


Maryland Register

Issue Date: July 31, 2020

Volume 47 • Issue 16 • Pages 729—778

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General Notices



Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 13, 2020, 5 p.m.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 13, 2020.

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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Lawrence J. Hogan, Jr., Governor; **John C. Wobensmith,** Secretary of State; **Gail S. Klakring,** Administrator; **Mary D. MacDonald,** Senior Editor, Maryland Register and COMAR; **Elizabeth Ramsey,** Editor, COMAR Online, and Subscription Manager; **Tami Cathell,** Help Desk, COMAR and Maryland Register Online.

Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

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CLOSING DATES AND ISSUE DATES THROUGH JANUARY 2021

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2020			
August 14	July 27	August 3	August 5
August 28	August 10	August 17	August 19
September 11	August 24	August 31	September 2
September 25	September 4**	September 14	September 16
October 9	September 21	September 28	September 30
October 23	October 5	October 9**	October 14
November 6	October 19	October 26	October 28
November 20	November 2	November 9	November 10**
December 4	November 16	November 23	November 25
December 18	November 30	December 7	December 9
2021			
January 4***	December 14	December 21	December 23
January 15	December 28	January 4	January 6
January 29	January 11	January 15**	January 20

* 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 Subtitle Chapter Regulation Subsection Paragraph Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR).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

Table of Pending Proposals

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

01 EXECUTIVE DEPARTMENT

01.02.08.01—.12 • 47:16 Md. R. 739 (7-31-20)

03 COMPTROLLER OF THE TREASURY

03.11.01.01—.14 • 46:22 Md. R. 981 (10-25-19)

07 DEPARTMENT OF HUMAN SERVICES

07.02.07.02,.06,.08—.14,.17,.21,.23 • 47:3 Md. R. 174 (1-31-20)

07.02.11.12 • 47:3 Md. R. 178 (1-31-20)

08 DEPARTMENT OF NATURAL RESOURCES

08.02.03.07 • 47:16 Md. R. 742 (7-31-20)

08.02.04.01 • 47:16 Md. R. 743 (7-31-20)

08.03.02.28 • 47:16 Md. R. 744 (7-31-20)

08.03.04.03 • 47:16 Md. R. 745 (7-31-20)

08.03.05.03 • 47:13 Md. R. 645 (6-19-20)

08.03.05.05 • 47:13 Md. R. 645 (6-19-20)

08.03.07.10 • 47:13 Md. R. 646 (6-19-20)

08.03.13.04,.05 • 47:13 Md. R. 647 (6-19-20)

08.07.07.02 • 47:16 Md. R. 746 (7-31-20) (ibr)

08.18.27.04 • 47:16 Md. R. 746 (7-31-20)

09 MARYLAND DEPARTMENT OF LABOR

09.03.07.02—.08 • 47:2 Md. R. 77 (1-17-20)

09.11.07.01 • 46:26 Md. R. 1176 (12-20-19)

09.12.21.02 • 47:12 Md. R. 609 (6-5-20)

09.12.81.01-1,.04-1,.07,.08 • 47:2 Md. R. 80 (1-17-20)

09.26.02.06 • 46:21. R. 898 (10-11-19)

10 MARYLAND DEPARTMENT OF HEALTH

Subtitles 01—08 (1st volume)

10.07.01.06 • 46:26 Md. R. 1178 (12-20-19)

10.07.02.01—.03,.33,.40 • 47:2 Md. R. 91 (1-17-20) (ibr)

Subtitles 10 — 22 (3rd Volume)

10.12.06.01—.10 • 47:1 Md. R. 24 (1-3-20)

10.14.08.01—.08 • 47:3 Md. R. 200 (1-31-20)

10.15.03.02,.06,.09,.11,.15,.24—.28,.30,

.40 • 47:3 Md. R. 203 (1-31-20)

10.22.17.06—.08 • 46:20 Md. R. 850 (9-27-19)

10.22.18.04 • 46:20 Md. R. 850 (9-27-19)

Subtitles 23 — 36 (4th Volume)

10.29.03.01—.08 • 46:22 Md. R. 999 (10-25-19)

Subtitles 37—68 (5th Volume)

10.52.02.01 • 47:4 Md. R. 267 (2-14-20)

10.52.06.02—.12 • 47:4 Md. R. 267 (2-14-20)

10.54.03.03,.04,.06—.16,.18 • 47:4 Md. R. 268 (2-14-20)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

11.07.07.02,.06,.09 • 47:11 Md. R. 562 (5-22-20)

PENDING PROPOSALS

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Subtitles 11—23 (MVA)

11.11.16.02 • 47:16 Md. R. 747 (7-31-20)
11.15.21.01,.02 • 47:15 Md. R. 714 (7-17-20)
11.15.32.11 • 47:15 Md. R. 715 (7-17-20)
11.17.13.02 • 47:16 Md. R. 747 (7-31-20)

12 DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

12.04.08.01—.07 • 46:26 Md. R. 1183 (12-20-19)

13A STATE BOARD OF EDUCATION

13A.03.02.02,.03,.06—.10,.12 • 46:24 Md. R. 1108 (11-22-19)
13A.04.08.01 • 47:11 Md. R. 563 (5-22-20)
13A.07.14.01—.06 • 47:14 Md. R. 678 (7-6-20)
13A.08.01.01 • 47:14 Md. R. 681 (7-6-20)
13A.08.02.01 • 47:14 Md. R. 681 (7-6-20) (ibr)
13A.12.01.14 • 47:13 Md. R. 647 (6-19-20)

13B MARYLAND HIGHER EDUCATION COMMISSION

13B.06.01.02,.02-1,.04,.08 • 47:16 Md. R. 748 (7-31-20)
13B.08.10.02 • 47:3 Md. R. 222 (1-31-20)

14 INDEPENDENT AGENCIES

14.09.01.01,.02,.04,.09 • 47:8 Md. R. 438 (4-10-20)
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14.09.04.01 • 47:8 Md. R. 438 (4-10-20)
14.39.02.05,.06 • 47:2 Md. R. 125 (1-17-20)
14.39.07.02 • 47:2 Md. R. 125 (1-17-20)
14.40.04.01—.03 • 46:25 Md. R. 1144 (12-6-19)

15 MARYLAND DEPARTMENT OF AGRICULTURE

15.01.17.01—.19 • 47:14 Md. R. 681 (7-6-20)
15.20.04.13,.14 • 47:3 Md. R. 224 (1-31-20)
15.20.05.01—.16 • 47:13 Md. R. 648 (6-19-20)
15.20.07.03,.06—.08 • 47:3 Md. R. 225 (1-31-20)

20 PUBLIC SERVICE COMMISSION

20.79.01.02,.04—.09 • 47:16 Md. R. 749 (7-31-20)
20.79.02.02 • 47:16 Md. R. 752 (7-31-20)
20.79.03.03—.05 • 47:16 Md. R. 754 (7-31-20)

21 STATE PROCUREMENT REGULATIONS

21.10.05.05,.06 • 47:13 Md. R. 654 (6-19-20)
21.10.06.05,.12,.27 • 47:13 Md. R. 654 (6-19-20)
21.11.13.01—.11 • 47:14 Md. R. 689 (7-6-20)
21.11.14.01—.10 • 47:14 Md. R. 689 (7-6-20)
21.11.15.01—.03 • 47:14 Md. R. 689 (7-6-20)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08—12 (Part 2)

26.08.04.09,.09-1 • 46:20 Md. R. 860 (9-27-19)
26.11.33.01—.06 • 47:15 Md. R. 715 (7-17-20)
26.11.41.01—.07 • 47:16 Md. R. 754 (7-31-20)

28 OFFICE OF ADMINISTRATIVE HEARINGS

28.03.01.06 • 47:13 Md. R. 656 (6-19-20)

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
SERVICES SYSTEMS (MIEMSS)

30.01.02.01 • 47:16 Md. R. 764 (7-31-20) (ibr)
30.02.02.13 • 47:13 Md. R. 656 (6-19-20)
47:14 Md. R. 694 (7-6-20) (err)

32 MARYLAND DEPARTMENT OF AGING

32.03.05.01—.07 • 47:2 Md. R. 138 (1-17-20)

34 DEPARTMENT OF PLANNING

34.04.07.02,.03,.05,.06 • 47:14 Md. R. 691 (7-6-20)

36 MARYLAND STATE LOTTERY AND GAMING
CONTROL AGENCY

36.02.01.01 • 47:15 Md. R. 723 (7-17-20)
36.02.03.02 • 47:15 Md. R. 723 (7-17-20)
36.02.06.04,.05 • 47:15 Md. R. 723 (7-17-20)

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Opinion Order of the Court of Appeals dated June 8, 2020, **NATALIE THRYPHENIA COLLINS** (CPF # 9106200041), 200 East Lexington Street, Suite 407, Baltimore, Maryland 21202, has been suspended for sixty (60) days, effective July 8, 2020, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[20-16-18]

Emergency Action on Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 09

D.—M. (text unchanged)

MARYLAND DEPARTMENT OF LABOR

RACHEL ALLEN
Chair
Board of Cosmetologists

Subtitle 22 BOARD OF COSMETOLOGY

09.22.01 General Regulations

Authority: Business Occupations and Professions Article, Title 5, Annotated Code of Maryland

Notice of Emergency Action

[20-125-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .11 under **COMAR 09.22.01 General Regulations**.

Emergency status began: July 8, 2020.

Emergency status expires: November 30, 2020.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

.11 Examinations.

A.—B. (text unchanged)

C. Requirements for Taking Examination.

(1)—(3) (text unchanged)

(4) A candidate taking the practical portion of an examination shall:

(a)—(c) (text unchanged)

(d) If taking the esthetician examination[, be]:

(i) *Be* accompanied by a live model who is 16 years old or older; [and] or

(ii) *Appear with a mannequin head, until 90 days after the Governor removes the State of Emergency Order for COVID-19; and*

(e) (text unchanged)

Final Action on Regulations

Symbol Key

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

Title 07

DEPARTMENT OF HUMAN SERVICES

Subtitle 07 CHILD SUPPORT ADMINISTRATION

07.07.13 Voluntary Parentage Acknowledgement Program

Authority: Family Law Article, §§5-1028 and 10-114; Health-General Article, §4-208; Annotated Code of Maryland
Federal Regulatory Reference—45 CFR §§302.70 and 303.5; 42 U.S.C. §666(a)(5)(C), (D), and (E)

Notice of Final Action

[19-262-F]

On July 9, 2020, the Department of Human Services adopted amendments to Regulations .01—.04 under **COMAR 07.07.13 Voluntary Parentage Acknowledgement Program**. This action, which was proposed for adoption in 46:26 Md. R. 1170—1171 (December 20, 2019), has been adopted as proposed.

Effective Date: August 10, 2020.

LAUREN C. GRAZIANO
Director of Government Affairs

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

08.03.01 General

Authority: Natural Resources Article, §10-408, Annotated Code of Maryland

Notice of Final Action

[20-101-F]

On July 21, 2020, the Secretary of Natural Resources adopted amendments to Regulation .01 under **COMAR 08.03.01 General**. This action, which was proposed for adoption in 47:12 Md. R. 599 (June 5, 2020), has been adopted as proposed.

Effective Date: August 10, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §§10-205, 10-405, 10-410, and 10-415, Annotated Code of Maryland

Notice of Final Action

[20-102-F]

On July 21, 2020, the Secretary of Natural Resources adopted the repeal of existing Regulations .03—.05, .07, and .08 and new Regulations .03—.05, .07, and .08 under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**. This action, which was proposed for adoption in 47:12 Md. R. 600—608 (June 5, 2020), has been adopted as proposed.

Effective Date: August 10, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.04 Forest Wildlife

Authority: Natural Resources Article, §10-408, Annotated Code of Maryland

Notice of Final Action

[20-103-F]

On July 21, 2020, the Secretary of Natural Resources adopted amendments to Regulation .05 under **COMAR 08.03.04 Forest Wildlife**. This action, which was proposed for adoption in 47:12 Md. R. 608—609 (June 5, 2020), has been adopted as proposed.

Effective Date: August 10, 2020.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 29
DEPARTMENT OF STATE
POLICE

Subtitle 06 FIRE PREVENTION
COMMISSION

29.06.01 Fire Prevention Code

Authority: Public Safety Article, §§6-206 and 6-501, Annotated Code of Maryland

Notice of Final Action

[20-084-F]

On June 25, 2020, the Secretary of State Police adopted amendments to Regulation **.09** under **COMAR 29.06.01 Fire Prevention Code**. This action, which was proposed for adoption in 47:9 Md. R. 494 (April 24, 2020), has been adopted as proposed.

Effective Date: August 10, 2020.

WOODROW W. JONES III
Secretary of State Police

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 01

EXECUTIVE DEPARTMENT

Subtitle 02 SECRETARY OF STATE

01.02.08 Notary Public [Fees]: *General Regulations*

Authority: State Government Article, §§18-103, 18-107, and [18-112] 18-222, Annotated Code of Maryland; *Ch. 407, §1, Acts of 2019, Effective October 1, 2020*

Notice of Proposed Action

[20-126-P]

The Secretary of State proposes to amend Regulation .01, repeal existing Regulation .02, amend and recodify existing Regulation .03 to be Regulation .02, recodify existing Regulation .04 to be Regulation .03, and adopt new Regulations .04—.12 under COMAR 01.02.08 Notary Public: General Regulations.

Statement of Purpose

The purpose of this action is to put into place certain protections and safeguards for notaries public in anticipation of the enactment of the Maryland Revised Uniform Law on Notarial Acts and legalization of remote notarization on October 1, 2020. It includes qualifications that remote online notary vendors must meet before they can provide services to Maryland notaries public. The proposed action ensures that the technologies selected by Maryland notaries public meet certain standards for the protection of both notaries public and all citizens. The proposed action requires vendors to be based and lawfully operating for at least 3 years in the United States of America to qualify as authorized remote online notary vendors, and that all encryption and decryptions take place within the United States. The proposed action ensures remote notary vendors have the capability to permit notaries public to meet the standards required by the law. Another purpose of this action is to identify enforcement actions regarding notaries public who fail to meet obligations under the law and applicable regulations. As the Governor has delegated enforcement authority to the Secretary of State and Assistant

Secretary of State, the proposed action would permit the Secretary of State or Assistant Secretary of State to refuse to renew, suspend, or impose conditions on commissions of notaries public who fail to meet obligations under the law, including, but not limited to, adequately identifying the signer of a document or maintaining accurate records, or who overcharge the public for notarial fees. The proposed action clarifies that notaries public cannot charge more than a certain amount, \$4 per notarial act, and outlines record-keeping requirements of notaries public. The action also informs the Secretary of State's Office process for communicating with notaries public, and requires notaries public to notify the Secretary of State's Office of name, email, and address changes.

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 Michael Schlein, Division Administrator, Charities and Legal Services Division, Office of the Secretary of State, 16 Francis Street, Annapolis, MD 21401, or call 410-260-3863, or email to michael.schlein@maryland.gov, or fax to 410-974-5527. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Acknowledgment" means a declaration by an individual *before a notarial officer* that [he or she]:

(a) *The individual* has [executed an instrument] *signed a record* for the [purposes] *purpose* stated [therein] *in the record*; and[.]

(b) [if] If the [instrument] record is [executed] signed in a representative capacity, [that] the individual signed the [instrument] record with proper authority, and [executed] signed it as the act of the [person] individual or entity [represented and identified therein] identified in the record.

(2) (text unchanged)

(3) “Communication technology” means an electronic device or process that:

(a) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(b) When necessary, under and consistent with other applicable law, facilitates communication between a notary public and a remotely located individual who has a vision, hearing, or speech impairment.

[(3)] (4) Notarial Act.

(a) “Notarial act” means [any] an act, whether performed with respect to a tangible or electronic record, that a [notary public of this State is authorized to] notarial officer may perform[, and] under the laws of the State.

