is located in a different local jurisdiction.

(13) "Microenterprise" means a business that employs a number of employees or has annual gross receipts no greater than the limits set forth by the U.S. Small Business Administration for microenterprises.

(14) "Mixed use" means a use which includes commercial, retail, residential or any other uses approved by the Department.

(15) "Nonprofit organization" means a corporation, foundation, or other entity that specifies in its charter or bylaws that no part of the net earnings may inure to the benefit of any private shareholder or individual holding any interest in the entity.

(16) "Priority funding area" means an area designated as a priority funding area under State Finance and Procurement Article, §5-7B-02, Annotated Code of Maryland.

(17) "Program" means the Business Development Program, also known as the Neighborhood Business Works Program.

(18) "Program funds" means monies from the Program that are used to provide financial assistance.

(19) "Project" means a project or activity which qualifies for financial assistance under the Program.

(20) "Secretary" means the Secretary of Housing and Community Development.

(21) "Small business" means a business that employs a number of employees or has annual gross receipts no greater than the limits set forth by the U.S. Small Business Administration for small businesses.

(22) "Sustainable community" means the part of a priority funding area or eligible opportunity zone that:

(a) Has been designated as a sustainable community in accordance with COMAR 05.17.02;

(b) Has been designated as a BRAC Revitalization and Incentive Zone under Economic Development Article, Title 5, Subtitle 13, Annotated Code of Maryland; or

(c) Has been designated as a transit-oriented development under Transportation Article, §7-101, Annotated Code of Maryland.

.04 Eligible Applicants.

Applicants shall meet the following minimum requirements to be eligible to apply for financial assistance under the Program:

A. Be in good standing and qualified to do business in Maryland;

B. Be a small business, nonprofit organization, or microenterprise; and

C. Have the legal capacity and all necessary legal authority to incur the obligations involved in the form of financial assistance provided under the Program.

.05 Eligible Uses.

A. Financial assistance may be used for:

(1) Loans or grants for project development costs including, but not limited to:

- (a) The acquisition of:
 - (i) Land;
 - (ii) Structures;
 - (iii) Equipment; or
 - (iv) Furnishings which are or will be a part of a project;
- (b) Construction;
- (c) Reconstruction;
- (d) Rehabilitation;
- (e) Reasonable fees, as determined by the Program, for:
 - (i) Architectural services;
 - (ii) Engineering services;
 - (iii) Legal services; or
 - (iv) Other special services acceptable to the Program;
- (f) Special studies such as:
 - (i) Market and feasibility studies;
 - (ii) Property appraisals;
 - (iii) Test borings;
 - (iv) Flood plain studies;
 - (v) Critical area or wetland assessments; and
 - (vi) Other studies acceptable to the Department;
- (g) Site preparation;

(h) Environmental audits;

(i) Essential operating costs, which are related to an activity necessary to the operation of a project, including:

- (i) Working capital;
- (ii) Occupancy expenses, such as taxes, rent, tenant buildup of leased space, and inventory;
- (iii) Development costs; and
- (iv) Business expenses;
- (j) Acquisition of machinery and equipment necessary to the operation of an enterprise;
- (k) Indemnity and surety bonds;
- (l) Premiums for hazard, liability, title, and mortgage insurance;
- (m) Necessary fees, licenses, and permits related to construction, project review, and approval;
- (n) Necessary studies, surveys, plans, and specifications;
- (o) Payment and performance bonds;
- (p) Relocation expenses; and
- (q) Other necessary costs and fees acceptable to the Department;

- (2) Assurances, guarantees, or any other form of credit enhancement;
- (3) Reduction in the principal obligation of or rate of interest payable on a loan or portion of a loan;
- (4) Prepayment of interest on a subordinate or superior loan or portion of a loan; or
- (5) Fees charged by the Department.

B. Financial assistance may not be made available for any of the following businesses as a principal use of a project:

- (1) Adult bookstore, adult video shop, or other adult entertainment facility;
- (2) Check cashing facility;
- (3) Gambling facility;
- (4) Gun shop;
- (5) Liquor store;
- (6) Massage parlor;
- (7) Pawn shop;
- (8) Tanning salon; or
- (9) Tattoo parlor.

C. Financial assistance may not be made available for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination, including but not limited to religious services, religious instruction, or other activities that have an explicitly religious content. A project is not eligible for financial assistance under the Program if all or any part of the project includes these activities.

.06 Eligible Projects.

In order to be eligible for financial assistance, a project shall satisfy the following requirements:

- A. The project is located within the State;
- B. The project is located in a priority funding area or eligible opportunity zone;
- C. As determined by the Department, the financial assistance from the Program and the financial assistance requested is the least amount of money necessary to make the project financially feasible;
- D. The project is ready to proceed upon receipt of financial assistance under the Program;
- E. Food desert projects:
 - (1) Include a plan to seek out sources of Maryland-grown produce and Maryland-produced foods; and

(2) Are located in a food desert or a priority funding area or eligible opportunity zone that serves food deserts;

F. The political subdivision in which the project is located has:

(1) Approved the project by adopting a local resolution of support;

(2) Approved the project through a letter of support delivered to the Program by an authorized designee; or

(3) Allowed at least 45 days to lapse following receipt of written notice of the proposed project to the highest elected official without denying the application;

G. The operating income and expenses projected for the project show income sufficient, in the sole discretion of the Department, to repay on schedule any loans authorized or guaranteed by the Program; and

H. Upon completion, the project will be in compliance with all applicable zoning requirements and standards as well as the applicable building code of the local jurisdiction in which the project is located.

.07 Terms and Conditions of Financial Assistance.

A. The financial assistance from the Program shall be on such terms as the Department considers necessary to make the project financially feasible.

B. The Department may require an approved applicant to make a cash contribution or other form of contribution to the project.

C. Secured or Unsecured Loans.

(1) The Program may offer financial assistance as secured or unsecured loans.

(2) Secured Loans.

(a) Financial assistance in the form of a loan from the Program may be secured, at the discretion of the Department.

(b) The security shall be acceptable to the Department and may be:

- (i) A mortgage or deed of trust lien;
- (ii) A cash escrow;
- (iii) A letter of credit;
- (iv) A pledge of depository accounts;
- (v) A pledge of accounts receivable;
- (vi) An assignment of income;
- (vii) A security interest in machinery and equipment; or
- (viii) Any other form of security or collateral acceptable to the Department.

(3) Repayment. The principal and interest of a loan made or guaranteed under the Program shall:

(a) Be repayable out of revenues specified by an approved applicant;

(b) Bear interest at a rate determined to be necessary and reasonable for the project which may be as low as zero percent; and

(c) Be repayable in accordance with a schedule determined by the Department, including a deferred payment schedule.

(4) Modification. In order to facilitate the successful completion or operation of a project, the Department may modify:

- (a) The rate of interest;
- (b) The time or amount of payment; or
- (c) Any other term of a loan.

(5) Default. In the event of default, the Department shall have the right to modify the rate of interest, the time or amount of payment, or any other term of financial assistance in order to ensure repayment and achieve the purposes of the Program.

D. Insurance. At or before closing of the financial assistance, or at such other times as required by the Department, the applicant shall provide evidence acceptable to the Department that the applicant, contractor, and other parties, have obtained and maintained property, liability, and other insurance.

.08 Applications and Processing.

A. An application for financial assistance shall be submitted to the Department and shall be made upon standard forms prescribed by the Department. Each application shall:

(1) Be submitted by an eligible applicant as described in Regulation .04 of this chapter;

(2) Contain the applicant's organizational documents, including, as applicable, its articles of incorporation and bylaws, its articles of organization and operating agreement, its certificate of limited partnership and limited partnership agreement, or its partnership or joint venture agreement;

(3) Contain a description of the project;

(4) Contain a description of all sources of funding the applicant has obtained for the project;

(5) Contain sufficient information to determine that the:

(a) Project is located in a priority funding area or eligible opportunity zone;

(b) Project is eligible in accordance with Regulation .06 of this chapter;

(c) Terms and requirements of financial assistance as set forth in Regulation .07 of this chapter can be met; and

(d) Applicant is eligible in accordance with Regulation .04 of this chapter; and

(6) Contain the following additional information:

(a) The estimated number and types of jobs to be created or retained by the project;

(b) The amount, size, and types of space to be created or retained;

(c) The cost of the project;

(d) A project budget identifying all sources and uses of funds;

(e) A pro forma showing anticipated project revenue, expenses, and debt service and other indebtedness of the project;

(f) Identification of the revenues which can be used to repay the financial assistance provided by the Program; and

(g) Other and further information as the Program may request.

B. Application Evaluation.

(1) Each application submitted shall be reviewed by the Program to determine whether all of the information required under §A of this regulation is contained in the application.

(2) Upon submission of all required information, the Program shall undertake an analysis of each application and make a recommendation to the Secretary, as to whether, in accordance with this section, a project is eligible for financial assistance, the amount of financial assistance, and any special terms and conditions for a project.

(3) The Program may take the information set forth in an application and the following factors into consideration in recommending an award of financial assistance:

(a) The ratio of Program and other State funds to both private and other non-State public funds;

(b) The relationship of a project to area revitalization plans, efforts, and strategies;

(c) The capability of an applicant to administer a project;

(d) The potential of the business to serve the needs of the priority funding area or eligible opportunity zone in which it is situated; and

(e) Other factors which the Program determines are desirable in fostering commercial and economic revitalization within a local jurisdiction.

C. Geographical Distribution. In evaluating and recommending a project, the Program shall make reasonable efforts to ensure that financial assistance is equitably distributed among all of the local jurisdictions.

D. Approval of Applications.

(1) *The Program shall evaluate each application for financial assistance. If the Program recommends approval of a project for financial assistance, the Program shall present the project to the Secretary. The Secretary shall approve, disapprove, or approve with modifications all financial assistance to be provided under the Program according to procedures established by the Secretary.*

(2) *The Secretary, in the sole discretion of the Secretary, may delegate to an authorized officer of the Department the authority to approve, disapprove, or approve with modifications financial assistance provided under the Program.*

E. Rejection of Applications. If the Program does not recommend approval of a project for financial assistance, the Program shall issue a written notice of rejection with an evaluation and explanation for rejection.