(b) “Notarial act” includes:

(i) [taking] Taking an acknowledgment[.];

(ii) [administering] Administering an oath or affirmation[.];

(iii) Taking a verification on oath or affirmation;

(iv) Witnessing or attesting a signature;

(v) Certifying or attesting a copy; and

(vi) [acting as an official witness to the execution of a document, and noting] Noting a protest of a negotiable instrument.

[(4)] (5) “Notarize” means to perform a notarial act with respect to a [document] record.

[(5)] (6)—[(6)] (7) (text unchanged)

[(7)] (8) “Original notarial act” means the completion of a single notarial act involving one [document] record.

(9) “Remote notarial act” means a notarial act performed by a notary public for a remotely located individual using communication technology.

(10) “Remote online notary vendor” is a company that provides communication technology used to facilitate a notarial act for a remotely located individual.

(11) “Remotely located individual” means an individual who is not in the physical presence of the notary public who performs a notarial act.

(12) “Verification on oath or affirmation” means a declaration made by an individual on oath or affirmation before a notarial officer that a statement in a record is true or that a remotely located individual has the identity claimed.

[.03] .02 Fees.

A. A notary public may demand and receive a fee of no more than \$4 for the performance of an original notarial act or remote notarial act.

B. When a notary public is requested to notarize more than one copy of the same [document] record, where the copy or copies have been signed at the same time by the same person or persons, the notary may demand and receive \$2 for notarizing each signature on the original or first copy of the [document] record, and may demand and receive \$1 for each signature on each additional copy of the same [document] record.

C. When a notary public is requested to make reproductions of a notarized [document] record or an entry in the notary’s [register of official acts] journal by photocopying or other means, the notary may demand and receive not more than \$1 for each copy furnished.

D. (text unchanged)

E. A notary public may charge \$2 for certifying a copy of a record in the notary’s [register of official acts] journal.

.04 Qualifications of Remote Online Notary Vendors.

A. To qualify as an authorized remote online notary vendor by the Secretary of State, the vendor shall meet the following criteria:

(1) The vendor shall be incorporated to do business in the United States of America;

(2) The vendor shall be a company based in the United States of America that has been lawfully operating in the United States of America for at least 3 years;

(3) All encryption and decryption services provided by the remote online notary vendor shall occur in the United States of America; and

(4) The vendor shall utilize commercially reasonable practices, procedures, and technology consistent with or better than the practices, procedures, and technology generally used by other vendors engaged in offering remote notarization services.

B. Technology used by a remote online notary vendor shall allow Maryland notaries public to meet requirements of the notary law, including but not limited to the following:

(1) Allow the notary to securely identify the remotely located individual by personal knowledge or satisfactory evidence as described in State Government Article, §18-214(a)(1)(i)—(iii), Annotated Code of Maryland;

(2) Allow for the retention of audio-visual recordings created under State Government Article, §18-214(a)(3), Annotated Code of Maryland, for at least 10 years; and

(3) Ensure that the notary public has access to the audio-visual recordings of their notarial acts.

.05 Responsibilities of a Remote Online Notary Vendor.

A. A remote online notary vendor shall receive written authorization from the Secretary of State before allowing its technology to be used by Maryland notaries public.

B. A remote online notary vendor shall apply to the Secretary of State for authorization using the form prescribed for this purpose by the Secretary of State.

C. Before a remote online notary vendor may provide services to a Maryland notary public, the vendor shall:

(1) Provide training to the Maryland notary public on how to use the remote online notary vendor’s technology; and

(2) Check with the Office of the Secretary of State or the Office’s website to confirm that a notary public is in good standing:

(a) At the time the notary subscribes to its service; and

(b) Annually thereafter, for the duration of the notary’s subscription to its service.

D. A remote online notary vendor shall comply with the information security protections and procedures found in the Maryland Personal Information Protection Act, Commercial Law Article, §14-3501 et seq., Annotated Code of Maryland.

E. In the event of a breach of a security system, a remote online notary vendor shall provide notice of the breach of the security system to the Office of the Secretary of State at the same time as giving the notice required by the Maryland Personal Information Protection Act, Commercial Law Article, §14-3504(b), Annotated Code of Maryland.

.06 Revocation of Remote Online Notary Vendor Authorization.

The Secretary of State may revoke authorization of a remote online notary vendor if the Secretary of State determines that the technologies used by the remote online notary vendor do not meet the requirements of applicable law or regulations. Prior to revoking authorization, the Secretary of State or a designee may speak to the vendor informally to determine if the vendor meets the qualifications

for authorization set forth in Regulation .04 of this chapter and responsibilities set forth in Regulation .05 of this chapter.

.07 Obligations of Notaries Public Who Perform Remote Notarial Acts.

A. To perform remote notarial acts, a Maryland notary public shall be a currently commissioned Maryland notary public in good standing and shall:

(1) Notify the Office of the Secretary of State in writing of their intent to perform remote notarial acts using a form prescribed by the Office of the Secretary of State for this purpose before they may perform remote notarial acts;

(2) Identify the authorized remote online notary vendor or vendors they intend to use to perform remote notarial acts;

(3) Use technology that can make an audio-visual record of the entire physical location of the notarial act and all persons physically present for the remote notarial act;

(4) Require all persons physically present with the remotely located individual for the remote notarial act to identify themselves and their role in the transaction;

(5) Charge no more than the allowed fee for an original notarial act as set forth in Regulation .02 of this chapter;

(6) Create and retain an audio-visual recording of each performance of a remote notarial act for a minimum of 10 years; and

(7) Notify the Office of the Secretary of State in writing within 10 business days after making a change to a new remote online notary vendor, if the notary public changes vendors.

B. If the notary public reasonably believes a remote online notary vendor previously selected does not allow the notary public to meet requirements set forth in State Government Article, Title 18, Subtitle 2, Annotated Code of Maryland, and any applicable regulations, the notary public shall promptly notify the Office of the Secretary of State in writing.

C. Upon renewal of a notary public's commission, a notary public will be required to submit a new remote notary notification form with the Office of the Secretary of State.

D. A notary public's authority to perform remote notarial acts expires with the expiration of their notary public commission.

E. A notary public authorized to perform remote notarial acts may cancel their authorization by submitting a written notice to the Office of the Secretary of State.

F. It is unlawful for any individual to represent themselves to be authorized to perform remote notarial acts if the individual has not provided the required notification to the Office of the Secretary of State.

G. The Secretary of State may not authorize a notary public to perform remote notarial acts if the person submits a notary application containing a substantial and material misstatement or omission of fact.

.08 Responsibilities of Notaries Public.

A. The notary is responsible for reading and understanding State Government Article, Title 18, Annotated Code of Maryland, as well as regulations, handbooks, and other public guidance issued by the Secretary of State relating to responsibilities of notaries public and performance of notarial acts.

B. Notaries public are public officers and it is their legal responsibility to perform notarial acts in compliance with the notary law and regulations.

C. When a notary public uses an identification credential under State Government Article, §18-206(b) or 18-214(a)(1)(ii)—(iii), Annotated Code of Maryland, to identify a remotely located individual or an individual in the notary public's physical presence for the performance of a notarial act, the notary public shall document in the notary's journal the identification number associated

with the identification credential as confirmation that the individual signing a record was correctly identified.

.09 Change in Name, Address, or Email Information.

Notaries public are required to notify the Office of the Secretary of State within 30 days if, at any time during their commission, a notary public changes their:

A. Name;

B. Home address;

C. Home phone number;

D. Cell phone number, if one was provided at the time of application;

E. Electronic mail (email) address;

F. Business phone number; or

G. County of residence.

.10 Electronic Mail Communications.

Effective January 1, 2021, and except for correspondence relating to enforcement actions, the Office of the Secretary of State will send all communications to notaries public using electronic mail only. Each notary public is responsible for ensuring the Office of the Secretary of State has a current and active email address.

.11 Enforcement Actions.

A. Due to a lawful delegation of authority from the Governor pursuant to State Government Article, §18-104(b)(1), Annotated Code of Maryland, the Secretary of State, effective January 21, 2015, and the Assistant Secretary of State, effective September 2, 2015, may take an enforcement action under State Government Article, §18-104(a), Annotated Code of Maryland, to deny, refuse to renew, revoke, suspend, or impose conditions on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public.

B. Acts or omissions found in State Government Article, §18-104(a)(1)(i)—(vii), Annotated Code of Maryland, govern when the Secretary of State or Assistant Secretary of State may take an enforcement action against a notary public.

C. Acts or omissions that may constitute a failure to discharge any duty required of a notary public, whether imposed by any federal or State law or regulations adopted by the Secretary of State, include but are not limited to:

(1) Failure to adequately identify a signer under the standards set forth in State Government Article, §18-206(a) or (b), Annotated Code of Maryland;

(2) Failure to properly execute a certificate of a notarial act in accordance with State Government Article, §18-215, Annotated Code of Maryland;

(3) Charging a fee for notarial services higher than allowable by Regulation .02 of this chapter;

(4) Failure to maintain an accurate record of notarial acts in a journal as required by State Government Article, §18-219, Annotated Code of Maryland; and

(5) Performing a remote notarial act before notifying the Secretary of State as required by Regulation .07A(1)

of this chapter and State Government Article, §18-214(e), Annotated Code of Maryland.

D. A notary public convicted of a felony or crime involving fraud, dishonesty, or deceit shall report the conviction to the Office of the Secretary of State within 10 days of the conviction or within 10 days after they are released from incarceration, whichever is later. Failure to properly report under this paragraph may result in an enforcement action against the notary public under this regulation.

.12 Publication of Commission Status.

The Office of the Secretary of State may choose to publish information relating to the status of the commission of a notary public or former notary public, including the date of commencement and expiration of any suspension, nonrenewal, or revocation of the commission. Disclosure of information under this regulation is deemed compliant with General Provisions Article, §4-332(b)(4), Annotated Code of Maryland.

JOHN C. WOBENSMITH
Secretary of State

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.03 Crabs

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

Notice of Proposed Action

[20-132-P]

The Secretary of Natural Resources proposes to amend Regulation .07 under **COMAR 08.02.03 Crabs**.

Statement of Purpose

The purpose of this action is to relocate the crab pot line at the mouth of Eastern Bay. Currently, the crab pot line at the mouth of Eastern Bay extends from "...Lowe's Point; thence in a straight line in a northwesterly direction to Bloody Point." The proposed action relocates the line to a point on the eastern side of Harbor Cove so that crab pots may be used in the area. This action opens approximately 600 acres to crab pots.

This action is being taken to mitigate the negative impact crab potters have experienced due to the expanded Poplar Island restoration footprint. The Poplar Island restoration project began in 2001 with the goal of restoring 1,140 acres of habitat lost to erosion throughout the early 1900s. The underwater habitat provided by the eroding island is desirable habitat for crabs, making this area very productive for crab potting. In 2007, Congress authorized an expansion of the acreage to 1,715 acres with a 110-acre open water embayment. Due to the restoration and expansion of the island, commercial crabbers have not been able to work roughly 1,825 acres of bottom in this area. During the summer when hypoxia is common in deeper waters, the area where crab potting is suitable becomes condensed closer to the shore line, squeezing crab pot effort into a smaller area, which results in gear interactions. Opening an additional area for crab pots was discussed with crab harvesters. Since the entire area is desirable for use by many crabbers, they recommended moving the line to the point near Harbor Cove. This will allow crabbers to spread out and reduce gear interactions. The proposed action does not expand use of the gear into the tributaries delineated in COMAR 08.02.01.06.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has a potential positive economic impact for commercial crab harvesters who use crab pots.

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

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

D(1). The area being opened is small, approximately 600 acres. It is a productive area for blue crabs so the action has the potential to positively impact commercial harvesters who are authorized to use crab pots. Commercial crabbers in the area will be able to spread out and reduce gear interactions. Crab harvest is reported by NOAA code. The area being opened overlaps the middle bay and eastern bay NOAA codes so harvest for the specific area cannot be teased out. It is unknown how many harvesters will work the area or if it will change the amount of total harvest. For these reasons the actual impact is indeterminable.

D(2). The proposed action opens an area to use by harvesters using crab pots that is currently open to use by harvesters using trotlines. Opening the area to additional gear may have a negative impact on harvesters using trotlines because they will be competing for space. Since crab harvesters from this area worked together to recommend the location of the crab pot line, the impact is likely minimal.

Economic Impact on Small Businesses

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

The proposed action has the potential to benefit commercial crab harvesters, which are considered small businesses. Please see the assumptions in the Estimate of Economic Impact statement above.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Blue Crab 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 complete the comment form at https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#bc_rabspop. Comments will be accepted through August 31, 2020. A webinar to discuss the details of the proposed action will be held at 2 p.m. on August 11, 2020. An agenda and details on how to participate in the webinar will be announced on the Department's website.

Interested persons are invited to participate and express their views. Anyone needing special accommodations under Title II of the Americans with Disabilities Act of 1990, as amended, or under Title VI of the Civil Rights Act of 1964, should contact the Department of Natural Resources Office of Fair Practices at 410-260-8058 or at richard.allen@maryland.gov, at least 3 working days (72 hours) prior to the scheduled public hearing.

.07 Crab Pots.

A.—D. (text unchanged)

E. Crab Pot Line for the Chesapeake Bay and Potomac River.

(1)—(2) (text unchanged)

(3) The following lines mark the headlands of the rivers, bay, creeks, sounds, coves, and inlets beginning on the western side of Chesapeake Bay at Locust Point on Spesutie Island; then southwesterly along the shore to Bear Point; thence to Black Point; thence southwesterly along shore to Abbey Point; thence to Lego Point; thence along the shore to Ford Point; thence along the shore to Robbins Point; thence along the shore to southwestern tip of Rickett Point; thence in a northwesterly direction to the point of Carroll Island at Lat. 39°18'52.29" N., Long. 76°19'42.11" W. to Weir Point to Lower Point; thence to the northeasterly point of Millers Island; thence southerly along southeasterly shores of Millers Island, Hart Island, and Patapsco River Neck to the southernmost tip of North Point; thence southwesterly along a line to Buoy R "6" to within 200 yards of the Brewerton channel; thence in a southeasterly direction to intersect a point along a line from North Point to Bodkin Point 200 yards north of the Brewerton channel; thence to Bodkin Point; thence southerly along shore to Mountain Point; thence to Persimmon Point; thence along shores to Sandy Point to Hackett Point; thence to Greenbury Point; thence to Tolly Point; thence along shore to Thomas Point; thence to Saunders Point; thence along shore to Dutchman Point; thence to Curtis Point; thence along shore to point on north side of entrance into Parkers Creek; thence to Holland Point; thence southerly along shore to Plum Point and to Cove Point and to Drum Point; thence to Hog Point; thence along shores to Cedar Point to Point No Point and to Point Lookout; thence southeasterly across the Potomac River to Smith Point; thence northeasterly along State line to intersection with westerly shore of Smith Island, crossing Big Thorofare at points marking its western entrance and continuing northward along shore to Fog Point; thence to southwesternmost point of land on Pry Island; thence to southernmost point of Holland Island; thence along western shores of Holland Island, Adam Island, Billys Island, and Bloodsworth Island to tip of shore on southwesterly side of entrance into Okahanikan Cove; thence to Navy-maintained tower; thence to nun Buoy N "2", thence to Honga River Light Fl. 4 § 16 ft. 4M; thence to Billy's Point at Lat. 38°14.52' N., Long. 76°07.58' W. on lower Hoopers Island; thence westerly along shore of Hoopers Island to Pons Point; thence to southernmost point of Barren Island; thence northerly along the western shore of Barren Island crossing Tar Bay at points marking its northwestern entrances, and continuing northerly along west shores of Meekins Neck, Taylors Island, and James Island to James Point; thence to Hills Point; thence to Black Walnut Bar Bell buoy; thence to Black Walnut Point; thence northerly along west shore of Tilghman Island to point on northerly side of Paw Cove; thence northerly along shore to [Lowe's Point] *a point on the eastern side of Harbor Cove defined by Lat. 38°46'43.98" N., Long. 76°19'23.38" W.*; thence in a straight line in a northwesterly direction to Bloody Point; thence northerly along west shore to Kent Island to Love Point; thence to northwest point of Eastern Neck Island; thence northerly along west shore of Eastern Neck to Huntingfield Point; thence to Swan Point; thence northerly along shore to point on south side of Fairlee Creek marking its entrance; thence along shore to Worton Point; thence along shore to Plum Point; thence along shore to include area known as Still Pond

to Meeks Point; thence along shore to Howell Point; thence to Grove Point; thence along the shore to Pearce Creek; thence westerly to Buoy R 6 Fl. R 4 § thence to Turkey Point; thence northerly along the western shore of Elk Neck to Rocky Point; thence westerly across the Bay to Locust Point, the point of beginning.

F.—H. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

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

Notice of Proposed Action

[20-133-P]

The Secretary of Natural Resources proposes to amend Regulation **.01** under **COMAR 08.02.04 Oysters**.

Statement of Purpose

The purpose of this action is to revise the patent tong line in the Patuxent River. Specifically, the proposed action adds approximately 8 acres to the existing patent tong area. The Department received a request to change the patent tong line in the lower third of the Patuxent River to include a small area of oyster bottom. The area being added is currently open to harvest by hand tong and by diving. After evaluation, the Department concluded to proceed with the request because other gears are allowed in the area and patent tonging occurs broadly over the entire surrounding area. The boundaries of Neal Addition Sanctuary, surrounded by the patent tong area, are not changing.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has the potential to positively impact commercial harvesters who use patent tongs.

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

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

D. The area being opened is very small. There are roughly 9,000—10,000 acres open to patent tonging that surround the proposed area. An average of five harvesters per year, but as many as 29, have reported harvest from the surrounding area since 2009, so the action has the potential to positively impact commercial harvesters who use patent tongs. However, it is unknown how many harvesters will work the new area and adding 8 acres is not likely to have a large impact on the number of oysters that a licensee harvests. Since much of the area is near shore and likely sandy bottom, it is unlikely that there is much oyster habitat or population. For these reasons the impact is likely minimal, but the actual impact is indeterminable.

Economic Impact on Small Businesses

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

The proposed action has the potential to benefit commercial oyster harvesters, which are considered small businesses. Please see the assumptions in the Estimate of Economic Impact statement above.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Patent Tong Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Ave., B-2, Annapolis, MD 21401, or call 410-260-8300, or complete the comment form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#patent>. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.01 Patent Tong Areas.

A. (text unchanged)

B. Exceptions. A person may catch oysters by patent tong in the areas listed in this section.

(1)—(5) (text unchanged)

(6) Patuxent River. All of the waters of the Patuxent River enclosed by a line beginning at a point on the shore at Hog Point defined by Lat. 38°18.586' N, Long. 76°23.993' W; then running westerly along the shore to a point on the shore at Fishing Point defined by Lat. 38°18.285' N, Long. 76°25.355' W; then running 345° True to a point defined by Lat. 38°18.525' N, Long. 76°25.434' W; then running 251° True to a point defined by Lat. 38°18.271' N, Long. 76°26.356' W; then running 196° True to a point on the shore, defined by Lat. 38°17.503' N, Long. 76°26.640' W; [then running northwesterly along the shore to a point defined by Lat. 38°22.412' N, Long. 76°31.504' W; then running 27° True to a point defined by Lat. 38°22.540' N, Long. 76°31.420' W; then running 307° True to a point defined by Lat. 38°22.612' N, Long. 76°31.540' W; then running 208° True to a point on the shore, defined by Lat. 38°22.491' N, Long. 76°31.621' W;] then running northwesterly along the shore to a point on shore at Sotterly Wharf, defined by Lat. 38°22.728' N, Long. 76°32.003' W; then running 77° True to a point near St Leonard's Creek Beacon, defined by Lat. 38°23.065' N, Long. 76°30.177' W; then running 77° True to a point on the shore, defined by Lat. 38°23.128' N, Long. 76°29.826' W; then running southeasterly along the shore to a point defined by Lat. 38°20.631' N, Long. 76°28.241' W; then running 282° True to a point defined by Lat. 38°20.638' N, Long. 76°28.287' W; then running 213° True to a point defined by Lat. 38°20.008' N, Long. 76°28.815' W; then running 132° True to a point on the shore, defined by Lat. 38°19.983' N, Long. 76°28.780' W; then running southeasterly along the shore to a point at the south entrance of Solomon's Harbor, defined by Lat.

38°19.263' N, Long. 76°27.103' W; then running 7° True to a point at the north entrance of Solomon's Harbor, defined by Lat. 38°19.370' N, Long. 76°27.087' W; then running easterly along the shore to Drum Point defined by Lat. 38°19.143' N, Long. 76°25.266' W; then running 119° True to the point of beginning, *excluding the waters of the Neal Addition Sanctuary which is defined as: All of the waters of the area enclosed by a line beginning at a point defined by Lat. 38°22.480' N, Long. 76°31.460' W; then running approximately 307° True to a point defined by Lat. 38°22.552' N, Long. 76°31.580' W; then running approximately 28° True to a point defined by Lat. 38°22.612' N, Long. 76°31.540' W; then running approximately 127° True to a point defined by Lat. 38°22.540' N, Long. 76°31.420' W; then running approximately 208° True to the point of beginning.*

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.02 Use of Wildlife Areas

Authority: Natural Resources Article, §§10-205 and 10-808, Annotated Code of Maryland

Notice of Proposed Action

[20-131-P]

The Secretary of Natural Resources proposes to amend Regulation .28 under **COMAR 08.03.02 Uses of Wildlife Areas**.

Statement of Purpose

The purpose of this action is to better manage hunter access on the impoundments at Deal Island and Fairmount Wildlife Management Areas. Currently, a lottery system is used to manage the number of hunters who participate only on opening day of the season. The new proposed regulations will apply the lottery system to each day of the duck hunting season, thereby reducing hunting pressure, providing better management, and improving the experience of the hunters.

The proposed amendments make additional changes to the protocols at the Deal Island Wildlife Management Area and Fairmount Wildlife Management Area impoundments by limiting the number of days that each impoundment will be open during the regular duck hunting season and requiring a permit to hunt. A limited number of permits will be issued on a first-come, first-served basis at no charge. The regular duck hunting season occurs in three segments: one in October, one in November, and one in December through January.

The Wildlife Advisory Commission supported the proposed regulations at their teleconference meeting in April 2020.

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 Karina Stonesifer, Associate Director, Wildlife Heritage Service, Department of Natural Resources, 12512 Pleasant Valley Road, Flintstone, MD 21530, or call 301-777-2136, or email to karina.stonesifer@maryland.gov, or fax to 301-777-2029.

Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.28 Hunting Restrictions on Certain Wildlife Management Areas.

A.—E. (text unchanged)

F. Deal Island and Fairmount WMA Impoundments.

(1) Hunting within the Deal Island WMA impoundment is allowed on the following days [annually]:

(a) [Junior] *Federally-designated Youth, Veteran and Military Waterfowl* [Hunt] *Hunting Days*;

[(b) Opening day and any Saturday during the October portion of the duck hunting season;

(c) Opening day, any Saturday, and Thanksgiving during the November portion of the duck hunting season; and

(d) Opening day, any Friday, any Saturday, and Christmas Day, New Year's Day, and Martin Luther King Day during the December-January portion of the duck hunting season.]

(b) *Any day during the September Canada goose season; and*

(c) *Any of the following days during the regular duck hunting season, provided that the hunter first obtains a permit from the Service:*

(i) *Opening day and any Saturday during the October portion of the regular duck hunting season;*

(ii) *Opening day, any Saturday, and the Friday following Thanksgiving during the November portion of the regular duck hunting season; and*

(iii) *Opening day and any Saturday during the December portion of the regular duck hunting season and any Wednesday and Saturday during the January portion of the regular duck hunting season.*

(2) Hunting within the Fairmount WMA impoundments is allowed [on the following days annually] *as follows:*

(a) (text unchanged)

(b) *Any day during the September Canada goose season;*

[(b)] (c) [Junior] *On federally-designated Youth, Veteran and Military Waterfowl* [Hunt] *Hunting Days*;

(d) *On the following days during the regular duck hunting season, subject to §B(2)(d)(iv) of this regulation:*

[(c)] (i) Opening day and any Saturday during the October portion of the regular duck hunting season;

[(d)] (ii) Opening day, any Saturday, and the Friday following Thanksgiving during the November portion of the regular duck hunting season; and

[(e)] (iii) Opening day[, any Friday,] and any Saturday[, and Christmas Day, New Year's Day, and Martin Luther King Day] during the December[—January] portion of the regular duck hunting season[;] and any Wednesday and Saturday during the January portion of the regular duck hunting season.

(iv) *On the opening day of each segment of the regular duck hunting season, a person may not hunt within the managed impoundments of Fairmount WMA unless the person first obtains a permit from the Service.*

[(f) When Christmas Day and New Year's Day occur on a Sunday, on the Monday immediately following each of the holidays.]

[(3) On the opening day of each segment of the regular duck hunting season, a person may not hunt within the managed impoundments of Deal Island WMA and Fairmount WMA unless the person first obtains a permit from the Service.]

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

G.—J. (text unchanged).

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.04 Forest Wildlife

Authority: Natural Resources Article, §§10-205 and 10-415, Annotated Code of Maryland

Notice of Proposed Action

[20-130-P]

The Secretary of Natural Resources proposes to amend Regulation **.03** under **COMAR 08.03.04 Forest Wildlife**.

Statement of Purpose

The purpose of this action is to establish a process for a person to legally take possession of a deer or turkey killed by means other than hunting such as the result of a vehicle collision. The proposed change replaces the need to obtain a paper nonhunter kill tag from the Department of Natural Resources or local law enforcement agencies, a manual process which is reported as burdensome by all issuing parties. The new process will instead require the person to obtain a confirmation number for the deer or turkey taken into possession through an online reporting system. The person must obtain the confirmation number within 24 hours of taking possession of the deer or turkey.

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 Karina Stonesifer, Associate Director, Wildlife and Heritage Service, Department of Natural Resources, 12512 Pleasant Valley Road, Flintstone, MD 21530, or call 301-777-2136, or email to karina.stonesifer@maryland.gov, or fax to 301-777-2029. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.03 Tagging and Reporting Deer and Wild Turkey.

A. (text unchanged)

B. Harvest Reporting.

(1) An individual killing a deer or turkey shall report the kill to the Department by calling a designated toll-free number, by registering the kill on the [Internet] *Department's internet-based checking system accessible through the Department's website*, or as otherwise designated on the Department's website.

(2)—(3) (text unchanged)

C. (text unchanged)

D. *Reporting Deer or Turkey Killed by Means Other than Hunting.*

(1) *A person may take possession of a deer or turkey that has been killed by means other than hunting by obtaining a confirmation number from the Department.*

(2) *An individual taking possession of a deer or turkey killed by means other than hunting shall report the deer or turkey to the Department by registering the kill on the Department's internet-based checking system accessible through the Department's website, or as otherwise designated on the Department's website.*

(3) *Prior to taking possession and transporting the deer or turkey, a field tag, including the person's name, address, county*

location of the deer or turkey, and method of kill, shall be attached until a confirmation number has been obtained.

(4) If a confirmation number has been obtained, a field tag is not required if the deer or turkey remains in the person's possession.

(5) The deer or turkey shall be reported not later than 24 hours after the deer or turkey is taken into possession. Deer shall be reported before the head or hide is removed. Turkeys shall be reported before being processed for consumption.

(6) After registering the deer or turkey, the person shall receive a confirmation number.

(7) The individual shall maintain a record of the confirmation number. The confirmation number shall be made available to the Department on request.

[D.] E.—[E.] F. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 07 FORESTS AND PARKS

08.07.07 Licensed Tree Experts

Authority: Natural Resources Article, §§1-404 and 5-415—5-423; State Government Article, §10-206; Annotated Code of Maryland

Notice of Proposed Action

[20-128-P-I]

The Secretary of Natural Resources proposes to amend Regulation .02 under **COMAR 08.07.07 Licensed Tree Experts**.

Statement of Purpose

The purpose of this action is to update the edition of the incorporation document.

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 Marian Honecny, Supervisor Urban and Community Forestry, Department of Natural Resources, 580 Taylor Avenue, E1, Annapolis, MD 21401, or call 410-260-8511, or email to Marian.honecny@maryland.gov, or fax to 410-260-8595. Comments will be accepted through September 14, 2020. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the American National Standard for Arboricultural Operations — Safety Requirements ANSI Z133 — 2017 has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 47:1 Md. R. 9 (January 3, 2020), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) American National Standard for Arboricultural Operations — Safety Requirements [ANZI] ANSI Z133 — [2012] 2017;

(2)—(10) (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 18 BOATING—SPEED LIMITS AND OPERATION OF VESSELS

08.18.27 Tred Avon River

Authority: Natural Resources Article, §§8-703 and 8-704. Annotated Code of Maryland

Notice of Proposed Action

[20-127-P]

The Secretary of Natural Resources proposes to adopt new Regulation .04 under **COMAR 08.18.27 Tred Avon River**.

Statement of Purpose

The purpose of this action is to establish a speed limit in a portion of Dixon Creek, a tributary of the Tred Avon River. The proposed action establishes coordinates for the eastern branch waterway of Dixon Creek and establishes a speed limit in the newly defined area for Saturdays, Sundays, and State holidays during the boating season. The new boundary to limit vessel speed is being created in order to ensure safety for all water users of the Dixon Creek — Eastern Branch waterway.

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 Michael Simonsen, Boating Stakeholder Coordinator, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8272, or email to boatingregpubliccomment.dnr@maryland.gov. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.04 Dixon Creek — Eastern Branch.

Dixon Creek — Eastern Branch encompasses all the waters of Dixon Creek beginning at a point at or near Lat. 38°45.990' N., Long. 76°6.7100' W., then running 288° True to a point, at or near Lat. 38°46.03' N., Long. 76°6.870' W., then running 108° True to the point of beginning. This area has a 6-knot speed limit Saturdays, Sundays, and State holidays during the boating season.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

11.11.16 Expungement of Public Motor Vehicle Administration Records

Authority: Transportation Article, §§12-104(b) and 16-117.1, Annotated Code of Maryland

Notice of Proposed Action [20-135-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulation .02 under **COMAR 11.11.16 Expungement of Public Motor Vehicle Administration Records**.

Statement of Purpose

The purpose of this action is to clarify procedures for the Motor Vehicle Administration to automatically expunge the public driving record of a license for nondriver safety suspensions.

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 email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.02 Expungement of a Public Driving Record.

A.—B. (text unchanged)

C. The Administration has determined that:

(1) The following driver's license suspensions are not related to driver safety *and become eligible for expungement 1 year after the suspension period ends*:

(a)—(l) (text unchanged)

(2) (text unchanged)

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Subtitle 17 MOTOR VEHICLE ADMINISTRATION—DRIVER LICENSING AND IDENTIFICATION DOCUMENTS

11.17.13 Point System: Definition of Moving Violation and Assessment of Points

Authority: Transportation Article, §§12-104(b) and 16-402, Annotated Code of Maryland

Notice of Proposed Action [20-134-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulation .02 under **COMAR 11.17.13 Point System: Definition of Moving Violation and Assessment of Points**.

Statement of Purpose

The purpose of this action is to amend regulations to correct and add moving violations that will result in a one point assessment on an individual's driving record upon conviction pursuant to the passage of Ch. 622 (H.B. 1493) and Ch. 623 (S.B. 878), Acts of 2020.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will have no economic impact on the Department to implement. There is a potential minimal increase in general fund revenues due to the penalty provisions applicable under Maryland Vehicle Law and a minimal impact on individuals who are convicted of a violation of Maryland Law.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure
(E+/E-)

Magnitude

A. On issuing agency:

NONE

B. On other State agencies:

(R+)

Minimal

C. On local governments:

NONE

Benefit (+)
Cost (-)

Magnitude

D. On regulated industries or trade groups:

NONE

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

(+)

Minimal

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

B. and F. There is a potential minimal increase in general fund revenues due to the penalty provisions applicable under Maryland Vehicle Law, and to the public for an individual convicted and fined by the Courts for violations of the Maryland Vehicle Law.