F. Reconsideration.

(1) *An applicant may request reconsideration of a rejection by submitting a written request, to the Secretary, which is received within 30 days following the date of the rejection notice. The request for reconsideration shall address each reason for the rejection and provide documentation supporting reasons for reconsideration of the issues. The Secretary shall respond in writing to the applicant's request for reconsideration within 30 days of receipt by the Secretary of the request for reconsideration.*

(2) *An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.02.*

(3) *The Secretary, in the sole discretion of the Secretary, may delegate to an authorized officer of the Department the authority to approve, disapprove, or approve with modifications a request for reconsideration of a rejection under the Program.*

G. Closing. The closing of an award of financial assistance shall be scheduled at a time acceptable to the Department and the Office of the Attorney General.

H. Disbursement of Financial Assistance. Financial assistance may be disbursed in accordance with the terms and conditions set forth in the financial assistance documents.

.09 Books and Accounts.

A. Applicants, contractors, and subcontractors shall maintain such books, accounts, and records and shall file with the Department such financial and other reports as the Department may from time to time require.

B. All of these books, accounts, and records shall be open to the inspection of representatives of the Department or other agencies of the State during reasonable working hours.

C. Books, accounts, and records of contractors and subcontractors shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationship between the contractor and the applicant.

.10 Program Administration.

A. The Program may establish from time to time detailed Program guidelines containing underwriting standards, processing requirements, and other requirements or matters relating to providing financial assistance.

B. The Program shall make a reasonable, good faith effort to make 25 percent of Program loans and grants to microenterprises.

C. In accordance with the Act, the Department shall, for each State fiscal year, reserve at least the lesser of \$5,000,000 or the annual capital appropriation for the Fund to make financial assistance available to projects located in sustainable communities.

D. The Department may charge and collect from an applicant or recipient of financial assistance under this title:

- (1) *Origination, application, and processing fees; and*

- (2) *Any other charges, fees, or reimbursements incidental to a project application or providing financial assistance.*

E. The Department shall ensure that Program guidelines, fee information, and application forms are publically available on its website and at its offices.

F. The Department may:

- (1) *Sell, assign, or otherwise dispose of any Program loan or revenue from a loan on terms and conditions acceptable to the Department, including selling loans at a discount;*

- (2) *Apply the proceeds received from any sale, assignment, or other disposition to the Fund; and*

- (3) *Pledge a program loan as security for any:*

- (a) *Business project loan, bond, or security that is issued, made, or purchased by the community development administration of the Department under Housing and Community Development Article, Title 4, Subtitle 2, Annotated Code of Maryland; or*

- (b) *Insurance, guaranty, or credit enhancement on a program loan or business project under Housing and Community Development Article, Title 3, Subtitle 2, Annotated Code of Maryland.*

G. The maximum sale proceeds in any fiscal year may not exceed 20 percent of the total outstanding balance of loans in the Fund.

.11 Approved Entities.

A. General. The Department may approve an entity to originate and administer financial assistance in accordance with this chapter.

B. To be eligible to administer a financial assistance program, the entity shall submit an application to the Department and meet the following minimum criteria to the satisfaction of the Department:

- (1) *Provide evidence satisfactory to the Department supporting the entity's demonstrated ability to:*

- (a) *Manage a performing portfolio of business loans;*

- (b) *Evaluate applications for financial assistance, underwrite loans, and administer financial assistance programs;*

- (c) *Leverage Program proceeds with other private or public sources of funding;*

- (d) *Comply with Program statutes, regulations, guidelines, and policies;*

- (e) *Provide adequate resources and staff to implement the Program, including staff trained to efficiently:*

- (i) *Process loan applications, draw schedules, and other loan documentation;*

- (ii) *Evaluate loan portfolio performance; and*

- (iii) *Monitor the work performed with the Program proceeds;*

- (f) *Provide substantive technical assistance to recipients of financial assistance;*

- (g) *Obtain coverage by a fidelity bond or employee dishonesty liability insurance as determined by the Department; and*

- (h) *Be duly organized and in good standing in the State of Maryland; and*

- (2) *Provide audited financial statements that demonstrate the entity's ability to maintain consistent:*

- (a) *Revenues;*

- (b) *Operating reserves;*

- (c) *Net assets;*

- (d) *Unrestricted assets; and*

- (e) *Portfolio delinquency rates.*

C. An approved entity shall execute and comply with the terms of an administration agreement, loan agreement, loan note, assignment, and other documents governing the duties of the entity under the Program, as required by the Department.

D. An approved entity shall be directly responsible for fulfilling all of its duties and responsibilities under the Program and may not

assign its responsibilities without the prior written consent of the Department.

E. The Department may monitor an approved entity's administration of loans funded by the Department, and may enforce its remedies under the Program loan documents, including revoking the entity's approval to administer a loan program under this chapter.

F. Other Requirements.

(1) An approved entity shall;

(a) Maintain financial records of Program proceeds for at least 5 years, and shall make them available for review by the Department at all reasonable times; and

(b) Provide the Department with periodic reporting on:

(i) Loan disbursements to loan borrowers; and

(ii) Other information required by the Department.

(2) Upon notice to an approved entity, and during normal business hours, the Department may inspect the files of an approved entity relating to any loans originated under the Program.

G. To fund financial assistance under this regulation the Department may:

(1) Directly fund the financial assistance that is originated by an approved entity;

(2) Provide financial assistance to an approved entity for the purpose of the approved entity making the financial assistance to another entity;

(3) Purchase or commit to purchase from approved entities any form of financial assistance that meets the requirements of this chapter; and

(4) Enter into agreements with approved entities to collectively lend money on a project that meets the requirements of this chapter.

.12 Nondiscrimination and Drug-Free and Alcohol-Free Workplace.

A. An applicant or contractor may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the Program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, repair, or maintenance of any property financed or assisted under the Program.

B. An applicant or contractor shall comply with all applicable federal, State, and local laws and Departmental policies and programs regarding discrimination, equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:

(1) Title VI and VII of the Civil Rights Act of 1964, as amended;

(2) Title VIII of the Civil Rights Act of 1968, as amended;

(3) The Fair Housing Amendments Act of 1988, as amended;

(4) The Department's Minority Business Enterprise Program, as amended;

(5) Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order;

(6) State Government Article, Title 20, Annotated Code of Maryland, as amended; and

(7) The Americans with Disabilities Act of 1990, as amended.

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and other parties.

.13 Waiver.

The Secretary may waive or vary provisions of these regulations to the extent that the waiver or variance is consistent with the Act and if, in the written determination of the Secretary, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.

.14 False Statements.

A. A person may not knowingly make or cause to be made a false statement or report in any document required to be furnished to the Department by an agreement relating to financial assistance.

B. A person applying for or benefiting from financial assistance under the Program may not knowingly make or cause to be made a false statement or report for the purpose of influencing the action of the Department on an application or for the purpose of influencing the action of the Department affecting financial assistance already provided.

C. A person who violates §A or B of this regulation is:

(1) Subject to immediate cancellation or acceleration of the form of financial assistance provided by the Program; and

(2) Guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$50,000, or imprisonment not exceeding 5 years, or both.

KENNETH C. HOLT

Secretary of Housing and Community Development

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §§4-205.1, 4-602, and 4-11A-02, Annotated Code of Maryland

Notice of Proposed Action

[19-131-P]

The Secretary of Natural Resources proposes to amend Regulation **.16** under **COMAR 08.02.01 General**.

Statement of Purpose

The purpose of this action is to clarify the documentation requirements for out-of-State finfish suppliers.

Some suppliers have indicated reluctance to apply as an out-of-State supplier due to the wording in the current regulation. The current language requires that a person submit all fish health testing documentation for viral, bacterial, protozoan, or parasitic infections so that the Department may determine if the finfish to be stocked in Maryland waters pose an unacceptable risk to native or naturalized aquatic resources.

While the application for the permit describes what the required fish health testing documentation comprises, some suppliers are concerned because the regulation states that they shall "submit all fish health testing documentation." Some suppliers believe the wording of the regulation could result in legal liability for them if they do not provide every single document that they possess relating to fish health testing. The proposed action clarifies the requirement by changing the terminology of the regulation from "all" to "required" documentation. Making this change is beneficial for all parties involved.

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 Out-of-State Supplier Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through August 19, 2019. A public hearing has not been scheduled.

.16 Importation of Finfish.

A.—B. (text unchanged)

C. Application.

(1) (text unchanged)

(2) A person shall submit [all] *required* fish health testing documentation for viral, bacterial, protozoan, or parasitic infections so that the Department may determine if the finfish to be stocked in Maryland waters pose an unacceptable risk to native or naturalized aquatic resources.

D.—E. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.02 Use of Wildlife Areas

Authority: Natural Resources Article, §§10-801 and 10-808, Annotated Code of Maryland

Notice of Proposed Action

[19-130-P]

The Secretary of Natural Resources proposes to amend Regulation .02 under **COMAR 08.03.02 Use of Wildlife Areas**.

Statement of Purpose

The purpose of this action is to amend Regulation .02 to add three recently acquired landholdings by the Department of Natural Resources to the wildlife management area system. The three new wildlife management areas are Browns Branch Wildlife Management Area and Tall Oak Wildlife Management Area in Queen Anne’s County and Popes Creek Wildlife Management Area in Charles County. Browns Branch is a 1,172 acre property in northern Queen Anne’s County near Church Hill. The area is comprised of agricultural fields, mature forests, and a stream named Brown’s Branch. Tall Oak Wildlife Management Area is a 38.5 acre property north of Centreville. The area consists of mature hardwood forest and seasonal wetlands. Popes Creek Wildlife Management Area is a 522 acre property in southern Charles County. The area features agricultural fields and forests, as well as stream corridors and ravines. The new wildlife management areas will be opened to the public for hunting, birdwatching, and other wildlife-oriented recreation. The name of Chicone Creek Wildlife Management Area in Dorchester County is being renamed to Chicone Creek Woods Wildlife Management Area.

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 Tim Larney, Associate Director, Wildlife and Heritage Service, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8567, or email to tim.larney@maryland.gov, or fax to 410-260-8596. Comments will be accepted through August 19, 2019. A public hearing has not been scheduled.