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 email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.02 Assessment of Points.

A. (text unchanged)

B. Section—Moving Violation

(1) [13-919(f)] *13-919(g)*—Operating dump truck vehicle in excess of speed limits

(2)—(30) (text unchanged)

[(31)] 21-1124.1—Use of a text messaging device while operating a motor vehicle]

[(32)] (31)—[(71)] (70) (text unchanged)

(71) 21-1124.1—*Use of a text messaging device while operating a motor vehicle*

(72)—(75) (text unchanged)

(76) [21-1128] 21-1129—Driving while operating unauthorized television/video equipment visible to the driver

(77) 21-1132(d)—*Exhibition driving in a special event zone*

(78) 21-1132(e)(1)—*Exceeding the maximum speed limit by 1–9 miles per hour in a special event zone*

(79) 21-1132(e)(2)—*Driving a motor vehicle in a negligent manner in a special event zone*

(80) 21-1132(e)(5)—*Driving in an improper manner to cause skidding/spinning wheels/noise in a special event zone*

(81) 21-1209(a)(1)—*Failure to exercise due care for a bicycle, EPAMD, or motor scooter*

[(77)] (82)—[(87)] (92) (text unchanged)

C. (text unchanged)

CHRISTINE NIZER

Administrator

Motor Vehicle Administration

Title 13B **MARYLAND HIGHER** **EDUCATION COMMISSION** **Subtitle 06 GENERAL EDUCATION** **AND TRANSFER**

13B.06.01 Public Institutions of Higher Education

Authority: Education Article, §§11-105(u) and 11-207 and Title 11, Subtitle 2, Annotated Code of Maryland

Notice of Proposed Action

[20-129-P]

The Maryland Higher Education Commission proposes to amend Regulations .02, .02-1, .04, and .08 under **COMAR 13B.06.01 Public Institutions of Higher Education**. This action was

considered at an open meeting of the Commission held April 28, 2020.

Statement of Purpose

The purpose of this action is to add a definition for "first-time student with advanced standing" under COMAR 13B.06.01 and incorporate the newly defined term in regulations relating to admissions and acceptance of transferred course 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 Emily A. A. Dow, Ph.D., Assistant Secretary for Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3041, or email to emily.dow@maryland.gov. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(11) (text unchanged)

(12) "First-time student" means a student who:

(a) Has earned a high school diploma or equivalent; and

(b) Has not earned any college credit from an institution of higher education subsequent to earning the high school diploma or equivalent.

(13) First-time student with advanced standing" means a first-time student who earned college credit from an institution of higher education prior to earning a high school diploma or equivalent.

[(12)] (14)—[(17)] (19) (text unchanged)

[(18)] (20) "Receiving institution" means the institution of higher education [at] to which a [transfer] student [currently] desires to [enroll] transfer credit.

[(19)] (21)—[(20)] (22) (text unchanged)

[(21)] (23) "Sending institution" means the institution of higher education of most recent previous enrollment by a [transfer] student at which [transferable] applicable academic credit was earned.

[(22)] (24) (text unchanged)

[(23)] (25) "Transfer student" means a student entering an institution for the first time having successfully completed a minimum of 12 semester hours at another institution of higher education after earning a high school diploma or equivalent that are applicable for credit at the institution the student is entering.

.02-1 Admission of Transfer Students [to Public Institutions] and First-Time Students with Advanced Standing.

A. Admission to Public Institutions.

(1) Subject to §B of this regulation, a student attending a public institution who has completed an associate's degree or who has completed 60 or more semester hours of credit[,] may not be denied direct transfer to another public institution if the student attained a cumulative grade point average of at least 2.0 on a 4.0 scale or its equivalent at the sending institution, except as provided in §A(4) of this regulation.

(2) Subject to §B of this regulation, a student attending a public institution who has not completed an associate's degree or who has completed fewer than 60 semester hours of credit[,] is eligible to transfer to a public institution regardless of the number of credit hours earned if the student:

(a) Satisfied the [of] *same* admission criteria as a native student at the receiving public institution [as a high school senior]; and

(b) Attained [at least] a cumulative grade point average of at least 2.0 on a 4.0 scale or its equivalent at the sending institution.

(3) (text unchanged)

(4) If the number of students seeking admission exceeds the number that can be accommodated at a receiving public institution, admission decisions shall be:

(a) (text unchanged)

(b) Made to provide fair and equal treatment for native students, [and] transfer students, and first-time students with advanced standing.

B. Admission to Programs.

(1) A receiving public institution may require additional program admission requirements to some programs if the standards and criteria for admission to the program:

(a) (text unchanged)

(b) Maintain fair and equal treatment for native students, [and] transfer students, and first-time students with advanced standing.

(2) (text unchanged)

C. Receiving Institution Program Responsibility.

(1)—(3) (text unchanged)

(4) A receiving public institution shall ensure that any changes to program standards and criteria for admission and the transfer of credits:

(a) [maintain] *Maintain* the fair and equal treatment of native students, [and] transfer students, and first-time students with advanced standing; and

(b) [are] *Are* communicated in a timely manner.

.04 Transfer of Education Program Credit.

A.—B. (text unchanged)

C. Nontraditional Credit.

(1) The assignment of credit for AP, CLEP, or other nationally recognized standardized examination scores presented by [transfer students is] *any student shall be* determined according to the same standards that apply to native students in the receiving institution[,] and [the assignment shall be] consistent with the State minimum requirements.

(2)—(5) (text unchanged)

D.—F. (text unchanged)

.08 Appeal Process.

A. Notice of Denial of Transfer Credit by a Receiving Institution.

(1) Except as provided in §A(2) of this regulation, a receiving institution shall inform a [transfer] student in writing of [the] a denial of transfer credit not later than mid-semester of the [transfer] student's first semester, if all official transcripts have been received at least 15 working days before mid-semester.

(2)—(4) (text unchanged)

B.—E. (text unchanged)

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

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 79 APPLICATIONS CONCERNING THE CONSTRUCTION OR MODIFICATION OF GENERATING STATIONS, QUALIFIED GENERATOR LEAD LINES, AND OVERHEAD TRANSMISSION LINES

20.79.01 General

Authority: Public Utilities Article, §§2-113, 2-121, and 7-205—7-208,
Annotated Code of Maryland

Notice of Proposed Action

[20-138-P]

The Maryland Public Service Commission proposes to amend Regulations .01 and .02, adopt new Regulation .04, amend and recodify existing Regulations .04 and .08 to be Regulations .05 and .09, respectively, and recodify existing Regulations .05—.07 to be Regulations .06—.08 under **COMAR 20.79.01 General**. This action was considered by the Maryland Public Service Commission at a scheduled rule-making (RM 69) meeting held on May 21, 2020, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to revise the Code of Maryland Regulations governing applications for a Certificate of Public Convenience and Necessity (CPCN) to include certain notice and application requirements, including the establishment of a new pre-application process and pre-application requirements, for the construction of certain fossil-fueled generating stations.

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 regulations will have an economic impact on persons who intend to submit an application for a Certificate of Public Convenience and Necessity (CPCN) for the construction of a qualifying fossil fuel generating station, as defined under COMAR 20.79.01.02, that is over 70 megawatts in nameplate capacity and subject to the requirements under Public Utilities Article, §§7-207 and 7-208, Annotated Code of Maryland.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure
(E+/E-)

Magnitude

A. On issuing agency:	NONE
B. On other State agencies:	NONE
C. On local governments:	NONE

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	(-)	\$400 — \$1,000
F. Direct and indirect effects on public:	NONE	<\$100

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

E. (\$400 — \$1,000) Advertising expenses, meeting location rental expenses and personnel expenses.

F. (<\$100) Travel expenses for attending pre-application public meeting.

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 an impact on individuals with disabilities as follows:

The proposed action does not directly impose any requirements or obligations on individuals with disabilities. In a broader sense, the proposed action could have an indirect, positive impact, qualitatively, on individuals with disabilities insofar as it creates a pre-application requirement for a CPCN applicant seeking to construct a qualifying large fossil fuel generating station—i.e., with a nameplate capacity of over 70 MW—to provide a meaningful opportunity to engage the community that would be most affected by the proposed project, before the applicant files its CPCN application. The “affected community” would include residents, including those with disabilities, within a set geographic radius of the proposed facility.

Opportunity for Public Comment

Comments may be sent to Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, 6 St. Paul Street, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.01 Scope.

The regulations in this subtitle apply to:

A. A person applying for a Certificate of Public Convenience and Necessity for the construction of a generating station, *qualified generator lead line, or overhead transmission line*, or modification to an existing electric generating station, *or an overhead transmission line*;

[B. An electric company applying for a Certificate of Public Convenience and Necessity for the construction of an overhead transmission line or modification to an existing overhead transmission line;]

[C.] B.—[D.] C. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Affected community” means the residential individuals, organizations, and other entities residing:

(a) Within a 1-mile radius of a proposed electric generating station fence line for an urban area, as defined by the Census Bureau in 76 Federal Register 53030 and 53043 (August 24, 2011); and

(b) Within a 3-mile radius of the proposed electric generating station fence line for a rural area, as defined by the Census Bureau in 76 Federal Register 53030 and 53043 (August 24, 2011).

[(2) Applicant.

(a) “Applicant” means a person applying for a Certificate of Public Convenience and Necessity to construct or modify an electric generating station including its associated transmission line, if applicable, or for an exemption from the requirement to obtain a Certificate of Public Convenience and Necessity to construct a generating station.

(b) “Applicant” also means an electric company applying for a Certificate of Public Convenience and Necessity to construct or modify an overhead transmission line.]

(3) “Applicant” means a person applying for:

(a) A Certificate of Public Convenience and Necessity to:

(i) Construct or modify an electric generating station, including its associated transmission line, if applicable;

(ii) Construct a qualified generator lead line; or

(iii) Construct or modify a transmission line; or

(b) An exemption from the requirement to obtain a Certificate of Public Convenience and Necessity to construct a generating station.

[(3)] (4) “Application” means a request for:

(a) A Certificate of Public Convenience and Necessity under Public Utilities Article, §§7-207 and 7-208, Annotated Code of Maryland, for the construction of an electric generating station including its associated transmission line, if applicable, a qualified generator lead line, or [overhead] a transmission line [under Public Utilities Article, §§7-207 and 7-208, Annotated Code of Maryland];

(b) A Certificate of Public Convenience and Necessity and any other approvals necessary under Public Utilities Article, §§7-205, 7-206, 7-207, or 7-208, Annotated Code of Maryland, to begin a modification to an electric generating station or an existing [overhead] transmission line [under Public Utilities Article, §7-205, 7-206, 7-207, or 7-208, Annotated Code of Maryland]; or

(c) (text unchanged)

[(4)] (5)—[(6)] (7) (text unchanged)

(8) “Brownfields site” has the meaning stated in Public Utilities Article, §7-207(a)(2)(i)—(iii), Annotated Code of Maryland.

[(7)] (9) Commence.

(a) “Commence” means, with respect to a modification [means,] and in general, initiation of physical on-site construction activities that are of a permanent nature, including [installation of] installing building supports and foundations, laying of underground pipework, and [construction of] constructing permanent storage structures.

(b) “Commence” means, with respect to a change in the method of operation, [means] those on-site activities, other than preparatory activities, that mark the initiation of the change.

(10) “Community liaison officer” refers to an individual designated by the applicant to communicate information and coordinate activities between the applicant and the affected communities, and with whom members of the public can raise questions or concerns about the proposed project.

[(8)] (11) Construction.

(a) (text unchanged)

(b) “Construction” does not mean a change needed for temporary use of a site or a route for a nonutility purpose or for use in securing geological data, including borings necessary to ascertain foundation conditions.

[(9)] (12) (text unchanged)

(13) “EJSCREEN” means the U.S. Environmental Protection Agency environmental justice screening and mapping tool.

(14) “EJSCREEN ACS Report” means a printable report using the EJSCREEN tool and generated with demographic data from the U.S. Census Bureau American Community Survey, which include demographic indicators for race/ethnicity, poverty, age, educational level, and language barriers.

(15) “EJSCREEN Standard Report” means a printable report using the EJSCREEN tool that displays the environmental and demographic indicators and indexes for the area selected.

[(10)] (16)—[(12)] (18) (text unchanged)

[(13)] (19) “Linear facilities” means ancillary components of a generating station that may have environmental or land use impacts in Maryland, including:

(a) (text unchanged)

(b) An associated transmission line or qualified generator lead line.

[(14)] (20) Modification.

(a) (text unchanged)

(b) “Modification” to an existing [overhead] transmission line means:

(i)—(ii) (text unchanged)

(c) (text unchanged)

[(15)] (21)—[(17)] (23) (text unchanged)

[(18)] (24) “Project” means a proposed generating station, including linear facilities, existing generating station modification, qualified generator lead line, transmission line, or [modification to an] existing transmission line modification.

[(19)] (25) (text unchanged)

(26) “Qualified generator lead line” has the meaning stated in Public Utilities Article, §7-207(a)(2)(iv), Annotated Code of Maryland.

(27) “Qualifying generating station” means a proposed fossil fuel generating station, as generating station is defined under this subtitle, that is over 70 megawatts in nameplate capacity and subject to the requirements under Public Utilities Article, §§7-207 and 7-208, Annotated Code of Maryland.

[(20)] (28)—[(21)] (29) (text unchanged)

.04 Pre-Application Requirements for a Qualifying Generating Station.

Prior to filing an application for a Certificate of Public Convenience and Necessity for the construction of a new qualifying generating station, unless otherwise provided under this regulation or exempted under this subtitle, an applicant shall complete the following actions, as described:

A. Notify the Commission and the Maryland Department of Natural Resources Power Plant Research Program, in writing, of the applicant’s intent to file an application for a qualifying generating station no less than 90 days prior to filing the application, and provide information on the proposed qualifying generating station, including without limitation the type, source, and location of the proposed facility;

B. Offer to engage the participation of the affected communities for the purpose of educating the affected communities concerning the proposed project and soliciting their feedback, including, at minimum, the following actions:

(1) Designate a community liaison officer for the proposed project;

(2) Identify actual community members and community organizations within the affected communities and provide notification of the proposed project and any public meeting invitation concerning the project to those community members and organizations; and

(3) Hold a minimum of one public meeting within the county or municipal corporation in which any portion of the construction of the

qualifying generating station is proposed to be located, in accordance with the following requirements:

(a) The public meeting shall be scheduled at least 60 days before the filing of the application;

(b) The applicant shall provide notification of the public meeting, including the time, date, and location of the meeting, by:

(i) Placing a meeting invitation on the applicant’s website, if any, or on the applicant’s parent corporation’s website;

(ii) Placing a meeting invitation on at least two types of social media platforms;

(iii) Publishing an advertisement in a newspaper of general circulation in the county or municipal corporation in which the proposed facility will be located; and

(iv) Providing a copy of the meeting invitation or newspaper advertisement to the governing body, as defined in Local Government Article, §1-101, Annotated Code of Maryland, and, if applicable, the executive of each county or municipal corporation in which the proposed facility will be located; and

(c) The applicant shall take steps to accommodate reasonable requests to provide access to and participation in the public meeting by persons with disabilities or limited English proficiency;

C. Prepare a statement of public engagement and participation certification, which shall describe the applicant’s efforts to provide notice to and engage the affected communities and shall include a summary discussion of what, if any, actions the applicant has agreed to take to address public concerns raised at the public meeting; and

D. Use the EJSCREEN, or, if the EJSCREEN is unavailable, a comparable environmental hazard risk assessment and mapping tool to identify areas within affected communities that may be subject to additional impacts as a result of permitting and operating the proposed qualifying generating station, as follows:

(1) For its numerical thresholds, the EJSCREEN shall utilize a demographic index equal to or greater than the 80th percentile, as compared to the State of Maryland, for any single census block group within a 3-mile circular buffer centered at the Geographic Information System coordinates of the proposed qualifying generating station; and

(2) The demographic index shall comprise the average of the percentage of the population that is minority and the percentage of the population that is low-income, which is hereby defined as a household income less than or equal to twice, or 200 percent, of the federal poverty level.

.[04] .05 Application Filing Requirements.

Except for an application for exemption under Regulation .03, of this chapter, an application for a Certificate of Public Convenience and Necessity for the construction of a generating station or [an overhead] transmission line, or an application for modification to an existing electric generating station or transmission line, shall include the following information:

A.—B. (text unchanged)

C. The name, title, [and] mailing address, and email address of the person authorized to receive notices and communications with respect to the application;

D. For a proposed qualifying generating station, the name, title, mailing address, and email address of the community liaison officer, if different from the person named under §C of this regulation;

[D.] E.—[G.] H. (text unchanged)

[H.] I. An implementation schedule for the project; [and]

[I.] J. The environmental information required under COMAR 20.79.03.02 for generating stations or COMAR 20.79.04.04 for transmission lines[.];

K. The EJSCREEN reports required under COMAR 20.79.03.03 for a proposed qualifying generating station; and

L. A signed statement of public engagement and participation certification, required under COMAR 20.79.03.04 for a proposed qualifying generating station, that the applicant made at least one attempt to engage the affected communities pursuant to Regulation .04B of this chapter prior to filing the application.

[.08] .09 Completeness Determination and Availability of [CPCN] Applications and Related Materials for Proposed New and Modified Power Plants

A. A person shall submit [a CPCN] an application to construct a new or modified generating station to the Commission, which shall, within 45 days of issuing an order either delegating the [CPCN] application to the Public Utility Law Judge Division, or keeping it at the Commission, acknowledge receipt of the request and indicate whether the request is either:

(1)—(2) (text unchanged)

B. A copy of the [CPCN] application to construct a new or modified generating station, as well as any public comments and State agency comments and recommendations thereon, shall be available for public inspection at the offices of the Commission.

ANDREW S. JOHNSTON
Executive Secretary

**Subtitle 79 APPLICATIONS
CONCERNING THE CONSTRUCTION
OR MODIFICATION OF
GENERATING STATIONS,
QUALIFIED GENERATOR LEAD
LINES, AND OVERHEAD
TRANSMISSION LINES**

20.79.02 Administrative Provisions

Authority: Public Utilities Article, §§2-113, 2-121, and 7-205—7-208,
Annotated Code of Maryland

Notice of Proposed Action
[20-139-P]

The Maryland Public Service Commission proposes to amend Regulation .02 under **COMAR 20.79.02 Administrative Provisions**. This action was considered by the Maryland Public Service Commission at a scheduled rule-making (RM 69) meeting held on May 21, 2020, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the Code of Maryland Regulations governing the notification and distribution of an application for a Certificate of Public Convenience and Necessity (CPCN). The proposed revisions seek to clarify the recipients of a CPCN application and to require a CPCN applicant to provide written notification and post signage of the filing of a CPCN application for the construction of certain fossil fuel-fired generating stations.

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 regulations will have an economic impact on persons who intend to submit an application for a Certificate of Public Convenience and Necessity for the construction of a fossil fuel-fired generating station, including a

qualifying fossil fuel generating station, as the term “qualifying generating station” is defined under proposed revisions to COMAR 20.79.01.02. Briefly, a qualifying generating station is a fossil fuel-fired generating station that is over 70 megawatts in nameplate capacity and subject to the requirements under Public Utilities Article, §§7-207, 7-207.1, and 7-208, Annotated Code of Maryland.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$1,500
E. On other industries or trade groups:	(-)	\$1,500
F. Direct and indirect effects on public:	NONE	

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

D. and E. (\$1,500) Postal Mailing Expenses and Signage Expenses (combined) — amount will vary by zip code and number of postal routes in each zip code. Signage expenses will also vary.

Economic Impact on Small Businesses

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

It is not anticipated that a small business will apply for a Certificate of Public Convenience and Necessity (CPCN) to construct a qualifying fossil fuel generating station under this subtitle and incur expenses associated with mailing letter notification of the filing of a CPCN application, for such a facility, as required under proposed COMAR 20.79.02.02D. To the extent that a small business seeks to construct a fossil fuel generating station that would be subject to the CPCN requirement under Public Utilities Article, §7-207, Annotated Code of Maryland, and the small business entity was denied a CPCN waiver under Public Utilities Article, §7-207.1, Annotated Code of Maryland, the small business entity would be subject to the public display and signage requirements under the proposed revisions to COMAR 20.79.02.02, and consequently the business entity would incur signage-related expenses. There are not likely to be any meaningful economic impacts from requiring the CPCN applicant to place a copy of a CPCN application in a public library branch for display.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.02 Notice and Distribution of Application.

[A. The applicant shall submit to the Commission an original, 14 copies, and one electronic copy of the application.]

A. The applicant shall submit to the Commission:

- (1) A paper original of the application;
- (2) 12 paper copies of the application, five of which are three-hole punched; and
- (3) One electronic copy of the application, including all attachments.

B. In addition to filing the application with the Commission, the applicant shall simultaneously mail additional copies of the application, and, if requested, provide an electronic copy of the application to the following [agencies] persons:

(1) The governing body [and the planning and zoning commission] and, if applicable, the executive of each county [and municipality] or municipal corporation in which any portion of the project will be located (one copy each);

(2) The governing body and, if applicable, the executive of each county or municipal corporation within 1 mile of the proposed location of the project (one copy each);

(3) Each member of the General Assembly representing any part of each county in which any portion of the project will be located (one copy each, if requested);

(4) Each member of the General Assembly representing any part of each county within 1 mile of the proposed location of the project (one copy each, if requested);

(5) The planning and zoning commission of each county and municipal corporation in which the project will be located (one copy);

(6) Each owner of land, and each owner of adjacent land, on which proposed transmission lines will be located (notice only);

[(2)] (7) The Department of the Environment ([four] two copies), as follows:

(a) Director, Air and Radiation Administration (one copy); and

(b) Director, Water and Science Administration (one copy);

[(3)] (8) The [Office] Department of Planning (one copy);

[(4)] (9) The Department of Natural Resources ([six] two copies), as follows:

(a) Department Secretary (one copy); and

(b) Power Plant Research Program (one copy);

(10) The Department of Agriculture, Soil Conservation Committee (one copy);

[(5)] (11)—[(6)] (12) (text unchanged)

[(7)] (13) The [State] Maryland Aviation Administration (one copy);

[(8)] (14) The State Highway Administration ([one copy] two copies), as follows:

(a) Administrator (one copy); and

(b) Chief of Utilities Division, Office of Construction (one copy);

[(9)] (15)—[(12)] (18) (text unchanged)

(19) The Maryland Department of Health (one copy);

(20) The Maryland Historical Trust, Department of Planning (one copy);

[(13)] (21) (text unchanged)

[(14)] (22) The U.S. Fish and Wildlife Service (one copy); [and]

(23) Superintendent, Shenandoah National Park (one copy); and

[(15)] (24) (text unchanged)

C. The applicant shall also mail a copy of the application to any other State or local agency [which] that may be affected.

D. For a proposed qualifying generating station, the applicant shall send by first-class mail a letter notice of the filing of the application to all residential and business addresses within a 1-mile radius of the proposed facility site for an urban area, and within a 3-mile radius of the proposed facility site for a rural area, and the letter notification shall include:

(1) A fact sheet on the filed application, including the applicant's name and website;

(2) The type of project to be constructed and its nameplate capacity;

(3) The project's location;

(4) The assigned case number;

(5) The location at which the public may physically review the application;

(6) The applicant's designated community liaison officer;

(7) Other relevant information;

(8) The prehearing conference date;

(9) The deadline for filing petitions to intervene;

(10) A fact sheet concerning the Certificate of Public Convenience and Necessity process; and

(11) Information on how to access the applicant's EJSCREEN Reports.

E. The applicant shall place a copy of the application as filed with the Commission at the public library branch closest to the proposed site of the facility, or other locations near the proposed site of the facility that permit public access and have adequate facilities for reviewing the application.

F. For fossil fuel generating stations subject to the requirements for a Certificate of Public Convenience and Necessity under Public Utilities Article, §§7-207, 7-207.1, and 7-208, Annotated Code of Maryland, including those for which a waiver has been denied, the applicant shall:

(1) Post, at minimum, one large sign at the site of the proposed facility that is visible from the streets, subject to applicable local restrictions and regulations;

(2) File with the Commission, as an exhibit to its application, at least one picture of each posted sign; and

(3) For a proposed qualifying generating station, file with the Commission a signed certification of the notification mailings in accordance with §D of this regulation, along with a complete list of mailing recipient names and addresses.

ANDREW S. JOHNSTON
Executive Secretary

Subtitle 79 APPLICATIONS CONCERNING THE CONSTRUCTION OR MODIFICATION OF GENERATING STATIONS, QUALIFIED GENERATOR LEAD LINES, AND OVERHEAD TRANSMISSION LINES

20.79.03 Details of Filing Requirements — Generating Stations

Authority: Public Utilities Article, §§2-113, 2-121, and 7-205—7-208,
Annotated Code of Maryland

Notice of Proposed Action

[20-140-P]

The Maryland Public Service Commission proposes to adopt new Regulations .03 and .04 and recodify existing Regulation .03 to be Regulation .05 under COMAR 20.79.03 Details of Filing Requirements — Generating Stations. This action was considered by the Maryland Public Service Commission at a scheduled rule-making (RM 69) meeting held on May 21, 2020, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the Code of Maryland Regulations governing the filing requirements for an application for a Certificate of Public Convenience and Necessity (CPCN), for a qualifying fossil fuel generating station that is greater than 70 megawatts (MW) in nameplate capacity.

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 an impact on individuals with disabilities as follows:

The proposed action does not directly impose any requirements or obligations on individuals with disabilities. In a broader sense, the proposed action could have an indirect, positive impact, qualitatively, on individuals with disabilities insofar as it requires the CPCN applicant to certify its efforts to meaningfully engage those affected communities—that is, communities most likely affected by the siting of the qualifying generating station (as that term is defined under proposed COMAR 20.79.01.02)—with regard to discussing the project before the CPCN application is filed. The proposed regulation would also require the applicant to describe any terms, incentives, or resolutions reached as a result of this engagement. Affected community members would include residents and individuals with disabilities located within the defined geographic radius of the proposed facility, consistent with the term “affected community” as defined in proposed COMAR 20.79.01.02.

Opportunity for Public Comment

Comments may be sent to Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, 6 St. Paul Street,

Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

.03 EJSCREEN Reports.

An application for a proposed qualifying generating station shall be accompanied by:

A. A copy of the applicant’s EJSCREEN Standard Report, or comparable report if the EJSCREEN is unavailable, which shall be based on a 3-mile circular buffer centered at the Geographic Information System coordinates of the proposed qualifying generating station and shall include a statement of the numerical thresholds applied to generate the report as required under COMAR 20.79.01.04; and

B. A copy of the applicant’s EJSCREEN ACS Report, which shall be based on the same 3-mile circular buffer as the EJSCREEN Standard Report and shall utilize the U.S. Census Bureau American Community Survey data available through EJSCREEN.

.04 Statement of Public Engagement and Participation Certification.

An application for a proposed qualifying generating station shall be accompanied by a signed statement of public engagement and participation, which shall include:

A. A description of the time, place, and manner in which the applicant held the public meeting with members of the affected communities;

B. A description of the manner in which the applicant provided notice to the affected communities of the proposed public meeting with members of the affected communities;

C. A copy of any meeting sign-in sheet voluntarily indicating persons of interest; and

D. A description of any terms, incentives, or resolutions reached between the applicant and the affected communities.

ANDREW S. JOHNSTON
Executive Secretary

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.41 Control of Methane Emissions from the Natural Gas Industry

Authority: Environment Article, §§1-404, 2-103, 2-1202, and 2-1205,
Annotated Code of Maryland

Notice of Proposed Action

[20-137-P]

The Secretary of the Environment proposes to adopt new Regulations .01 — .07 under a new chapter, **COMAR 26.11.41 Control of Methane Emissions from the Natural Gas Industry.**

Statement of Purpose

The purpose of this action is to propose new Regulations .01 — .07 under new chapter COMAR 26.11.41 Control of Methane Emissions from the Natural Gas Industry. Methane emissions from the natural gas industry account for approximately 30 percent of all methane emissions generated in Maryland. This action establishes requirements to reduce vented and fugitive emissions of methane from both new and existing natural gas facilities.

Background

In 2009, the Maryland General Assembly adopted the Greenhouse Gas Emission Reduction Act (GGRA). This law required that the State develop and implement a plan to reduce greenhouse gas emissions by 25 percent by 2020, compared to the 2006 baseline. In 2015, the Maryland Commission on Climate Change (MCCC) was codified into law to provide guidance on greenhouse gas reductions while supporting a healthy economy and creating new jobs. The MCCC recommended to the Maryland General Assembly that several enhancements be made to the 2009 GGRA. In 2016, Governor Larry Hogan signed an updated version of the GGRA, establishing a new benchmark to reduce greenhouse gas emissions in Maryland by 40 percent by 2030.

The MCCC, through its Mitigation Work Group, recommended that Maryland focus on reducing methane emissions from landfills, natural gas infrastructure (for example, compressor stations and underground storage), and waste water treatment plants. This action focuses on reducing methane emissions from the natural gas infrastructure in Maryland to protect and restore the environment for the health and wellbeing of all Marylanders.

Methane is the primary constituent of natural gas and is the second most prevalent greenhouse gas emitted by human activity in the U.S. While methane does not linger as long in the atmosphere as carbon dioxide, it is initially far more impactful to the climate because of how effectively it absorbs heat.

EPA also began to address methane emissions from the oil and natural gas industry. In June 2016, EPA finalized updates to its New Source Performance Standards (40 CFR Part 60, Subpart OOOOa or 2016 NSPS OOOOa) for the oil and natural gas industry to reduce emissions of greenhouse gases. The 2016 NSPS OOOOa set emission limits for methane, which is the principal greenhouse gas emitted by equipment and processes in the oil and gas sector. The EPA final rule also requires owners/operators to find and repair leaks, also known as “fugitive emissions,” which can be a significant source of both methane and volatile organic compound emissions.

On September 11, 2018, EPA proposed amendments to certain provisions of the 2016 NSPS OOOOa. Among other proposed amendments, EPA considered relaxing the regulatory burden to industry by reducing the monitoring frequency of fugitive emissions and extending the required time for leaks to be repaired.

On September 24, 2019, EPA proposed to further relax the 2016 NSPS OOOOa. EPA’s new amendments propose to (1) remove sources in the transmission and storage segment from the affected source category and rescind the NSPS (including both the volatile organic compounds (VOC) and methane requirements) applicable to those sources, and (2) rescind the methane-specific requirements of the NSPS applicable to sources in the production and processing segments. EPA is also proposing, as an alternative, to rescind the methane requirements of the NSPS applicable to all oil and natural gas sources, without removing any sources from the source category. The Maryland Department of the Environment (the Department) opposes these proposed amendments and any relaxation of NSPS OOOOa. The Department commented and documented opposition to EPA’s proposed rules in letters on December 17, 2018 (federal register docket ID EPA-HQ-OAR-2017-0483) and on November 25, 2019 (federal register docket ID EPA-HQ-OAR-2017-0757). In response, Maryland is proposing standards for new and existing facilities in the State to control methane emissions from the natural gas industry.

Specifically, this action proposes requirements to mitigate methane emissions through fugitive emissions detection and repair, and establishes control measure requirements to limit emissions from compressors and pneumatic devices. Facility-wide greenhouse gas emission data will be required to be calculated and submitted to the

Department annually. Additionally, owners and operators will be required to notify the Department and the public during “blowdown events”, which are the release of pressurized natural gas from stations, equipment, or pipelines into the atmosphere so that maintenance, testing, or other activities can take place.