.02 Wildlife Management Area System.

A. (text unchanged)

B. Wildlife Management Areas.

Name of Area	County
Avondale — Bowen	(text unchanged)
<i>Browns Branch</i>	<i>Queen Anne’s</i>
Cedar Island — Chicamuxen	(text unchanged)
Chicone Creek <i>Woods</i>	Dorchester
Cunningham Swamp — Pocomoke Sound	(text unchanged)
<i>Popes Creek</i>	<i>Charles</i>
Prather’s Neck — Strider	(text unchanged)
<i>Tall Oak</i>	<i>Queen Anne’s</i>
Tar Bay — Wetipquin	(text unchanged)

C. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.01 Board of Boiler Rules

Authority: Public Safety Article, §12-905, Annotated Code of Maryland

Notice of Proposed Action

[19-129-P]

The Commissioner of Labor and Industry proposes to amend Regulation .28 under **COMAR 09.12.01 Board of Boiler Rules**. This action was considered by the Board of Boiler Rules pursuant to a meeting held on April 3, 2019, notice of which was published on the Division’s website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to restore the responsibility of filing a boiler or pressure vessel manufacturer’s data report with the Chief Boiler Inspector to the manufacturer. This responsibility was

inadvertently shifted to the authorized insurer during prior regulatory revisions.

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 Mischelle F. Vanreusel, Regulatory and Grants Coordinator, 1100 North Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to Mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through August 19, 2019. A public hearing has not been scheduled.

.28 Reporting Requirements.

A.—F. (text unchanged)

G. [An authorized insurer] *A manufacturer* shall file a manufacturer's data report with the Chief Boiler Inspector through the National Board for each of its boilers and pressure vessels to be operated in Maryland.

H.—I. (text unchanged)

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.41 Wage and Hour Law

Authority: Labor and Employment Article, §§2-106(c), [and] 3-410, and 3-419, Annotated Code of Maryland

Notice of Proposed Action

[19-128-P]

The Commissioner of Labor and Industry proposes to adopt new Regulation .20 and recodify existing Regulations .20—.23 to be Regulations .21—.24 under COMAR 09.12.41 Wage and Hour Law.

Statement of Purpose

The purpose of this action is to adopt regulations to require restaurant employers who utilize a tip credit to provide employees with a written or electronic wage statement. This action is to address the requirement of Chs. 10 and 11 (H.B. 166 and S.B. 280), Acts of 2019, which amended the Wage and Hour Law to require the Commissioner to adopt regulations requiring restaurant employers of certain tipped employees to receive a wage statement that shows the effective hourly tip rate.

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 Mischelle F. Vanreusel, Regulatory and Grants Coordinator, 1100 North Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to Mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through August 19, 2019. A public hearing will be held August 15, 2019, at 10 a.m., at 1100 North Eutaw Street, Room 600, Baltimore MD 21201.

.20 Restaurant Tip Credit Wage Statement.

A. Definitions.

(1) *In this regulation, the following terms have the meanings indicated.*

(2) *Terms Defined.*

(a) *"Tip credit wage statement" means a written or electronic statement that shows the employee's effective hourly rate of pay, including employer paid cash wages plus all reported tips, for all tip credit hours worked for each workweek in the pay period.*

(b) *"Restaurant" has the meaning stated in Regulation .07D of this chapter.*

B. A restaurant employer shall provide each employee for whom the employer utilizes a tip credit with a tip credit wage statement for each workweek in the pay period no later than 2 weeks following the end of the pay period.

C. A restaurant employer may satisfy the requirement in §B of this regulation by providing an online system through which an employee may obtain the employee's tip credit wage statement.

MATTHEW S. HELMINIAK
Commissioner Labor and Industry

Title 11 DEPARTMENT OF TRANSPORTATION

Notice of Proposed Action

[19-132-P]

The Administrator of the Motor Vehicle Administration proposes to amend:

(1) Regulations .02 and .04 under COMAR 11.11.13 Ignition Interlock Program; and

(2) Regulations .02—.04, .08, .10, and .18 under COMAR 11.13.10 Ignition Interlock Systems.

Statement of Purpose

The purpose of this action is to update the definitions and to establish regulations for the requirement for the Ignition Interlock System to be equipped with a camera pursuant to the passage of Chapter 65 (HB 55) and Chapter 66 (SB 245), Acts of 2019.

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 Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call (410) 768-7545, or fax to (410) 768-7506, or email to tsheffield@mdot.state.md.us. Comments will be accepted through August 19, 2019. A public hearing has not been scheduled.

**Subtitle 11 MOTOR VEHICLE
ADMINISTRATION —
ADMINISTRATIVE PROCEDURES**

11.11.13 Ignition Interlock Program

Authority: Transportation Article, §§12-104(b), 16-205.1, 16-404.1, and [27-107] 21-902.2, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (3) (text unchanged)

(4) “Ignition interlock device” or “interlock device” [means a device that:

(a) Connects a motor vehicle’s ignition system to a breath analyzer that measures an individual’s alcohol concentration; and

(b) Prevents a motor vehicle ignition from starting the motor vehicle if the driver’s alcohol concentration exceeds the calibrated setting on the device] *means an ignition interlock system as defined under Transportation Article, §21-902.2, Annotated Code of Maryland.*

(5) — (10) (text unchanged)

.04 Violations of the Program.

A. — B. (text unchanged)

C. *When a violation of the Program is found, there is a presumption that the violation has been committed by the participant when the person is not clearly visible and identifiable in the interlock device camera image.*

**Subtitle 13 MOTOR VEHICLE
ADMINISTRATION — VEHICLE
EQUIPMENT**

11.13.10 Ignition Interlock Systems

Authority: Transportation Article, §§12-104(b), 16-404.1, [27-107.] and [27-108] 21-902.2, Annotated Code of Maryland

.02 Definitions.

A. [The] *In this chapter, the following terms have the meanings indicated.*

B. Terms Defined.

(1) — (7) (text unchanged)

(8) “Device” [means an ignition interlock device] or “ignition interlock device” *means an ignition interlock system as defined in Transportation Article, §21.902.2, Annotated Code of Maryland.*

[(9) “Ignition interlock device” means a device that connects a motor vehicle’s ignition system to a breath analyzer that measures an individual’s alcohol concentration and prevents a motor vehicle ignition from starting the motor vehicle if a driver’s alcohol concentration exceeds the calibrated setting on the device.]

[(10)] (9) — [(15)] (14) (text unchanged)

.03 Manufacturer’s Application.

A. (text unchanged)

B. An application for certification shall include, in addition to other information which the Administration may require:

(1) — (3) (text unchanged)

(4) Technical specifications descriptive of the device’s accuracy, security, data collection and recording, *digital photographic image collection*, tamper detection, and environmental features;

(5) — (8) (text unchanged)

.04 Guidelines.

A. — F. (text unchanged)

G. *Mandatory Operational Features — Camera.*

(1) *The device shall have a camera with the capability of recording and storing still images without the capability to record sound or video and that records photographic images only while the device is testing the blood alcohol level of the individual taking the test or if tampering with the device is detected.*

(2) *The camera required under §G(1) of this regulation:*

(a) *May not pose a threat to the individual taking the test or passengers of the vehicle in the event it becomes displaced;*

(b) *Shall take an image of the individual taking the test with sufficient clarity and resolution to allow the individual taking the test to be identified;*

(c) *Shall operate in all lighting conditions, and capture a clear image of the individual taking the test for identification; and*

(d) *Shall focus on and take images of the individual taking the test while the individual is completing the breath alcohol test with the ignition interlock device as specified by the Administration.*

.08 Installation Standards.

A. — B. (text unchanged)

C. The manufacturer is responsible for ensuring electronic anti-tampering securities which include, but which are not limited to, the following:

(1) — (3) (text unchanged)

(4) When a device detects a condition that would be considered tampering, the device shall activate an indicator or interrupt device *and capture and store a photographic image.*

.10 User Orientation and Support.

A. The vehicle operator shall be provided:

(1) — (2) (text unchanged)

(3) Written notice about how the device may be affected by high altitudes; [and]

(4) *Written notice about the requirement that the customer must remain in clear view of the camera at all times while a breath sample is being provided; and*

[(4)] (5) (text unchanged)

B. (text unchanged)

.18 Exemption.

An ignition interlock device certified and installed before [October 1, 1996] *October 1, 2019*, may continue to be used until the earliest of:

A. — B. (text unchanged)

C. [180 days after the amendments to this regulation become effective] *The customer’s re-enrolling with a device that was installed prior to October 1, 2019.*

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

13B.08.17 Student Loan Debt Relief Tax Credit

Authority: Education Article, §11-105(u); Tax-General Article, §10-740; Annotated Code of Maryland

Notice of Proposed Action

[19-133-P]

The Maryland Higher Education Commission proposes to amend Regulation .04 under **COMAR 13B.08.17 Student Loan Debt Relief Tax Credit**. This action was considered and approved at a public meeting of the Commission held on May 22, 2019.

Statement of Purpose

The purpose of this action is to remove the requirement under COMAR 13B.08.17.04 for notarization of certain statements in the application form for the Student Loan Debt Relief Tax Credit.

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 Geoffrey Newman, Assistant Secretary, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3085, or email to geoff.newman@maryland.gov. Comments will be accepted through August 19, 2019. A public hearing has not been scheduled.

.04 Applying to the Commission for Certification of a Tax Credit.

A. — B. (text unchanged)

C. The Student Loan Debt Relief Tax Credit application shall require a qualified taxpayer to submit, in a form prescribed by the Secretary, information required by the Secretary to determine the taxpayer's eligibility for certification, including but not limited to:

(1) — (6) (text unchanged)

(7) A signed [and notarized] statement by the qualified taxpayer under penalty of perjury attesting that the information submitted in the application is true and correct to the knowledge and belief of the qualified taxpayer;

(8) A signed [and notarized] statement by the qualified taxpayer authorizing a lender or educational institution to release personal academic or financial information as may be requested by the Commission in processing the qualified taxpayer's application; and

(9) A signed [and notarized] statement of assurance by the qualified taxpayer that the individual shall use any credit approved by the Commission and accepted by the Comptroller for the repayment of the individual's student loan debt as soon as practicable and not later than 2 years after the taxable year in which the credit is claimed.