The natural gas industry can be divided into four segments: (1) production; (2) gathering and processing; (3) transmission and storage; and (4) distribution. In the transmission and storage segment, compressors are used to maintain the pressure of the natural gas in transmission pipelines to deliver extracted gas to its eventual end-user. This action affects new and existing natural gas compressor stations, liquefied natural gas facilities, and underground storage facilities in the transmission and storage segment. In Maryland, there are four natural gas compressor stations, one liquefied natural gas import/export facility, and one underground storage facility. This action represents development of regulations with extensive input from public community groups, environmental advocates, the industry, and EPA.

Sources Affected and Location

- There are four natural gas compressor stations, one underground storage facility and one liquid natural gas (LNG) facility currently operating in Maryland that are subject to this regulation.
- The four compressor stations are: Dominion Myersville (Frederick County), Enbridge Texas Eastern (Garrett County), TC Energy (formerly TransCanada) Rutledge (Harford County), and Williams Transcontinental (Howard County).
- The one underground storage facility is Enbridge Texas Eastern (Garrett County)
- The one LNG facility is Dominion Cove Point (Calvert County).
- All new NG compressor stations, underground storage facilities, and LNG facilities will be subject to this regulation.

Requirements

The federal Clean Air Act provides that states may set more stringent standards, and the proposed regulations are more stringent than existing federal rules. Maryland is proposing detection, testing, repair, reporting, and record-keeping requirements for all existing and new facilities in the State.

Leak Detection and Repair (LDAR):

Fugitive emissions can occur from leaking compressors, pipelines, and other equipment components such as valves, connectors, pressure relief devices, and flanges. Unmonitored or faulty equipment with fugitive leaks exacerbates the methane emissions at a facility.

Maryland’s proposed regulations require owners/operators to do the following:

- Develop and submit a leak monitoring plan to the Department within 90 days of the adoption of the rule. New, modified, or reconstructed facilities will have up to 90 days to submit a methane emissions monitoring plan from the startup of the facility’s operation.
- Conduct leak monitoring surveys at prescribed intervals using optical gas imaging (OGI) or EPA Method 21 as well as inspecting for leaks using audio, visual, and olfactory (AVO) observations. The Department will consider any new and/or emerging leak detection technology as an alternative practice to monitor for leaks.
- Repair or replace identified leaking component(s) within 30 days of leak discovery and verify that the leak has been successfully repaired. Owners/operators may submit a delay of repair request to the Department if the leaking component(s) requires a specialty part, is unsafe to repair during the operation of the unit, and/or would require a vent or compressor station blowdown.
- Follow applicable annual and quarterly record-keeping and reporting requirements.

- New, modified, or reconstructed facilities will have up to 180 days to conduct an initial monitoring survey from the startup of the facility's operation.

Facilities that use natural gas-powered equipment to compress natural gas and new liquefied natural gas (LNG) facilities:

- These facilities shall conduct quarterly inspections of fugitive emissions components using an OGI instrument or EPA's Method 21. The initial monitoring survey shall be conducted within 180 days of the adoption of the regulation.
- Weekly AVO inspection of all fugitive emissions components shall be conducted.

Facilities that use electric-powered equipment to compress natural gas:

- Electric-powered equipment used to compress natural gas emits less methane than natural gas-powered equipment by eliminating the need for fuel gas. Furthermore, electric-powered compressors produce no exhaust byproduct.
- These facilities shall conduct annual inspections of fugitive emissions components using an OGI instrument or EPA's Method 21. The initial monitoring survey shall be conducted within 180 days of the adoption of the regulation
- Monthly AVO inspection of all fugitive emissions components shall be conducted.

Natural gas underground storage fields and wellheads:

- These facilities shall conduct quarterly inspections of fugitive emissions components using an OGI instrument or EPA's Method 21. The initial monitoring survey shall be conducted within 180 days of the adoption of the regulation.
- Monthly AVO inspection of all fugitive emissions components shall be conducted.
- Additionally, every month, record the following measurements: the well-head pressure or water level measurement, as appropriate; the open flow on the annulus of the production casing or the annulus pressure if the annulus is shut in; a measurement of gas escaping the well if there is evidence of a gas leak; and evidence of progressive corrosion, rusting, or other signs of equipment deterioration.
- For each natural gas storage well with emissions that exceed 1,440 cubic feet per day, owners and operators shall: (1) notify the Department within 1 business day of discovering the emission rate exceedance; and (2) file a written report within 10 days which shall include an explanation of the problem and corrective action taken or planned.

Dominion Cove Point LNG facility:

Cove Point has two existing LDAR plans with equivalent stringency as this proposal:

- (1) The leak detection and repair requirements as specified by the Climate Action Plan, which is defined, prepared, and approved under COMAR 26.09.02.06.B — E.; and
- (2) The leak detection and repair plan defined and approved under the Certificate of Public Convenience and Necessity, issued by the Maryland Public Service Commission on May 30, 2014, Order No. 86372, Case No. 9318, as amended on February 6, 2018, with Order No. 88565, and Errata on February 23, 2018, to Order No. 88565, as amended.

Natural Gas-Powered Pneumatic Devices:

Pneumatic devices are used for maintaining a process condition such as liquid level, pressure, or temperature. As part of normal operations, natural gas-powered pneumatic devices release or bleed natural gas to the atmosphere. The Department is proposing a phase-out of all high bleed continuous natural gas-powered devices. Additional requirements are summarized below:

- Beginning January 1, 2021, LDAR monitoring for all natural gas-powered pneumatic devices;
- By January 1, 2022, continuous bleed natural gas-powered pneumatic devices cannot have a bleed rate greater than 6 standard cubic feet per hour; and
- By January 1, 2023, continuous bleed natural gas-powered pneumatic devices shall be converted to electric or compressed air-powered devices.

The Department is proposing an exemption for continuous bleed natural gas-powered pneumatic devices with a low bleed rate that is needed for safety or operational purposes. Furthermore, this action includes record-keeping and reporting requirements to the Department.

Reciprocating Compressors:

Reciprocating compressors are used to increase the pressure of the natural gas flowing through the transmission pipelines. Over time, rod packing systems within these reciprocating compressors can wear, resulting in leaking methane. Maryland's proposed rules provide two mitigation options for methane emissions from rod packing systems:

- Emissions from the rod packing shall be routed to a process or control device; or
- Rod packing flow rates shall be measured annually and rod packing systems with emissions greater than 1 standard cubic foot per minute (scfm) shall: (1) Be replaced; or (2) Be measured every 6 months until the rod packing flow rate reaches 2 scfm, at which point the rod packing shall be replaced.

Reciprocating compressor's fugitive emission components shall be subject to LDAR requirements. This action also includes record-keeping and reporting requirements to the Department.

Record-Keeping and Reporting Requirements:

An annual report is due to the Department on April 1 of each year, owners and operators can combine reporting sections together into one report for greenhouse gas reporting.

LDAR reports are due to the Department either quarterly or annually based on the regulatory section identified throughout COMAR 26.11.41.03.

- Quarterly LDAR reports are accepted from a 3rd party if the details are provided.
- The Department is requiring an LDAR summary be publicly posted after each monitoring survey.

Blowdown Events and Reporting:

Blowdown events are common occurrences in which pressurized natural gas is released from stations, equipment, or pipelines into the atmosphere for maintenance and operational purposes. Maryland's rule requires owners and operators to notify the Department and the public whenever a blowdown activity with threshold of greater than 1,000,000 standard cubic feet of methane will be released. Owners and operators will be required to record all blowdown events greater than 50 standard cubic feet and report those blowdown emissions annually. The following requirements apply to affected sources:

- Submit a public notification plan to the Department for approval;
- Notification of planned blowdowns in the excess of 1,000,000 scf should be given at least 7 days prior to the start of the event;
- Notification of emergency blowdowns should be given within 1 hour of the start of the event; and
- Owners and operators shall calculate and submit to the Department annually the total methane emissions from all blowdown events.

Greenhouse Gas Emissions Reporting:

Greenhouse gas emissions from the oil and natural gas industry account for approximately 20 percent of all greenhouse gas emissions

in the United States. Natural gas facilities have the potential to emit greenhouse gases from a variety of sources, including fugitive emission components, stationary fuel combustion sources, and other site activities (for example, blowdowns, maintenance, compressor startups, compressor shutdowns, etc.). On October 20, 2009, EPA published a rule for the mandatory reporting of greenhouse gases from oil and natural gas facilities that emit 25,000 metric tons or more of carbon dioxide equivalent per year. Oil and natural gas facilities that emit less than the 25,000 metric tons threshold were exempted from EPA's rules. Maryland's proposed rule will require all facilities in the natural gas industry, regardless of their greenhouse gas emissions threshold, to report greenhouse gas emissions data to the Department. Maryland's greenhouse gas emissions reporting requirements will require facilities to collect greenhouse gas data, calculate greenhouse gas emissions, and follow specified procedures for quality assurance, missing data, record keeping, and reporting. Maryland's requirements mirror EPA's Greenhouse Gas Reporting Program (40 CFR Part 98) to harmonize with federal rules and reduce regulatory burden.

Projected Emission Reductions

The Department estimates the proposed regulations will minimize the release of methane emissions from the natural gas transmission and storage activities in the State. The proposed rule will minimize the release of methane emissions from existing sources in the range of 600 to 5,000 metric tons per year through leak surveys, replacement of leaking equipment and components, and inspection practices. That has the equivalent climate change mitigation benefit as reducing carbon dioxide emissions by 51,600 — 430,000 metric tons per year, using the 20-year global warming potential for methane.

Leak detection and repair (LDAR) surveys can produce varying results, but it is understood throughout the industry that technology is advancing to help minimize fugitive leaks. LDAR leads to reduced emissions, valuable product recovery, and increased safety of operations. A leak survey is most effective when performed on a routine basis to capture the unknown nature of unintentional poor performance.

The Department has reviewed literature on the proposed impacts of a fugitive leak detection and repair program from EPA, California, environmental advocates, and the industry. The potential emissions reductions, quoted in the EPA 2015 Regulatory Impact Analysis for the 2016 NSPS OOOOa, range from 40 — 80 percent depending on the frequency of surveys. Under California's rule making for "Greenhouse Gas Emission Standards For Crude Oil And Natural Gas Facilities" finalized in 2017, California assumes a 60 percent reduction in methane emissions due to quarterly LDAR. However California also notes there can be a wide range of conditions that can disproportion data from an average assumption. It is understood that the industry has skewed emissions distributions, where a small number of facilities can account for a large portion of emissions.

Vented methane emissions from reciprocating compressor engines and natural gas driven pneumatic devices will be reduced by equipment monitoring, repair, and replacement. EPA Natural Gas STAR Program Partner Reported Opportunities (PROs) Fact Sheets and information from the equipment manufacturing industry estimate emissions reduction can be achieved up to 50 percent.

The nature of operations at each specific station determine the yearly emissions at a facility. The Department has used existing federal reporting figures through the Greenhouse Gas Reporting Rule (40 CFR Part 98) and figures from the Department's annual emission certification reports to estimate methane reductions in Maryland. The Department has calculated a range of potential methane reductions per year. The Department assumed a range of 40 to 80 percent

reduction from the proposed regulation applied to recently reported methane emissions.

As the natural gas industry expands, any future sources in the production and transmission sector of the natural gas industry will be required to follow these State regulations, as well as federal rules. Advanced construction, maintenance, and inspection practices will be utilized, and therefore large emission reductions will not be anticipated. Reporting is a key tool to understanding the emissions in the industry and the State. The documented mitigation strategies will be a tool to further analyze State and national inventories and industry emission factors.

Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

New sources, which are facilities built, modified, or reconstructed after September 18, 2015, are subject to federal 2016 NSPS OOOOa requirements. The proposed regulations require both new and existing facilities to monitor and reduce methane emissions. Therefore, the proposed regulations are more stringent than the federal standard. However, Maryland has aligned requirements and reporting with the federal 2016 NSPS OOOOa whenever possible.

(2) Benefit to the public health, safety, or welfare, or the environment:

Methane is a highly potent greenhouse gas that needs to be acted upon quickly because it is a short-lived climate pollutant (SLCP). Methane emissions from the natural gas industry account for approximately 30 percent of all methane emissions generated in Maryland. Proposed methane reductions from this regulation can help to minimize greenhouse gases. Mitigation and adaption measures help minimize losses to Maryland businesses and communities from climate risk such as sea-level rise or heat-related stress.

(3) Analysis of additional burden or cost on the regulated person:

The Department estimates affected facilities will be required to spend, on average, in 2018 dollars, \$25,000 annually on leak surveys. Additionally some capital investment may be required in the range from \$10,000 — \$100,000. Affected facilities are also required to submit annual reports to the Department, which may result in additional reporting costs. However, since the proposed annual reporting requirements harmonize with the existing federal requirements, the Department estimates reporting costs to be minimal. Additional details follow in the section below and the Department's technical support documents.

(4) Justification for the need for more restrictive standards:

The Maryland General Assembly adopted, and Governor Hogan signed, the 2016 Greenhouse Gas Emission Reduction Act (GGRA) reauthorization. Methane reductions from this natural gas sector reduce greenhouse gases. Additionally EPA has proposed two separate rules relaxing standards for new sources under NSPS OOOOa. These relaxations will result in increased methane leakage. Due to the relaxations at the federal level, Maryland is proposing this regulation to strengthen methane mitigation practices.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed regulation requires facilities in the natural gas industry to perform quarterly or annual leak surveys to identify and minimize unintentional fugitive emissions. The proposed regulation may require facilities to purchase, retrofit, and service capital equipment. The Department estimates affected facilities will be required to spend, on average, in 2018 dollars, \$25,000 annually on leak surveys. Leak surveys require reporting with the survey plan. Repairs and maintenance may be an

additional cost; however, product loss will be decreased. Some capital investment may be required and can vary in cost depending on the sophistication of the engineering design and the age of existing equipment but are estimated to range from \$10,000 — \$100,000. Affected facilities are also required to submit annual reports to the Department, which may result in additional reporting costs. However, since the proposed annual reporting requirements harmonize with the existing federal requirements, the Department estimates reporting costs to be minimal. The Department has reviewed literature on the proposed cost impacts of a fugitive leak detection and repair program from EPA, California, environmental advocates, and the industry. Additionally, the Department received cost estimates from manufacturers on equipment and maintenance. The businesses in this industry are not small.

MDE's mission is to protect and restore the environment for the health and wellbeing of all Marylanders. Working to mitigate and adapt to climate change are main components of this mission authorized by the GGRA. Marylanders are already witnessing firsthand the impacts of climate change, from more frequent, severe flooding that threatens the State's agricultural sector, to more powerful heat waves that put lives at risk. That's why the State's GGRA Plan to cut greenhouse gas emissions 40 percent by 2030 and Governor Hogan's commitment to develop a clean and renewable energy standard are so important. Maryland has made great progress on reducing air pollution and greenhouse gas emissions, and adapting to the potential consequences of climate change, while creating jobs and benefiting the economy. Comprehensive methane pollution regulation is a key part of making sure Maryland can continue to make progress and meet emission reduction goals.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency:		
State agency inspection	(E+)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
<hr/>		
	Benefit (+)	
	Cost (-)	Magnitude
<hr/>		
D. On regulated industries or trade groups:		
Affected facilities	(-)	\$10,000 — \$100,000
F. Direct and indirect effects on public:		
Environmental protection/public health	(+)	Indeterminable

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

A. Existing air compliance inspector staff will enforce these regulations.

D. Affected facilities will be required to spend, on average, in 2018 dollars, \$25,000 annually on leak surveys. Some capital investment is estimated to range from \$10,000 — \$100,000.

F. The proposed regulation will have a positive effect on public health and the environment. Short-lived climate pollutants (SLCPs) are harmful air pollutants and potent climate forcers with a much shorter lifespan in the atmosphere than carbon dioxide. Reducing emissions of methane will combat the adverse impacts of climate change in Maryland.