D. (text unchanged)

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education

Subtitle 08 FINANCIAL AID

13B.08.21 Maryland Community College Promise Scholarships

Authority: Education Article, §§11-105(u)[.] and 18-204(c)[, 18-3603, 18-3604.] and [18-3606] *Subtitle 36, Title 18*, Annotated Code of Maryland

Notice of Proposed Action

[19-134-P]

The Maryland Higher Education Commission proposes to amend Regulations .05, .08, .09, .12, and .17 under **COMAR 13B.08.21 Maryland Community College Promise Scholarships**. This action was considered and approved at a public meeting of the Commission held on May 22, 2019.

Statement of Purpose

The purpose of this action is to change certain application deadlines, application form requirements, late award considerations, eligibility verification procedures, and institutional certification procedures; and to clarify disability documentation requirements for Maryland Community College Promise Scholarships under COMAR 13B.08.21.

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 Geoffrey Newman, Assistant Secretary, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3085, or email to geoff.newman@maryland.gov. Comments will be accepted through August 19, 2019. A public hearing has not been scheduled.

.05 Application Process.

A. A student shall apply annually and shall submit all supporting documentation requested by the Office:

(1) For the 2019—2020 award year only, by [June 15, 2019] *a deadline established by the Office*; and

(2) Beginning with the 2020—2021 award year and each year thereafter:

(a) By [May 15] *June 15*, for initial applications; and

(b) By [April 1] *May 1*, for renewal applications.

B. Form of Application.

(1) Initial applicants shall submit:

(a) [The] *By March 1, the* FAFSA or, if the applicant is ineligible to receive federal Title IV financial aid, but qualifies for in-State tuition under Education Article, §15-106.8, Annotated Code of Maryland, an alternate application form prescribed by the Office; and

(b) The Promise Scholarship application, *if any*, prescribed by the Office.

(2) [Renewal] *By March 1, renewal* applicants shall submit the FAFSA or, if the applicant is ineligible to receive federal Title IV

financial aid, but qualifies for in-State tuition under Education Article, §15-106.8, Annotated Code of Maryland, an alternate application form prescribed by the Office.

C. — E. (text unchanged)

.08 Waiting List.

A. — B. (text unchanged)

C. Notwithstanding any other provision of this chapter, consideration for a late award shall be given, in the following descending order, to students:

- (1) (text unchanged)
- (2) Who enrolled in the summer semester to maintain the GPA requirement; [and]
- (3) Who applied on time and were eligible for an award but were not awarded due to lack of funds[.]; and
- (4) *Whose actual tuition and fee expenses increased as a result of the student adding credits after initial registration.*

D. (text unchanged)

.09 Verification of Eligibility.

A. Verification by the Office of Initial Applicants.

(1) Annually, the Office shall verify [the accuracy of adjusted gross income levels and the accuracy of demonstrated need for]:

(a) [All initial scholarship applicants who are not federally selected for the V1 and V5 verification groups, as defined by the U.S. Department of Education] *The eligibility of each applicant*; and

(b) [All] *The accuracy of adjusted gross income levels and demonstrated need of a representative sample of applicants who are ineligible to receive federal aid and complete the separate application prescribed by the Office.*

(2) An applicant selected by the Office for verification *under §A(1)(b) of this regulation who is ineligible for federal aid and has filed a State or federal tax return shall verify the following:*

(a) — (h) (text unchanged)

[(3) An applicant selected by the Office for verification who earned, or whose family earned if the student is a dependent or married, below the maximum income requirement to file a tax return [shall verify the following:

- (a) Income earned from work;
- (b) Number of household members; and
- (c) Number of household members enrolled in an institution of higher education.]

[(4)] (3) — [(5)] (4) (text unchanged)

[(6)] (5) The Office annually shall verify the accuracy of adjusted gross income *and demonstrated need* for a percentage of renewal recipients, randomly selected, who are not federally selected and who are not eligible to receive federal aid but are eligible for in-State tuition, as described in §A of this regulation.

B. — F. (text unchanged)

.12 Certification of Award Eligibility.

A. The Office shall create a certification of award roster for each institution, and the institution shall complete the certification [each semester] by the date established by the Office.

B. The certification of award roster shall contain the name of each applicant *who has been identified by the Office as potentially eligible for an award and whose tuition and fees are unmet by non-loan aid awards, verified by the community college, and who meets all requirements as described under Regulations .03 and .04 of this chapter by the established deadlines.*

C. [Each] *To determine an applicant's unmet tuition, a community college annually shall report in MDCAPS all types of non-loan aid the applicant is receiving and the annual tuition and fees based on the applicant's fall enrollment status.*

[D. The award amount reported to the Office shall be the amount of tuition remaining after all other non-loan aid has been applied to the applicant's tuition.]

[E.] D. — [J.] I. (text unchanged)

.17 Full-Time Enrollment Appeal Criteria.

A. (text unchanged)

B. A recipient appealing under §A of this regulation shall appeal to the Office on a semester basis and shall submit the following:

- (1) (text unchanged)
- (2) *Documentation from a disability support services office or similar office that confirms the student is an individual with disabilities who is unable to enroll full-time due to the disability.*

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education

Title 14
INDEPENDENT AGENCIES
Subtitle 35 MARYLAND HEALTH
BENEFIT EXCHANGE

14.35.18 Small Business Health Options Program

Authority: Insurance Article, §§31-106(c)(1)(iv), 31-108(b)(13), and 31-111, Annotated Code of Maryland [19-136-P]

Notice of Proposed Action

The Maryland Health Benefit Exchange proposes to adopt new Regulations **.01—08** under a new chapter, **COMAR 14.35.18 Small Business Health Options Program**.

Statement of Purpose

The purpose of this action is to establish the regulatory framework for the small business health option program.

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 Taylor Kasky, Senior Health Policy Analyst, Maryland Health Benefit Exchange, 750 E. Pratt Street, Baltimore MD 21202, or call 410-547-7971, or email to taylor.kasky2@maryland.gov, or fax to 410-547-7373. Comments will be accepted through August 19, 2019. A public hearing has not been scheduled.

.01 Scope.

This chapter sets forth the requirements for the Small Business Health Options Program. This chapter does not address the individual exchange or qualified dental plans or qualified vision plans.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Common law employee" has the meaning stated in 20 CFR §404.1007.

(2) "Date of enrollment" means the date of enrollment of an individual covered under a group health plan or, if earlier, the first day of the waiting period for such enrollment.

(3) "Employer group health insurance coverage" means health coverage offered by an employer to an employee and the employee's dependents, if eligible, under:

(a) Government health coverage, such as the Federal Employees Health Benefit program;

(b) Health coverage offered in the small or large group market by an employer within a state; or

(c) Grandfathered health coverage offered by an employer in a group market.

(4) "Full-time employee" means a common law employee working on average, at least 30 hours per week.

(5) "Independent contractor" means a 1099 employee working 30 or more hours per week.

(6) "Member" means any person enrolled in a health benefit plan.

(7) "Part-time employee" means a common law employee working fewer than 30 hours per week, or seasonal worker working more than 120 days per year.

(8) "Participation rate" means the percentage of eligible employees electing to participate in a health benefit plan out of all eligible employees.

(9) "Participation requirement" means a policy provision, or a carrier's underwriting guideline if there is no such provision, which requires that a group attain a certain participation rate in order for a carrier to accept the group for enrollment in the plan.

(10) "Qualified employee" means an employee who:

(a) Works on a full-time basis with a normal work week of thirty or more hours, but does not include an employee who works on a temporary or substitute basis; and

(b) Is hired to work for a period of not less than 5 months.

(11) "Qualified employer" means a small employer that elects to make its full-time employees and, at the option of the employer, some or all of its part-time employees eligible for one or more qualified health plans offered through the SHOP Exchange, provided that the employer:

(a) Has its principal place of business in the State and elects to provide coverage through the SHOP Exchange to all of its eligible employees, wherever employed; or

(b) Elects to provide coverage through the SHOP Exchange to all of its eligible employees who are principally employed in the State.

(12) "Rescission" means a cancellation or discontinuance of coverage that has retroactive effect.

(13) "Waiting period" means the period of time that must pass before coverage for a qualified employee who is otherwise eligible to enroll under the terms of a small group health plan can become effective.

.03 Eligibility for SHOP Exchange.

A. Nondiscrimination. No policy shall exclude a qualified employee or dependent on the basis of age, sex, sexual orientation, gender identity, occupation, actual or expected health condition, claims experience, duration of coverage, or medical condition.

B. SHOP Exchange Employer Eligibility.

(1) An employer is eligible to purchase insurance on the SHOP Exchange if it meets the following requirements as established by Insurance Article, §31-101(z)(1), Annotated Code of Maryland:

(a) Has 50 or fewer employees;

(b) Has at least one full-time employee who is not the spouse or other dependent of the owner;

(c) Has its principal place of business in Maryland;

(d) Elects to offer, at a minimum, all full-time employees coverage in a qualified health plan through the SHOP Exchange; and

(e) Either:

(i) Elects to provide coverage through the SHOP to all eligible employees, wherever employed; or

(ii) Elects to provide coverage through the SHOP to all of its eligible employees who are principally employed in Maryland.

(2) For the purpose of determining the number of qualified employees, a business shall be considered to be one qualified small business or group if:

(a) It is eligible to file a combined tax return for purpose of State taxation; or

(b) It comprises two or more companies that are part of the same parent-subsidiary controlled group, as defined by 26 CFR §1.1563-1(a)(2).

C. New Employers. An employer that was not in existence for the entirety of the preceding calendar year shall have eligibility determined as established by Insurance Article, §31-101, Annotated Code of Maryland.

D. Eligibility Application. All qualified small businesses shall submit an eligibility application in accordance with relevant provisions of 45 CFR §155.716.

E. Duration of Eligibility. A determination of an employer's eligibility to participate in SHOP remains valid until the employer makes a change that could end its eligibility under 45 CFR §155.710(b), or until the employer withdraws from participation in the SHOP.