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

The Department of the Environment will hold a virtual public hearing on the proposed action on August 31, 2020, at 10 a.m. See the Department's website for virtual hearing information (<https://mde.maryland.gov/programs/Regulations/air/Pages/reqcomments.aspx>). Interested persons are invited to attend and express their views. Comments may be sent to Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, MD 21230, or email to randy.mosier@maryland.gov. Comments must be received by no later than 5 p.m. on Sept. 3, 2020, or be submitted at the hearing. For more information, call Randy Mosier at 410-537-4488.

.01 Definitions.

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

B. Terms Defined.

(1) "Affected facilities" means any one of the following facilities:

- (a) Cove Point Liquefied Natural Gas Facility;
- (b) Myersville Natural Gas Compressor Station;
- (c) Accident Natural Gas Compressor Station and Storage;
- (d) Rutledge Natural Gas Compressor Station;
- (e) Ellicott City Natural Gas Compressor Station; and
- (f) Any new, modified, or reconstructed natural gas compressor station, natural gas underground storage facility, or liquefied natural gas facility.

(2) "Audio, visual, and olfactory inspection" means sensory monitoring to detect natural gas leaks utilizing a human ear, eyes, and nose.

(3) Blowdown.

(a) "Blowdown" means the release of pressurized natural gas from a station, equipment, or pipelines into the atmosphere conducted with the intent to lower the pressure in a vessel or pipeline.

(b) "Blowdown" does not include natural gas pneumatics emissions, fugitive components emissions, or pressure seal leakage.

(4) "Bubble test" means the alternative screening procedure as described at EPA Method 21 (40 CFR 60, Appendix A-7, §8.3.3).

(5) "Component" means a valve, fitting, flange, threaded-connection, process drain, stuffing box, pressure-vacuum valve, pressure-relief device, pipes, seal fluid system, diaphragm, hatch, sight-glass, meter, open-ended line, well casing, natural gas powered pneumatic device, natural gas powered pneumatic pump, reciprocating compressor rod packing/seal, metal to metal joint or seal of nonwelded connection separated by a compression gasket, screwed thread (with or without thread sealing compound), metal to metal compression, or fluid barrier through which natural gas or liquid can escape to the atmosphere.

(6) "Continuous bleed" means the continuous venting of natural gas from a gas-powered pneumatic device to the atmosphere.

(7) “Difficult-to-monitor” means fugitive emissions components that cannot be monitored for natural gas leakage without the monitoring personnel needing specialized equipment to reach components above the grade.

(8) “Direct measurement” means use of high volume sampling, calibrated bagging, a calibrated flow measuring instrument, or a temporary meter.

(9) “Fuel gas system” means components and equipment that collect and transfer natural gas to be used as a fuel source to on-site natural gas-powered equipment other than a vapor control device.

(10) Fugitive Emissions Component.

(a) “Fugitive emission component” means any component that has the potential to emit fugitive emissions of natural gas, including but not limited to valves, connectors, pressure relief devices, open-ended lines, flanges, covers, and vapor collection systems.

(b) “Fugitive emission component” does not include devices that vent as a part of normal operations, such as natural gas-driven pneumatic devices or annulus vents, insofar as the natural gas discharged from the device’s vent is not considered a fugitive emission.

(c) “Fugitive emission component” includes thief hatches or other openings on a storage vessel, compressor, instrument, natural gas-powered pneumatic device, or meter that are not venting.

(11) “Intermittent bleed” means a pneumatic controller that is designed to vent noncontinuously.

(12) “Leak detection and repair” or “LDAR” means the inspection of fugitive emissions components to detect leaks of total methane and the repair of components with leaks above the standards specified in this chapter and within the time frames specified in this chapter.

(13) “Leak or fugitive leak” means any visible emission from a fugitive emissions component observed by optical gas imaging or an instrument reading of 500 ppm or greater of methane using U.S. EPA Method 21 (40 CFR 60, Appendix A-7) or any emissions discovered from a fugitive emissions component observed using an auditory, visual, and olfactory inspection.

(14) “Liquefied natural gas” or “LNG” means natural gas or synthetic gas having methane as its major constituent which has been changed to a liquid.

(15) “LNG facility” means a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas, and includes all components and stationary equipment within the fence line.

(16) “Natural gas” means a naturally occurring mixture or process derivative of hydrocarbon and nonhydrocarbon gases, which has methane as its major constituent.

(17) “Natural gas compressor station” means all equipment and components located within a facility fence line associated with moving natural gas from production fields or natural gas processing plants through natural gas transmission pipelines, or within natural gas storage fields.

(18) “Natural gas storage well” means a well located and used in a natural gas storage reservoir for injection or withdrawal purposes, or an observation well.

(19) “Natural gas underground storage” means all equipment and components associated with the temporary subsurface storage of natural gas in depleted crude oil or natural gas reservoirs or salt dome caverns, not including gas disposal wells.

(20) “Observation well” means a well used to monitor the operational integrity and conditions in a natural gas storage reservoir, the reservoir protective area, or the strata above or below the gas storage horizon.

(21) “Optical gas imaging” or “OGI” means an instrument that makes emissions visible to the naked eye that may otherwise be invisible.

(22) “Pneumatic device” means an automation device that uses natural gas or compressed air to control a process.

(23) “Process gas system” means components and equipment that collect and transfer the natural gas to be used through the intended process of the facility, including storage, transmission, or liquefaction.

(24) “Reciprocating natural gas compressor” means equipment that increases the pressure of natural gas by positive displacement of a piston in a compression cylinder and is powered by an internal combustion engine or electric motor with a horsepower rating designated by the manufacturer.

(25) “Reciprocating natural gas compressor rod packing” means a seal composed of a series of flexible rings in machined metal cups that fit around the reciprocating compressor piston rod to create a seal limiting the amount of compressed natural gas that leaks into the atmosphere.

(26) “Reciprocating natural gas compressor seal” means any device or mechanism used to limit the amount of natural gas that leaks from a compression cylinder into the atmosphere.

(27) “Successful repair” means tightening, adjusting, or replacing equipment or a component for the purpose of stopping or reducing fugitive leaks below the minimum leak threshold or emission flow rate standard specified in this chapter.

(28) “Unsafe-to-monitor” means fugitive emissions components that cannot be monitored for natural gas leakage because monitoring personnel would be exposed to immediate danger while conducting a monitoring survey.

(29) “Vapor collection system” means equipment and components installed on pressure vessels, separators, tanks, sumps, piping, connections, reciprocating compressors, natural gas-powered pneumatic devices, and flow-inducing devices used to collect and route emission vapors to a processing gas system, fuel gas system, or vapor control device.

(30) “Vapor control device” means destructive or nondestructive equipment used to control otherwise vented emissions.

.02 Applicability.

The provisions of this chapter apply to an affected facility as that term is defined in Regulation .01B of this chapter.

.03 Leak Detection and Repair Requirements.

A. Affected facilities that are natural gas compressor stations or natural gas underground storage facilities and that use natural gas-powered equipment to compress natural gas shall comply with the following leak detection and repair requirements.

(1) Owners and operators of affected facilities subject to this section shall develop and submit to the Department an initial methane emissions monitoring plan that includes a technique for determining fugitive emissions (for example, EPA Method 21 at 40 CFR part 60, appendix A–7, or optical gas imaging).

(2) If an affected facility uses optical gas imaging for leak detection, the following information shall be included in the initial methane emissions monitoring plan:

(a) A list of the unsafe-to-monitor components;

(b) Procedures and time frames for identifying and repairing fugitive emissions components;

(c) A defined observation path throughout the site to confirm all components can be viewed and recorded;

(d) Manufacturer and model number of fugitive emissions detection equipment to be used; and

(e) Equipment specifications and procedures as specified in 40 CFR §60.5397a(c)(7), as published in July 2017.

(3) If an affected facility uses EPA Method 21 (40 CFR 60, Appendix A-7) for leak detection, the following information shall be included in the initial methane emissions monitoring plan:

(a) A list of all fugitive emission components, difficult-to-monitor components, and unsafe-to-monitor components at an affected facility;

(b) Procedures and time frames for identifying and repairing fugitive emission components; and

(c) Equipment specifications and procedures as specified in 40 CFR §60.5397a(c)(8), as published in July 2017.

(4) Each difficult-to-monitor and unsafe-to-monitor component shall be identified in the written initial methane monitoring plan explaining the location and why the fugitive emissions components are difficult-to-monitor and unsafe-to-monitor.

(5) Initial Methane Emissions Monitoring Plan Submission.

(a) Except for a new natural gas compressor station or natural gas underground storage facility, owners and operators of the affected facilities subject to this section shall submit the initial methane emissions monitoring plan required in §A(1)—(4) of this regulation to the Department within 90 days of the adoption of this regulation.

(b) Owners and operators of a new natural gas compressor station or natural gas underground storage facility subject to this section shall submit the initial methane emissions monitoring plan required in §A(1)—(4) of this regulation to the Department within 60 days of startup.

(6) Owners and operators of affected facilities that modify or reconstruct a natural gas compressor station or underground storage facility shall submit an initial monitoring plan with the elements in §A(1)—(4) of this regulation within 90 days of the facility startup operation for each new collection of fugitive emissions components at the modified or reconstructed compressor station or underground storage facility.

(7) Owners or operators of affected facilities subject to this section shall conduct an audio, visual, and olfactory inspection of all fugitive emission components for leaks or indications of leaks at least once per calendar week except for:

(a) Unsafe-to-monitor components; and

(b) Natural gas storage wells and observations, which shall conduct audio, visual, and olfactory inspections according to §A(10) of this regulation.

(8) Leak Monitoring Survey.

(a) Owners and operators of affected facilities shall follow the initial monitoring methane plan and shall inspect all fugitive emission components, except for unsafe-to-monitor components, for leaks using OGI or EPA Method 21 within 180 days of the adoption of this chapter and quarterly thereafter.

(b) Owners and operators of affected facilities that install any new, modified, or reconstructed natural gas compressor station or underground storage facility that uses natural gas-powered equipment to compress natural gas shall meet the requirements of §A(8)(a) of this regulation within 180 days of the startup of the facility's operations.

(c) At least annually, all difficult-to-monitor fugitive emissions components shall be inspected for leaks using an OGI camera.

(9) Repair Requirements.

(a) Any leaking fugitive emissions component identified during a leak monitoring survey or audio, visual, and olfactory inspection shall be successfully repaired, replaced, or removed from service as soon as practicable, but no later than 30 calendar days after leak detection.

(b) Fugitive Emissions Component Resurvey.

(i) Each repaired or replaced fugitive emissions component shall be resurveyed within 30 days after being repaired or replaced using either OGI or EPA Method 21 (40 CFR 60, Appendix A-7).

(ii) Owners and operators of facilities subject to this section that use EPA Method 21 (40 CFR 60, Appendix A-7) to resurvey the repaired or replaced fugitive emissions component shall consider the fugitive emissions component repaired when the EPA Method 21 (40 CFR 60, Appendix A-7) instrument indicates a concentration of less than 500 ppm of methane or when no soap bubbles are observed during a bubble test.

(iii) Owners and operators of affected facilities subject to this section that use OGI to resurvey the repaired or replaced fugitive emissions component shall consider the fugitive emissions component repaired when the OGI instrument shows no indication of visible emissions or when no soap bubbles are observed during a bubble test.

(c) A delay of repair may occur when, upon request, the owner or operator provides documentation to the Department that supports the following:

(i) The parts or equipment required to make necessary repairs will take longer than 30 days to be ordered and delivered, but the repair may not exceed 1 year;

(ii) The repair is unsafe to perform during the operation of the unit; or

(iii) The repair requires a blowdown or facility shutdown in order to complete.

(d) Leaking fugitive emission components awaiting repair or replacement under a delay of repair shall be clearly marked or identified in the facility's records.

(e) Leaking fugitive emission components under a delay of repair according to §A(9)(c)(i) of this regulation shall:

(i) Be repaired or replaced within 7 days after the owner or operator receives parts or equipment; or

(ii) Be repaired or replaced at the next vent or compressor station blowdown if the owner or operator has identified this fugitive emission component as needing a vent or compressor station blowdown.

(f) Fugitive emission components under a delay of repair according to §A(9)(c)(ii) and (iii) of this regulation shall be repaired or replaced within 1 year, at the next vent blowdown or facility shutdown, whichever occurs first.

(g) If a repair of a leak cannot be successfully completed according to this subsection, the owner or operator of the affected facility shall prepare a plan, for Department approval, that includes:

(i) An explanation of the technical difficulty;

(ii) A timeline to successfully repair the fugitive emission components;

(iii) A calculation of the additional methane that is expected to be released while on delay of repair; and

(iv) Upon written request from the Department, any other information that the Department determines is necessary to evaluate the plan.

(h) The owner or operator of the affected facility shall submit any plan required under §A(9)(g) of this regulation to the Department within 30 days from identifying the leak.

(10) Natural Gas Storage Field Inspections.

(a) Owners and operators of natural gas underground storage facilities shall conduct an audio, visual, and olfactory inspection of every natural gas storage well and observation well in the natural gas storage field at least once each month.

(b) For each inspection according to §A(10)(a) of this regulation, owners and operators shall record:

(i) The well-head pressure or water level measurement, as appropriate;

(ii) The open flow on the annulus of the production casing or the annulus pressure if the annulus is shut in;

(iii) A measurement of gas escaping the well if there is evidence of a gas leak; and

(iv) Evidence of progressive corrosion, rusting, or other signs of equipment deterioration.

(c) For each natural gas storage well with emissions that exceed 1,440 cubic feet per day, owners and operators shall:

(i) Notify the Department within 1 business day of discovering the emission rate exceedance; and

(ii) File a written report within 10 days which shall include an explanation of the problem and corrective action taken or planned.

(d) For each audio, visual, and olfactory inspection that detects a leaking fugitive emission component, the owner and operator shall comply with the repair requirements specified in §A(9) of this regulation, as applicable.

B. Affected facilities that are natural gas compressor stations and natural gas underground storage facilities, that exclusively use electric-powered equipment to compress natural gas, shall comply with the following leak detection and repair requirements.

(1) Owners and operators of facilities in this section shall meet the requirements of §A(1)—(6), (9), and (10) of this regulation.

(2) Except for unsafe-to-monitor components, owners or operators of facilities in this section shall conduct an audio, visual, and olfactory inspection of all fugitive emission components for leaks or indications of leaks at least once per calendar month.

(3) Leak Monitoring Survey.

(a) Except for unsafe-to-monitor components, owners and operators of affected facilities subject to this section shall inspect all fugitive emission components, including difficult-to-monitor components, for leaks using OGI or EPA Method 21 (40 CFR 60, Appendix A-7) within 180 days of the adoption of this chapter and annually thereafter.

(b) Owners and operators of affected facilities that install any new, modified, or reconstructed natural gas compressor station or underground storage facility that uses electric-powered equipment to compress natural gas shall meet the requirements of §B(3)(a) of this regulation within 180 days of the startup of the facility's operations.

C. Cove Point Liquefied Natural Gas facility shall comply with:

(1) The leak detection and repair requirements as specified by the Climate Action Plan, which is defined, prepared, and approved under COMAR 26.09.02.06.B — E; and

(2) The leak detection and repair plan defined and approved under the Certificate of Public Convenience and Necessity, issued by the Maryland Public Service Commission on May 30, 2014, Order No. 86372, Case No. 9318, as amended on February 6, 2018, with Order No. 88565, and Errata on February 23, 2018, Order No. 88565, as amended.

D. Any new liquefied natural gas facility that begins operations or repairs after the effective date of this chapter shall comply with §A of this regulation.

E. If an owner requests approval, the Department may approve a new technology or alternative practice to identify leaking fugitive emissions components as an equivalent substitution for the requirements in §A or B of this regulation.

.04 Natural Gas-Powered Pneumatic Devices Methane Emission Control Requirements.

A. Beginning January 1, 2021, each continuous and intermittent bleed natural gas-powered pneumatic device shall comply with the leak detection and repair requirements specified in Regulation .03 of this chapter, as applicable, when the device is idle and not controlling.