F. Eligible Employee.

(1) Full-time common law employees are eligible for SHOP participation.

(2) An employer who elects to cover part-time and seasonal employees working more than 120 days per year shall calculate full-time equivalency of the employee's hours by:

(a) Calculating the total number of hours worked by all part-time and seasonal employees per month; and

(b) Dividing the total number of hours worked by 120.

G. Groups with Non-Common Law Employees. The following groups are eligible for SHOP participation if at least one common law full-time employee is also employed and elects to enroll in SHOP coverage:

(1) A corporate partner;

(2) An S corporation shareholder with more than 2 percent ownership;

(3) A business that employs contractual 1099 employees; and

(4) A sole proprietor.

H. Household Employers. A household employer is eligible for SHOP participation, under the following conditions:

(1) Relevant eligibility requirements pursuant to this regulation are met; and

(2) The employer has filed, or will file for the subsequent tax year, an appropriate Schedule H (Form 1040) or Form 941 demonstrating that a household employee is employed, and all appropriate taxes have been paid or withheld.

I. Minimum Participation. A qualified employer shall meet the following minimum participation requirements:

(1) At least 75 percent minimum participation is required for qualified employers, if the qualified employer designates a coverage

level within which its employees may choose any qualified health plan in the SHOP Exchange;

(2) If the qualified employer selects one carrier from which eligible employees may choose a plan, the carrier may not impose a minimum participation requirement that exceeds 75 percent of eligible employees; and

(3) Minimum participation is attained prior to initial plan enrollment, and annually prior to plan renewal for employee choice groups.

J. Participation Determination. In applying a minimum participation requirement to determine whether the applicable percentage of participation is met, a carrier may not consider as eligible employees:

(1) Those who have group spousal coverage under a public or private plan of health insurance or another employer's health benefit arrangement, including Medicare, Medicaid, and CHAMPUS, that provides benefits similar to or exceeding the benefits provided under a bronze level health plan as described in 45 CFR §156.140; or

(2) Employees who are under the age of 26 years who are covered under their parent's health benefit plan.

K. Waiver of Minimum Participation Period. Small employers that cannot comply with minimum participation requirements may apply for coverage during the period that begins on November 15 and extends through December 15 of any year.

L. Determination Outcomes.

(1) A group shall be enrolled once it has been determined that the group satisfied the minimum participation requirement.

(2) If a group becomes enrolled as the result of an error in computing participation level, enrollment shall continue until the end of the month following the month in which a termination notice is sent.

(3) The determination of an employer's eligibility to participate in the SHOP remains valid until the employer makes a change that ends or alters its eligibility, or the employer withdraws from participation in the SHOP.

M. Eligibility Redetermination.

(1) The SHOP Exchange may request new eligibility applications from employers in order to conduct eligibility redetermination.

(2) Requests shall be made by the SHOP Exchange no later than 60 prior to the employer's renewal date.

N. Eligibility Adjustment Period. When information submitted on the SHOP single employer application is inconsistent with information collected from third-party data sources through the verification process or otherwise received by the SHOP Exchange, the SHOP Exchange shall:

(1) Make a reasonable effort to identify and address any causes of typographical errors or clerical errors;

(2) Notify the employer of the inconsistency;

(3) Provide the employer with a period of 30 days from the date the notice is sent, to present satisfactory documentary evidence to support the employer's application, or resolved the inconsistency; and

(4) If after the 30-day period described in §N(3) of this regulation the SHOP Exchange has not received satisfactory documentary evidence:

(a) Notify the employer of its denial or termination of eligibility and of the employer's right to appeal such determination; and

(b) If the employer was enrolled pending the confirmation or verification of eligibility information, discontinue the employer's participation in the SHOP at the end of the month following the month in which the ineligibility notice is sent.

O. Employer Eligibility Appeal.

(1) An employer has the right to appeal:

(a) A notice of denial or termination of eligibility; and

(b) A failure by the SHOP Exchange to provide a timely eligibility determination or a timely notice of an eligibility determination.

(2) All appeals shall be requested within 90 days from the date of the notice of denial or termination of eligibility.

(3) The SHOP Exchange shall provide a written notice of the right to appeal a denial of eligibility which includes:

(a) The reason for the denial or termination of eligibility, including a citation to the applicable regulations; and

(b) The procedure by which the employer may request an appeal of the denial or termination of eligibility.

(4) The SHOP Exchange shall issue written notice of the appeal decision to the employer within 90 days of the date the appeal request is received.

(5) If an employer is found eligible following the appeal decision, then, at the employer's option, the effective date of coverage or enrollment through the SHOP Exchange under the decision is:

(a) Retroactive to the effective date of coverage or enrollment through the SHOP Exchange that the employer would have had if the employer had been correctly determined eligible; or

(b) Prospective to the first day of the month following the date of the notice of the appeal decision.

(6) If the employer is found ineligible under the appeal decision, then the appeal decision is effective as of the date of the notice of the appeal decision.

P. Safe Harbor. The SHOP Exchange and participating carriers shall treat a qualified small business which ceases to be eligible solely by reason of an increase in the number of employees, as an eligible small business until it otherwise fails to meet the eligibility criteria of this section, or it elects to terminate coverage for qualified employees through the SHOP Exchange.

Q. Reporting. Employers shall submit a new application within 30 days of any change made to the business structure that could alter its SHOP Exchange eligibility.

.04 Enrollment.

A. Rolling Enrollment Period. A qualified employer may purchase coverage for its small group at any point during the year.

B. Length of Plan Year. The employer's plan year shall consist of the 12-month period beginning with the qualified employer's effective date of coverage.

C. Effective Coverage Dates.

(1) The effective date of coverage is:

(a) No later than the first day of the following month for a group enrollment received on the first through the fifteenth day of any month; or

(b) No later than the first day of the second following month for a group enrollment received on the sixteenth through the last day of any month.

(2) A qualified employer may opt for a later effective date within a quarter for which small group market rates are available.

D. Newly Hired Employees.

(1) The effective date of coverage for a qualified health plan selection received by the SHOP from a newly qualified employee is the first day of the month following the end of the waiting period.

(2) If the newly qualified employee makes a plan selection on the first day of the month and any applicable waiting period has ended by that date, coverage shall be effective on that date.

E. Annual Open Enrollment Period Standards. A carrier shall establish an open enrollment period that meets the requirements

established under Insurance Article, §§15-1208.1 and 15-1208.2, Annotated Code of Maryland.

F. *Eligibility Requirement Waiver Period.* If a small group health plan cannot comply with group participation rules for the offering of health insurance coverage, a carrier may restrict the availability of such coverage to an annual enrollment period that begins November 15 and extends through December 15 of each calendar year.

G. *Special Enrollment Periods.* Special enrollment periods shall be established in accordance with the requirements of Insurance Article, §§15-1208.1 and 15-1208.2, Annotated Code of Maryland.

H. *Waiting Period.* A small employer may implement a waiting period of no more than 90 days for any qualified employee.

I. *Payment of First Month's Premium.*

(1) A small employer shall pay the first month's premium to the carrier of the qualified health plan to effectuate enrollment when the small employer has:

(a) Enrolled in a qualified health plan after coverage from a previous enrollment in a qualified health plan the individual had was terminated;

(b) Enrolled for the first time in a qualified health plan in the SHOP Exchange; or

(c) Enrolled in a qualified health plan offered by a different carrier of the same holding company in the SHOP Exchange.

(2) The first month's premium payment to effectuate prospective coverage for qualified health plan selections made during an annual open enrollment period or during a special enrollment period shall be due from the employer on a uniformly applied date specified by the authorized carrier of the qualified health plan that is no earlier than the coverage effective date but no later than 30 calendar days from the coverage effective date.

(3) The first month's premium payment to effectuate prospective coverage for qualified health plan selections made during a special enrollment period under §G of this regulation shall be due from the employer on a uniformly applied date specified by the authorized carrier of the qualified health plan that is no earlier than the coverage effective date but no later than 30 calendar days from the date the carrier receives the enrollment transaction from the SHOP.

(4) Payment to effectuate retroactive coverage shall include the premium due from the employer for all months of retroactive coverage and the full premium amount of the first prospective month of coverage.

(5) Payment to effectuate retroactive coverage for qualified health plan selections made during a special enrollment period shall be due on a uniformly applied date specified by the authorized carrier that is no earlier than the coverage effective date and no later than 30 calendar days from the date the carrier receives the enrollment transaction from the SHOP Exchange or the coverage effective date, whichever is later.

(6) An authorized carrier may choose to extend the premium due date if the carrier does so in a uniform and consistent manner for all similarly situated applicants.

J. *Group Installation.*

(1) A carrier shall install groups upon enrollment.

(2) Employee choice groups shall be effective on the date the group first effectuated coverage.

K. *Renewal.* A health insurance issuer offering SHOP coverage shall renew or continue in force the coverage in the manner prescribed under Insurance Article, §15-1212, Annotated Code of Maryland.

.05 Termination, Cancellation, and Renewal of Qualified Health Plan.

A. *Termination.*

(1) A qualified employer who participates in the SHOP and who terminates SHOP coverage terminates the enrollment of the employees enrolled in plans under the SHOP.

(2) An employee who is the certificate holder of a qualified health plan purchased through the SHOP, who terminates enrollment in a qualified health plan also terminates the enrollment of the other enrollees in the employee's household.

(3) Each enrollee who is not the certificate holder may terminate enrollment in a qualified health plan without affecting the enrollment status of the employee's household or each individual member of the employee's household other than the enrollee.

(4) A carrier shall process the SHOP Exchange's termination determination promptly and without undue delay.

(5) A carrier shall maintain records of termination of enrollment in a qualified health plan in the format specified by the SHOP Exchange in an electronic data interchange format for a period of 10 years.

(6) A carrier shall make reasonable accommodations for all individuals with disabilities (as defined by the Americans with Disabilities Act), including head-of-household and non-head-of-household enrollees, before terminating the individual's enrollment.

(7) A carrier shall send an electronic transaction to the SHOP Exchange documenting, or acknowledging, each termination of coverage carried out under this chapter, promptly and without undue delay.

B. *Termination by the SHOP Exchange.*

(1) *Termination Due to Failure to Pay.*

(a) If payment for a group is not received by the end of the grace period stated in the group contract, the SHOP Exchange may terminate the group's coverage.

(b) The last day of coverage shall be the last day of the grace period stated in the group contract or first day of the coverage month.

(2) *Termination Due to Error, Misconduct, Fraud, or Misrepresentation of a Group.* Coverage may be retroactively terminated if:

(a) The enrollment in a qualified health plan through the SHOP Exchange was unintentional, inadvertent, or erroneous and was the result of the error or misconduct of an officer, employee, or agent of the SHOP Exchange, its instrumentalities, or a non-Exchange entity providing enrollment assistance or conducting enrollment activities;

(b) The employee or group was enrolled in a qualified health plan without the employee or group's knowledge or consent by any third party, including third parties who have no connection with the SHOP Exchange; or

(c) The eligibility determination was made based on information regarding the group that is false or misrepresentative of the actual composition of the group.

(3) *Notification of Termination.*

(a) If any employee's coverage or enrollment through the SHOP is terminated due to nonpayment of premiums or due to a loss of the employee's eligibility to participate in the SHOP, including the coverage of an employee who loses eligibility because a qualified employer has lost its eligibility, the SHOP shall notify the employee of the termination.

(b) Such notice of termination shall include the termination effective date and reason for termination, and shall be sent within 3 business days if an electronic notice is sent, and within 5 days if a mailed hard copy notice is sent.

C. *Renewal, Nonrenewal, and Cancellation.* Renewal, nonrenewal, and cancellation shall be conducted in accordance with the requirements of Insurance Article, §15-1212, Annotated Code of Maryland.

.06 Coverage Models.

A. *Employer Choice Model Requirements.* A qualified employer may elect to make available to qualified employees a choice of qualified health plans offered through the SHOP Exchange by:

- (1) A single issuer across all available coverage levels; or
- (2) One or more qualified health plans offered by a single issuer.

B. *Employee Choice Model Requirements.* A qualified employer may select two consecutive metal levels of coverage, and employees may choose any SHOP plan across all the insurance companies that offer plans at those metal levels.

.07 Employer Contribution.

A. An employer is not required to contribute to the qualified health plan premiums of its employees.

B. If an employer chooses to contribute to the qualified health plan premiums of its employees, the employer shall:

- (1) Select a reference plan on which the contributions will be based; and
- (2) Make a contribution that is:
 - (a) A fixed percentage of the premium of the reference plan, based on the coverage level selected by the qualified employee and the qualified employee's job classification; or
 - (b) A dollar amount that ensures that all of the qualified employer's employees with the same coverage level and job classification would pay the same amount if they purchased the reference plan.

C. A reference plan selected under this regulation:

- (1) If under the employer choice model established under Regulation .06A of this chapter, shall be a qualified plan that is:
 - (a) Offered by the carrier or insurance holding company system selected by the qualified employer; and
 - (b) Among the qualified plans of the carrier or insurance holding company system selected by the qualified employer; or
- (2) If under the employee choice model established under Regulation .06B of this chapter, shall be a qualified plan offered by any carrier at the metal level selected by the qualified employer.

.08 Premium Rating.

A. *Premium Rating.*

- (1) The total premium charged to a small group shall be developed using a per-member rating method.
- (2) For each covered employee and their covered dependents, the premium shall be determined as follows:
 - (a) For each adult age 21 and over, multiply the base rate by the applicable age and geographic area factors; and
 - (b) For each covered child age 0—20, multiply the base rate of the oldest three children by the applicable age and geographic area factors.

B. *Composite Billing.*

- (1) Composite billing is available only under the employer choice model set forth in Regulation .06A of this chapter.
- (2) The SHOP Exchange will determine premiums under composite billing based on instructions issued by the Commissioner.

MICHELE S. EBERLE
 Executive Director
 Maryland Health Benefit Exchange

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June 14, 2019, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on June 14, 2019, in Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: June 14, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) informational presentation of interest to the lower Susquehanna River region; (2) election of the member from the Commonwealth of Pennsylvania as Chair of the Commission and the member from the State of Maryland as Vice Chair of the Commission for the period of July 1, 2019, to June 30, 2020; (3) adoption of the expense budget for FY2021; (4) adoption of the member allocation for FY2021; (5) ratification/approval of contracts/grants; (6) approval of two emergency certificate extensions; (7) a report on delegated settlements; (8) a report on settlement of regulatory violations; (9) adoption of the water resources program for FY2019-2021; (10) adoption of amendments to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; and (11) Regulatory Program projects.

Project Applications Approved:

The Commission approved the following project applications:

Project Sponsor and Facility: Project Sponsor and Facility: ARD Operating, LLC (Pine Creek), McHenry Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20150601).

Project Sponsor and Facility: BKV Operating, LLC (Meshoppen Creek), Washington Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 2.160 mgd (peak day) (Docket No. 20150602).

Project Sponsor and Facility: BKV Operating, LLC (Susquehanna River), Washington Township, Wyoming County, Pa. Application for surface water withdrawal of up to 2.914 mgd (peak day).

Project Sponsor and Facility: BKV Operating, LLC (Unnamed Tributary to Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.648 mgd (peak day) (Docket No. 20150603).

Project Sponsor and Facility: Town of Chenango, Broome County, N.Y. Application for renewal of groundwater withdrawal of up to 0.600 mgd (30-day average) from Well 12A (Docket No. 19871103).P

Project Sponsor and Facility: Epsilon Energy USA, Inc. (East Branch Wyalusing Creek), Rush Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.715 mgd (peak day).

Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, Pa. Application for renewal of groundwater withdrawal of up to 0.216 mgd (30-day average) from Well HR-1 (Docket No. 20150608).

Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, Pa. Application for renewal of consumptive use of up to 0.316 mgd (peak day) (Docket No. 20150608).

Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 1.250 mgd (peak day) (Docket No. 20150610).

Project Sponsor: Ski Roundtop Operating Corporation. Project Facility: Roundtop Mountain Resort (Unnamed Tributary to Beaver Creek), Warrington Township, York County, Pa. Modification to change from peak day to 30-day average for surface water withdrawal and consumptive use limits (Docket No. 20031209).

Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.019 mgd (30-day average) from Well 5A4 (Docket No. 19890703).

Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.033 mgd (30-day average) from Well 5J2 (Docket No. 19890703).

Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.051 mgd (30-day average) from Well 5R2 (Docket No. 19890703).

Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Newberry Operation, Newberry Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.072 mgd (30-day average) from the Dupont Well (Docket No. 19880401).

Project Sponsor and Facility: Sunset Golf Course, Londonderry Township, Dauphin County, Pa. Application for groundwater withdrawal of up to 0.059 mgd (30-day average) from Well 7.

Project Sponsor and Facility: Sunset Golf Course, Londonderry Township, Dauphin County, Pa. Minor modification to add a new source (Well 7) to existing consumptive use approval (no increase requested in consumptive use quantity) (Docket No. 19990506).

Project Sponsor and Facility: Warwick Township Municipal Authority, Warwick Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.288 mgd (30-day average) from Well 1 (Docket No. 19890103).

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

Dated: June 20, 2019,

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-15-15]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on August 1, 2019, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 6, 2019, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is August 12, 2019.

DATES: The public hearing will convene on August 1, 2019, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is August 12, 2019.

ADDRESSES: The public hearing will be conducted at the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423; fax: (717) 238-2436. Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action:

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Eagle Rock Utilities Water System, North Union Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 0.163 mgd (30-day average) from Well ER-8.

Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, Pa. Application for consumptive use of up to 60.000 mgd (peak day).

Project Sponsor and Facility: Chief Oil & Gas LLC (Loyalsock Creek), Forksville Borough, Sullivan County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20150903).

Project Sponsor and Facility: Dillsburg Area Authority, Carroll Township, York County, Pa. Application for groundwater withdrawal of up to 0.220 mgd (30-day average) from Well 4.

Project Sponsor: Dover Township. Project Facility: Dover Township Water Department, Dover Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.350 mgd (30-day average) from Well 9 (Docket No. 19880205).

Project Sponsor and Facility: Duncannon Borough, Penn Township, Perry County, Pa. Application for groundwater withdrawal of up to 0.037 mgd (30-day average) from Well 7.

Project Sponsor and Facility: Elk Mountain Ski Resort, Inc. (Unnamed Tributary to East Branch Tunkhannock Creek), Herrick Township, Susquehanna County, Pa. Modification to change from peak day to 30-day average for surface water withdrawal and consumptive use limits (Docket No. 20031003).

Project Sponsor and Facility: Pennsylvania General Energy Company, L.L.C. (Loyalsock Creek), Plunketts Creek Township, Lycoming County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of consumptive use of up to 2.622 mgd (peak day) (Docket No. 19890106).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-33 (Docket No. 19890106).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.678 mgd (30-day average) from Well UN-34 (Docket No. 19890106).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-35 (Docket No. 19890106).

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wappasening Creek), Windham Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20150910).

Project Sponsor and Facility: Rockdale Marcellus, LLC (Lycoming Creek), McIntyre Township, Lycoming County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

Project Sponsor and Facility: Seneca Resources Company, LLC (Marsh Creek), Delmar Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20150908).

Project Sponsor and Facility: XTO Energy Inc. (West Branch Susquehanna River), Chapman Township, Clinton County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20150911).

Project Scheduled for Action Involving A Diversion

Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, Pa. Application for an out-of-basin diversion of up to 60.000 mgd (peak day) from the Susquehanna River and Octoraro Reservoir.

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing room will begin at 2:00 p.m. and Commission staff will be available for questions prior to the commencement of the hearing. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on

any business listed above required to be subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through www.srbcb.net/about/meetings-events/public-hearing.html. Comments mailed or electronically submitted must be received by the Commission on or before August 12, 2019, to be considered.

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

Dated: June 28, 2019.

JASON E. OYLER
General Counsel and Secretary to the Commission.
[19-15-16]

WATER AND SCIENCE ADMINISTRATION

Tentative Determination to Modify a Stormwater Permit Charles County, Maryland

The Maryland Department of the Environment (MDE) has reached a tentative determination to modify the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit issued to Charles County to control storm drain system pollutant discharges. MDE has drafted permit modifications designed to comply with the United States Environmental Protection Agency's (EPA) regulations, control stormwater pollutant discharges from Charles County's storm drain system, and allow Charles County to use Maryland's newly authorized nutrient trading program as an option to meet its 20 percent impervious surface restoration requirement.

The EPA regulations (40 CFR Part 122.62) and current permit conditions (see Part VII.E.1, Permit Revocation and Modification) allow for NPDES permits to be modified for an appropriate cause. Charles County officially requested a modification of its current permit (Discharge Permit Number 11-DP-3322 MD0068365) on May 31, 2019, to allow the use of nutrient trading to meet the 20 percent impervious surface restoration requirement by the end of the current permit term (i.e., December 25, 2019). MDE has determined the use of nutrient credits by Charles County for meeting the 20 percent impervious surface restoration requirement is acceptable. Therefore, MDE hereby proposes to add a new paragraph that allows for nutrient trading to meet this requirement in PART IV.E.3; and to rename the original permit's PART IV.E.3 and PART IV.E.4 as PART IV.E.4 and PART IV.E.5, respectively.

For more information on stormwater management in Maryland or to view the proposed permit modifications go to: mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/storm_gen_permit.aspx or contact Mr. Raymond Bahr at 410-537-3545 or 1-800-633-6101. Copies of the document may be procured at a cost of \$0.36 per page. MDE will hold a public hearing concerning the tentative determination to modify Charles County's MS4 permit on Wednesday, July 31, 2019, at 6 PM, Charles County Government Building, 200 Baltimore Street, La Plata, MD 20646. Comments on this tentative determination to modify Charles County's MS4 permit will be accepted by Raymond Bahr, Maryland Department of the Environment, Water and Science Administration, 1800 Washington Boulevard, Baltimore, Maryland, 21230, or raymond.bahr@maryland.gov, if received within 90 days of publication of this notice. The 60-day extension of the comment period allowed for by section 1-606 (d) (1) (ii) of the Maryland

Environmental Article is being invoked to extend the usual 30-day comment period to 90 days.

[19-15-11]

WATER AND SCIENCE ADMINISTRATION

Tentative Determination to Modify a Stormwater Permit Frederick County, Maryland

The Maryland Department of the Environment (MDE) has reached a tentative determination to modify the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit issued to Frederick County to control storm drain system pollutant discharges. MDE has drafted permit modifications designed to comply with the United States Environmental Protection Agency's (EPA) regulations, control stormwater pollutant discharges from the County's storm drain system, and allow Frederick County to use Maryland's newly authorized nutrient trading program as an option to meet its 20 percent impervious surface restoration requirement.

The EPA regulations (40 CFR Part 122.62) and current permit conditions (see Part VII.E.1, Permit Revocation and Modification) allow for NPDES permits to be modified for an appropriate cause. Frederick County officially requested a modification of its current permit (Discharge Permit Number 11-DP-3321 MD0068357) on May 17, 2019 to allow the use of nutrient trading to meet the 20 percent impervious surface restoration requirement by the end of the current permit term (i.e., December 29, 2019). MDE has determined the use of nutrient credits by the County for meeting the 20 percent impervious surface restoration requirement is acceptable. Therefore, MDE hereby proposes to add a new paragraph that allows for nutrient trading to meet this requirement in PART IV.E.3; and to rename the original permit's PART IV.E.3 and PART IV.E.4 as PART IV.E.4 and PART IV.E.5, respectively.

For more information on stormwater management in Maryland or to view the proposed permit modifications go to: https://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/storm_gen_permit.aspx or contact Mr. Raymond Bahr at 410-537-3545 or 1-800-633-6101. Copies of the document may be procured at a cost of \$0.36 per page. Frederick County will hold a public hearing concerning the tentative determination to modify Frederick County's MS4 permit on Monday, July 29, 2019 at 4 PM, Winchester room 2nd floor, 12 East Church Street, Frederick, Maryland, 21701. Comments on this tentative determination to modify Frederick County's MS4 permit will be accepted by Raymond Bahr, Maryland Department of the Environment, Water and Science Administration, 1800 Washington Boulevard, Baltimore, Maryland, 21230, or raymond.bahr@maryland.gov, if received within 90 days of publication of this notice. The 60-day extension of the comment period allowed for by section 1-606 (d) (1) (ii) of the Maryland Environmental Article is being invoked to extend the usual 30-day comment period to 90 days.

[19-15-12]

WATER AND SCIENCE ADMINISTRATION

Tentative Determination to Modify a Stormwater Permit Harford County, Maryland

The Maryland Department of the Environment (MDE) has reached a tentative determination to modify the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer

System (MS4) permit issued to Harford County to control storm drain system pollutant discharges. MDE has drafted permit modifications designed to comply with the United States Environmental Protection Agency's (EPA) regulations, control stormwater pollutant discharges from the County's storm drain system, and allow Harford County to use Maryland's newly authorized nutrient trading program as an option to meet its 20 percent impervious surface restoration requirement.

The EPA regulations (40 CFR Part 122.62) and current permit conditions (see Part VII.E.1, Permit Revocation and Modification) allow for NPDES permits to be modified for an appropriate cause. Harford County officially requested a modification of its current permit (Discharge Permit Number 11-DP-3310 MD0068268) on April 18, 2019 to allow the use of nutrient trading to meet the 20 percent impervious surface restoration requirement by the end of the current permit term (i.e., December 29, 2019). MDE has determined the use of nutrient credits by the County for meeting the 20 percent impervious surface restoration requirement is acceptable. Therefore, MDE hereby proposes to add a new paragraph that allows for nutrient trading to meet this requirement in PART IV.E.3; and to rename the original permit's PART IV.E.3 and PART IV.E.4 as PART IV.E.4 and PART IV.E.5, respectively.

For more information on stormwater management in Maryland or to view the proposed permit modifications go to: https://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/storm_gen_permit.aspx or contact Mr. Raymond Bahr at 410-537-3545 or 1-800-633-6101. Copies of the document may be procured at a cost of \$0.36 per page. MDE will hold a public hearing concerning the tentative determination to modify Harford County's MS4 permit on August 22, 2019 at 6 PM in Harford County Council Chambers, 212 South Bond Street, Bel Air, MD 21014. Comments on this tentative determination to modify Harford County's MS4 permit will be accepted by Raymond Bahr, Maryland Department of the Environment, Water and Science Administration, 1800 Washington Boulevard, Baltimore, Maryland, 21230, or raymond.bahr@maryland.gov, if received by October 3, 2019. The 60-day extension of the comment period allowed for by section 1-606 (d) (1) (ii) of the Maryland Environmental Article is being invoked to extend the usual 30-day comment period to 90 days.

[19-15-13]

WATER AND SCIENCE ADMINISTRATION

Wastewater Permits Program — Invitation to Comment on Subjects Related to the Pending Renewal of General Discharge Permit No. 17HT (NPDES No. MDG67)

General Permit for Discharges from Tanks, Pipes, Other Liquid Containment Structures, Dewatering Activities, and Groundwater Remediation

On August 3, 2018, the Department published notice of its tentative determination to renew the State/NPDES (National Pollution Discharge Elimination System) permit 11HT (NPDES No. MDG67) as the new 17HT. The 11HT permit's full title was the General Discharge Permit from Tanks, Pipes, and Other Liquid Containment Structures. The 17HT will be known as the General Discharge Permit from Tanks, Pipes, Other Liquid Containment Structures, Dewatering Activities, and Groundwater Remediation. The 17HT permit applies to discharges of wastewater from hydrostatic testing, potable water systems, construction dewatering, groundwater remediation, flushing of fire control systems, and tank bottoms, and stormwater from storage tank containment structures in the state of Maryland. The comment period for the proposed permit

closed on September 13, 2018. The previous comment period satisfied the tentative permit requirements for public participation. The Department is preparing a final permit determination and is now informally seeking comments limited to the specific items detailed below prior to issuing a final permit. The Department may choose at any time to withdraw this request for comments and proceed with a final permit determination.

The Department is considering revising the proposed language regarding the use of chemical additives for sediment control in order to provide more specific details of requirements to gain approval for additive use. The updated approval procedures would provide a list of pre-approved additives on the Department's website, identify a specific procedure for requesting additional of a new additive to the pre-approved list, specifically require written approval as part of the permit registration letter, outline necessary information regarding additive selection and usage procedures to be followed and documented in the facility's Pollution Prevention Plan, and require more extensive application requirements for cationic polymers. Additionally, the Department is considering amending the eligible dischargers under Discharge Category C (construction dewatering) such that all operators proposing to use additives for sediment control may be covered under the 17HT if the use of additives is outside the scope of other applicable permits.

The Department is considering revising the permit regarding who must submit a Notice of Intent (NOI) for coverage under Discharge Category C (construction dewatering). Updated language would only require submission of an NOI if discharges are greater than 10,000 gallons per day or if the applicant/permittee is proposing to use chemical additives for sediment control. The remainder of dischargers under this category would be automatically authorized to discharge in compliance with permit requirements. The Department is considering modifying the numerical monitoring requirements under Discharge Category C (construction dewatering) for discharges in the presence of fresh concrete. Updated language would denote pH monitoring as a narrative requirement and require corrective actions when discharges are beyond the technology standard of 6.0 to 9.0. This change would better align the 17HT permit requirements with those in other general permits which allow construction dewatering discharges.

The Department is considering revising the permit regarding who must be covered and who must submit a Notice of Intent (NOI) for coverage under Discharge Category F ("untreated water"). Updated language would provide coverage for all dischargers greater than 10,000 gallons per day but only require an NOI be submitted when dischargers exceed 100,000 gallons per day. Those dischargers which are below 100,000 gallons per day would be automatically authorized to discharge in compliance with permit requirements.

The Department is considering restoring language from the prior 11-HT which exempted groundwater dischargers of hydrostatic test water, potable water sources, and fire suppression system wastewater from numerical monitoring. This language was intended to remain in the permit but was mistakenly omitted from the tentative determination.

The Department plans to clarify that submission for coverage to discharge stormwater from containment areas is only necessary if other types of discharge which require an NPDES permit are present at the site or if the Department specifically directs an operator to obtain coverage.

The Department is considering adding language which expresses that no permit is required for discharges of water from vaults, manholes, and other such collection devices so long as the water is uncontaminated by site activities.

The Department is considering removal of the requirement to notify the Water and Science Administration Compliance Program in the event that a discharge exceeds half the flow of the receiving

stream. Notification would remain a requirement for discharges in excess of 100,000 gallons. The Department is also considering clarifying language which notes that unanticipated discharges (e.g. water main breaks) over 100,000 gallons should be reported as soon as possible.

The Department intends to revise permit language regarding reserving the right to require submission of monitoring data or site assessments for proposed dischargers from construction dewatering activities. Such assessments would not be automatically required but determinations would be made on a case-by-case basis using best professional judgment. This does not represent a change from the intent of the tentative determination, but is intended to provide clarity regarding the requirement.

This notice and copies of the draft permit and responses to comments may be downloaded from the Department's website for the HT permit at <https://mdewwp.page.link/HTGP>. Written comments concerning these potential changes may be considered in the preparation of a final determination if received by Michael Richardson, Division Chief of the Industrial and General Permits Division by no later than 5:00 p.m. on August 19, 2019. Comments may be submitted by email to michael.richardson@maryland.gov, by mail at Maryland Department of the Environment, Wastewater Permits Program, c/o Michael Richardson, 1800 Washington Blvd., Suite 455, Baltimore, MD 21230-1708, or by fax to 410-537-3163. Any questions regarding this request for comments should be directed to Jonathan Rice at the Maryland Department of the Environment, Water and Science Administration, at jonathan.rice@maryland.gov, or by telephone at 410-537-3323.

[19-15-24]

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.

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Hearing
Date and Time: July 24, 2019, 10 a.m. — 12 p.m.
Place: 100 Community Pl., 1st Fl. Conf. Rm. Side B, Crownsville, MD
Contact: Rebecca Allyn (410) 697-9384
[19-15-03]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: July 25, 2019, 12:30 — 3:30 p.m.
Place: 100 Community Pl., Crownsville, MD
Add'l. Info: Children's Justice Act Committee. This is the annual grant review session and will be a closed meeting.
Contact: Jessica Wheeler (410) 697-9342
[19-15-06]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Hearing
Date and Time: October 16, 2019, 10 a.m. — 12 p.m.
Place: 100 Community Pl., 1st Fl. Conf. Rm. Side B, Crownsville, MD
Contact: Rebecca Allyn (410) 697-9384
[19-15-02]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Hearing
Date and Time: October 17, 2019, 1:30 — 3:30 p.m.
Place: 100 Community Pl., Crownsville, MD
Contact: Jessica Wheeler (410) 697-9342
[19-15-05]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Hearing
Date and Time: October 23, 2019, 10 a.m. — 12 p.m.
Place: 100 Community Pl., 1st Fl. Conf. Rm. Side B, Crownsville, MD
Contact: Rebecca Allyn (410) 697-9384
[19-15-04]

STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

Subject: Public Meeting
Date and Time: August 1, 2019, 1 — 3 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly the 1st Thursday of each month.
Contact: Leandra Gilliam (410) 706-4449
[19-15-10]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

Subject: Freestanding Emergency Medical Facility Request
Place: 653 W. Pratt St., Ste. 405, Baltimore, MD
Add'l. Info: Pursuant to COMAR 30.08.02.10D, the Maryland Institute for Emergency Medical Services Systems gives notice that Shore Health Emergency Center at Queenstown has requested reverification as a Freestanding Emergency Medical Facility. Any person with knowledge of any reason why the above-listed facility should not be reverified and redesignated is requested to submit a written statement of the reason to MIEMSS by August 8, 2019.

In addition, pursuant to COMAR 30.08.02.10D, hospitals not designated who wish to be considered for designation as a Freestanding Emergency Medical Facility under COMAR 30.08.15.02 should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by September 17, 2019. Applications will be considered from Freestanding Emergency Medical Facilities that are licensed under the Annotated Code Health-General Article, §18-3A-07, Annotated Code of Maryland. For more information, contact Anna Aycock, Chief Health Facilities and Special Programs at (410) 706-3930 or email aaycock@miemss.org.

Contact: Anna Aycock (410) 706-3930
[19-15-14]

MARYLAND DEPARTMENT OF HEALTH

Subject: Behavioral Health Plan
Date and Time: July 1, 2019, 8:30 a.m. — 4:30 p.m.
Place: Spring Grove Hospital Center, Mitchell Bldg., 55 Wade Ave., Catonsville, MD 21228
Add'l. Info: The Behavioral Health Administration (BHA) is in the process of developing the FY 2020 Behavioral Health Plan as part of its application for the FY 2020—2021 Federal Mental Health (MHBG) and Substance Abuse (SABG) Block Grant funds. Final submission of the FY 2020—2021 MHBG and SABG application to the federal Substance Abuse and Mental Health Services Administration, Centers for Mental Health Services, Substance Abuse Prevention and Treatment, will occur by September 3, 2019. Recommendations from public regional planning meetings held April through May will inform the strategies for the planning documents. Drafts of the 2020 Behavioral Health Plan can be reviewed in late July 2019 at the above address. Any general comments regarding the Behavioral Health Plan or specific comments regarding drafts to the finalization of the Combined Application for MHBG/SABG will be considered and incorporated as appropriate. The documents will be available after their due dates, and will be posted on the BHA website: <https://bha.health.maryland.gov>. Comments on the plan may also be made after submission of the plan to the Federal Government.
Contact: Greta Carter (410) 402-8473
[19-15-18]

MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

Subject: Public Notice for State Plan Amendment on Lead Paint Risk Assessors
Add'l. Info: The Maryland Department of Health proposes to amend its State Plan to remove a restriction on individuals who may conduct assessments of a child's home for lead hazards. Effective September 1, 2019, this SPA enables any MDE-accredited Lead Paint Risk Assessor, who registers as a Medicaid provider, to be reimbursed for environmental lead

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investigations performed for Medicaid-enrolled children with an elevated blood lead level of greater than or equal to 5 micrograms per deciliter ($\geq 5\mu\text{g/dL}$). Medicaid reimbursement is currently limited to Lead Paint Risk Assessors with enforcement authority. The Medicaid fee for procedure code T1029, "comprehensive environmental lead investigation, not including laboratory analysis, per dwelling", is \$418.49. The estimated annual cost in FY 2020 is \$106,000 (43 percent State general funds; 57 percent federal funds).

Copies of the proposed changes are available for public review at the local health department in each county and Baltimore City. Written comments may be sent to Katia Fortune, Health Policy Analyst, Maryland Department of Health (MDH), 201 W. Preston St., Baltimore, MD 21201, or emailed to katia.fortune@maryland.gov. Comments will be accepted through August 19, 2019.
Contact: Katia Fortune (410) 767-4267

[19-15-19]

MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: August 19, 2019, 1 — 3 p.m.

Place: MDH, 201 W. Preston St., Conf. Rm. L3, Baltimore, MD

Contact: Kimberly Hiner (410) 767-2301

[19-15-23]

DIVISION OF LABOR AND INDUSTRY/MARYLAND BUILDING REHABILITATION CODE ADVISORY COUNCIL

Subject: Public Meeting
Date and Time: August 1, 2019, 10 a.m. — 12 p.m.

Place: Maryland Department of Labor, 1100 N. Eutaw St., Rm. 600, Baltimore, MD

Contact: Matt Helminiak (410) 767-2992

[19-15-20]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Commercial Striped Bass Common Pool Hook and Line Season Modification — Effective 7/9/19

Add'l. Info: The Secretary of the Maryland Department of Natural Resources, pursuant to COMAR 08.02.15.12H, announces the opening of the 2019 commercial striped

bass common pool hook and line fishery on Tuesday, July 9, 2019, one hour before sunrise, with a catch limit of 250 lbs/permittee/week and 500 lbs/vessel/day. The common pool fishery will close on Wednesday, July 10, 2019, one hour before sunset.

Jeannie Haddaway-Riccio
Secretary of Natural Resources
Contact: Tamara O'Connell (410) 507-0779
[19-15-17]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2019 Commercial Shark Catch Limits — Effective 7/5/19

Add'l. Info: The Secretary of the Department of Natural Resources, pursuant to the COMAR 08.02.22.04B, in order to comply with species management through the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Coastal Sharks, announces a new catch limit for large coastal sharks. Effective 12:01 a.m., July 5, 2019, the catch limit is 36 large coastal sharks per vessel per trip. Large coastal sharks includes all of the sharks in the aggregated large coastal and hammerhead management groups defined in COMAR 08.02.22.03A(6) and (7). The species in the two management groups include Silky, Tiger, Blacktip, Spinner, Bull, Lemon, Nurse, Scalloped Hammerhead, Great Hammerhead, and Smooth Hammerhead.

The National Marine Fisheries Service anticipates in-season trip limit modifications based on harvest. If modifications are made, the Atlantic States Marine Fisheries Commission will follow with modifications for state waters. A new public notice will be issued if modifications are made.

Jeannie Haddaway-Riccio
Secretary of Natural Resources
Contact: Tamara O'Connell (410) 507-0779
[19-15-21]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting
Date and Time: September 13, 2019, 10 a.m. — 12 p.m.

Place: Office of Health Care Quality, 7120 Samuel Morse Dr., 2nd Fl., Columbia, MD

Add'l. Info: The public is welcome.

Contact: Paul Ballard (410) 767-6918

[19-15-09]

RACING COMMISSION

Subject: Public Meeting
Date and Time: August 16, 2019, 1 — 2 p.m.

Place: Ocean Downs Raceway, Berlin, MD
Contact: J. Michael Hopkins (410) 296-9682

[19-15-25]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: July 24, 2019, 9 a.m. — 12 p.m.

Place: MDE, 1800 Washington Blvd., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Elaine Nolen (410) 537-4466

[19-15-01]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: August 8, 2019, 9:30 — 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

[19-15-07]

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**Part 2**

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**Part 3**

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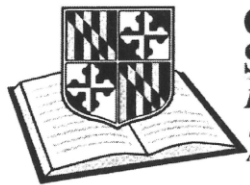
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