B. By January 1, 2022, continuous bleed natural gas-powered pneumatic devices shall not vent natural gas at a rate greater than 6 standard cubic feet per hour.

C. By January 1, 2023, all continuous bleed natural gas-powered pneumatic device shall be converted to use compressed air or electricity to operate unless an exemption is provided in §D of this regulation.

D. Exemption. Continuous bleed natural gas-powered pneumatic devices may be used if:

(1) The owner and operator collect all vented natural gas from the pneumatic device with the use of a vapor collection system according to Regulation .06 of this chapter; or

(2) The owner and operator submit justification for approval to the Department which demonstrates the need for the continuous bleed pneumatic device for safety or process purposes, as follows:

(a) Each continuous bleed pneumatic device that is approved for use shall be tagged with the month and year of installation, reconstruction, or modification and shall also have a permanent tag that identifies the natural gas flow rate as less than or equal to 6 standard cubic feet per hour; and

(b) The owner and operator shall:

(i) Inspect each continuous bleed pneumatic device on a monthly basis;

(ii) Perform necessary maintenance (including cleaning, tuning, and repairing leaking gaskets, tubing fittings, and seals and tuning to operate over a broader range of proportional band to eliminate unnecessary valve positioners);

(iii) Maintain the pneumatic device according to manufacturer specifications to ensure that the device's natural gas emissions are minimized;

(iv) By April 1, test each pneumatic device annually using a direct measurement method (high volume sampling, bagging, calibrated flow measuring instrument, etc.); and

(v) Successfully repair any device with a measured emissions flow rate that exceeds 6 standard cubic feet per hour within 14 calendar days from the date of the exceedance.

.05 Reciprocating Natural Gas Compressor Methane Emission Control Requirements.

A. All reciprocating natural gas compressor components at an affected facility shall comply with the leak detection and repair requirements in Regulation .03 of this chapter where applicable.

B. Control Measures for Reciprocating Natural Gas Compressor.

(1) By January 1, 2021, compressor vent stacks used to vent rod packing/seal emissions shall be controlled with the use of a vapor collection system as specified in Regulation .06 of this chapter; or

(2) By April 1, the reciprocating natural gas compressor rod packing/seal emission flow rate through the rod packing/seal vent stack shall be measured annually through direct measurement (high volume sampling, bagging, calibrated flow measuring instrument, etc.) while the compressor is operating at normal operating temperature.

(a) Direct measurements shall use one of the following methods:

(i) Vent stacks shall be equipped with a meter or instrumentation to measure the rod packing or seal emissions flow rate; or

(ii) Vent stacks shall be equipped with a clearly identified access port to measure individual or combined rod packing or seal emission flow rates.

(b) If the measurement is not obtained because the compressor is not operating for the scheduled test date, testing shall be conducted within 7 calendar days of resumed operation.

(3) A reciprocating natural gas compressor with a rod packing/seal with a measured emission flow rate that exceeds 1 standard cubic foot per minute, or a combined rod packing or seal emission flow rate that exceeds the number of compression cylinders multiplied by 1 standard cubic foot per minute shall:

(a) Be successfully repaired or replaced within 30 calendar days from the date of the exceedance; or

(b) Conduct natural gas compressor rod packing/seal emission flow rate measurements every 6 months or when the compressor resumes operation, whichever is later.

(4) A reciprocating natural gas compressor with a measured emission flow rate that exceeds 2 standard cubic feet per minute, or a combined rod packing or seal emission flow rate that exceeds the number of compression cylinders multiplied by 2 standard cubic feet per minute, shall be successfully repaired or replaced within 30 calendar days from the date of the exceedance.

C. Delay of Repair for Reciprocating Natural Gas Compressor.

(1) A delay of repair may occur provided the owner or operator provides documentation, upon request from the Department, that the delivery of parts or equipment required to make necessary repairs will take more than 30 days from the last emission flow rate measurement and that the parts have been ordered.

(2) A delay of repair to obtain parts or equipment may not exceed 60 days from the date of the last emission flow rate measurement unless the owner or operator notifies the Department, in writing, of the extended delay and provides an estimated time by which the repairs will be completed.

(3) A reciprocating natural gas compressor with a rod packing/seal emission flow rate measured above the standard specified in §B(4) of this regulation, and which has leaking parts deemed unsafe to monitor or requiring a facility shutdown, shall be successfully repaired by the end of the next planned process shutdown or within 12 months from the date of the flow rate measurement, whichever is sooner.

.06 Vapor Collection System and Vapor Control Devices.

A. Owners or operators of affected facilities that utilize vapor collection systems and vapor control device to comply with this chapter shall follow the requirements as specified in §§B and C of this regulation.

B. If a vapor collection system does not route all gases, vapors, and fumes to either a process gas system or a fuel gas system by January 1, 2021, a vapor control device shall be installed which meets the requirements of §E of this regulation.

C. The vapor collection system shall have no detectable emissions, as determined using auditory, visual, and olfactory inspections as specified in Regulation .03A(7) of this chapter.

D. The vapor collection system shall comply with the leak monitoring survey and repair requirements as specified in Regulation .03 of this chapter, where applicable.

E. Vapor control devices shall meet one of the following requirements:

(1) A nondestructive vapor control device manufacturer-designed to achieve at least 95 percent vapor control efficiency of methane emissions and may not result in emissions of nitrogen oxides (NOx); or

(2) A destructive vapor control device manufacturer-designed to achieve at least 95 percent vapor control efficiency of methane emissions and does not generate more than 15 parts per million

volume (ppmv) NOx when measured at 3 percent oxygen; or require the use of supplemental fuel gas, other than gas required for a pilot burner, to operate.

.07 Record-Keeping and Reporting Requirements.

A. Owners or operators of affected facilities shall maintain, submit as described in this section, and make available upon request by the Department a copy of records necessary to verify compliance with the provisions of this chapter, as follows:

(1) For each leak monitoring survey and audio, visual, and olfactory inspection conducted according to Regulation .03 of this chapter, owners and operators shall:

(a) Submit a report to the Department within 60 days of each leak monitoring survey with the following information:

(i) Date of the survey;

(ii) A list of each fugitive emission and repair;

(iii) Any deviations from the initial methane monitoring plan or a statement that there were no deviations from the initial methane monitoring plan;

(iv) Number and type of components for which fugitive emissions were detected;

(v) Number and type of difficult-to-monitor fugitive emission components monitored;

(vi) Instrument reading of each fugitive emissions component that requires repair when EPA Method 21 (40 CFR 60, Appendix A-7) is used for monitoring;

(vii) Number and type of fugitive emissions components that were not repaired;

(viii) Number and type of fugitive emission components placed on delay of repair and explanation for each delay of repair;

(ix) The date of successful repair of the fugitive emissions component; and

(x) Instrumentation used to resurvey a repaired fugitive emissions component that could not be repaired during the initial fugitive emissions finding;

(b) Maintain, for a minimum of 5 years, record of each leak monitoring survey along with the following information:

(i) Reports submitted according to §A(1)(a) of this regulation;

(ii) Beginning and end time of the survey;

(iii) Name of operator(s) performing survey;

(iv) Monitoring instrument used, including the manufacturer, model number, serial number, and calibration documentation;

(v) When optical gas imaging is used to perform the survey, one or more digital photographs or videos, captured from the optical gas imaging instrument used for conduct of monitoring, of each required monitoring survey being performed;

(vi) Fugitive emissions component identification when EPA Method 21 (40 CFR 60, Appendix A-7) is used to perform the monitoring survey;

(vii) Ambient temperature, sky conditions, and maximum wind speed at the time of the survey;

(viii) Any deviations from the initial methane monitoring plan or a statement that there were no deviations from the initial methane monitoring plan;

(ix) Proof that parts or equipment required to make necessary repairs, as required by this chapter, have been ordered;

(x) If a fugitive emissions component is not tagged, a digital photograph or video of each fugitive emissions component that could not be repaired during the leak monitoring survey at the time the fugitive emissions were initially found; and

(xi) Repair methods applied in each attempt to repair the fugitive emissions components;

(c) Post a quarterly report summary to a publicly available website of each leak monitoring survey, including the information required in §A(1)(a) of this regulation, 60 days after the leak monitoring survey; and

(d) Maintain records of audio, visual, and olfactory inspections for at least 5 years from the date of inspection.

(2) For each natural gas-powered continuous bleed pneumatic device, owners and operators shall:

(a) Maintain a record of the emission flow rate measurement and report annually beginning April 1, 2021, for at least 5 years from the date of each emissions flow rate measurement;

(b) Maintain records of the date, location, and manufacturer specifications for each continuous bleed pneumatic device constructed, modified, or reconstructed and report annually beginning April 1, 2021;

(c) Maintain records of the manufacturer's specifications indicating that the device is designed such that natural gas bleed rate is less than or equal to 6 standard cubic feet per hour, if applicable;

(d) Maintain records of deviations in cases where the pneumatic device was not operated in compliance with the requirements specified in Regulation .04 of this chapter and report annually beginning April 1, 2021;

(e) Maintain purchase orders, work orders, or any in-house or third-party reports produced or provided to the affected facility relating to the device for at least 5 years; and

(f) Maintain a record of each continuous bleed pneumatic inspection and any corrective or maintenance action taken for at least 5 years.

(3) For each reciprocating natural gas compressor, owners and operators shall:

(a) Maintain a record of each rod packing leak concentration measurement found above the minimum leak threshold and report annually beginning April 1, 2021, for at least 5 years from the date of each leak concentration measurement;

(b) Maintain a record of each rod packing or seal emission flow rate measurement and report annually beginning April 1, 2021, for at least 5 years from the date of each emissions flow rate measurement;

(c) Maintain a record that documents the date(s) and hours of operation a compressor is operated in order to demonstrate compliance with the rod packing leak concentration or emission flow rate measurement in the event that the compressor is not operating during a scheduled inspection for at least 1 calendar year;

(d) Maintain records that provide proof that parts or equipment required to make necessary repairs required by this chapter have been ordered;

(e) Report annually the cumulative number of hours of operation or the number of months since initial startup or the previous reciprocating compressor rod packing replacement, whichever is later, beginning April 1, 2021;

(f) If applicable, submit a statement that emissions from the rod packing are being routed to applicable vapor control system under Regulation .06 of this chapter;

(g) Report records of deviations from this chapter that occurred during the reporting period annually, beginning April 1, 2021; and

(h) Maintain a record of purchase orders, work orders, or any in-house or third-party reports produced or provided to the affected facility necessary to demonstrate compliance with the delay of repair provisions of this chapter for at least 5 years.

B. Blowdown Events and Reports.

(1) Within 90 days of the effective date of this chapter, affected facilities shall submit a blowdown notification plan to the Department for approval of any blowdown event in excess of 1,000,000 standard cubic feet.

(2) The blowdown notification plan according to §B(1) of this regulation shall include:

(a) The notification format (for example, website, email, robocall, text message, social media announcement, etc.) to local authorities, the Department, and interested parties for blowdown emissions in excess of 1,000,000 standard cubic feet;

(b) A public outreach plan to inform interested parties of the availability to be notified of blowdown events in excess of 1,000,000 standard cubic feet;

(c) The affected facility's responsible personnel for blowdown notifications; and

(d) A sitemap of the facility with clearly marked designated area(s) for blowdown emissions in excess of 1,000,000 standard cubic feet.

(3) For any blowdown event in excess of 1,000,000 standard cubic feet, affected facilities shall make information publicly available in accordance with the facility's approved blowdown notification plan, including notification to the Department, at least 7 days prior.

(4) For any blowdown event in excess of 1,000,000 standard cubic feet that is scheduled less than 7 days prior to the blowdown event, affected facilities shall, as soon as practicable:

(a) Make information publicly available in accordance with the facility's approved blowdown notification plan; and

(b) Provide an explanation to the Department of the reason for the blowdown event.

(5) For any emergency or unplanned blowdown event in excess of 1,000,000 standard cubic feet, affected facilities shall make information publicly available in accordance with the facility's approved blowdown notification plan and notify the Department within 1 hour of the emergency or unplanned blowdown event.

(6) When safety concerns preclude a facility from providing prior notification of an emergency or unplanned blowdown under §B(5) of this regulation, the facility shall send notice to the Department within 24 hours of the blowdown event indicating the reason(s) why prior notice was not possible.

(7) Affected facilities shall report the following information to the Department of blowdown emissions in excess of 50 standard cubic feet within the facility's fence line annually by April 1 of each year:

(a) Date and type (that is, planned or emergency) of each blowdown event;

(b) Methane emissions in metric tons released from each blowdown event; and

(c) Annual methane emissions in metric tons from all blowdown events.

(8) Methane emissions shall be calculated according to procedures in 40 CFR Part 98, Subpart W, §98.233.

C. Greenhouse Gas Emissions Reporting.

(1) Owners and operators of affected facilities shall report methane, carbon dioxide, and nitrous oxide mass emissions to the Department annually by April 1 of each year.

(2) Owners and operators of affected facilities shall follow the procedures for emission calculation, monitoring, quality assurance, missing data, record keeping, and reporting that are specified in 40 CFR Part 98, Subpart C, and 40 CFR Part 98, Subpart W.

(3) When reporting to the Department, owners and operators of affected facilities shall expand the fugitive emissions reporting requirements of 40 CFR Part 98, Subpart W, to include a Microsoft Excel format list providing calculations summarized by category under 40 CFR §98.232(e) — (h) as applicable.

(4) The reporting threshold in 40 CFR §§98.2, 98.31 and 98.231 of 25,000 metric tons of CO₂ equivalent does not exempt an affected facility from following the requirements of this section.

D. All required reports shall be submitted to the Industrial Compliance Division in written or electronic format and mailed to Maryland Department of the Environment, Air Quality Compliance Program, 1800 Washington Boulevard, 7th Floor, Baltimore, MD 21230, Attention: Industrial Compliance Division.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 30

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subtitle 01 GENERAL

30.01.02 Documents Incorporated by Reference

Authority: Education Article, §§13-509 and 13-516, Annotated Code of Maryland

Notice of Proposed Action

[20-136-P-I]

The State Emergency Medical Services Board proposes to amend Regulation .01 under **COMAR 30.01.02 Documents Incorporated by Reference**. This action was considered and approved by the State Emergency Medical Services Board at its regular meeting held on June 9, 2020, notice of which was given by publication on the Maryland Institute for Emergency Medical Services Systems website, www.miemss.org, from December 2019, through June 9, 2020 (virtual information posted June 1, 2020), pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to incorporate by reference the current Maryland Medical Protocols for Emergency Medical Services and the current Maryland State Trauma Registry Data Dictionary for Burn Patients.

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 E. Fremont Magee, Assistant Attorney General, Maryland Institute for Emergency Medical Services Systems, 653 West Pratt Street, Baltimore, MD 21201, or call 410-706-8531, or email to fmagee@miemss.org, or fax to 410-706-2138. Comments will be accepted through August 31, 2020. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, Maryland Medical Protocols for Emergency Medical Services (MIEMSS August 1, 2020 Edition) and Maryland State Trauma Registry Data Dictionary for Burn Patients (MIEMSS May 21, 2020 Edition) have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 47:1 Md. R. 9 (January 3, 2020), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) "Maryland Medical Protocols for Emergency Medical Services [Providers] (MIEMSS [July 1, 2019] *August 1, 2020* Edition)". This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (410-706-4449).

(2)—(3) (text unchanged)

(4) "Maryland State Trauma Registry Data Dictionary for Burn Patients (MIEMSS [September 7, 2012,] *May 21, 2020* Edition)". This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (410-706-4449).

THEODORE R. DELBRIDGE, M.D., M.P.H.
Executive Director

Special Documents

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modifications

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: May 1-31, 2020.

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 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.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR § 806.18 or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period specified above:

Minor Modifications Issued Under 18 CFR § 806.18

Pennsylvania General Energy Company, L.L.C., Docket No. 20200312, Plunketts Creek township, Lycoming County, Pa.: approval to change intake design from a submerged intake to an intake within a buried concrete vault; Approval Date: May 6, 2020.

Dillsburg Area Authority, Docket No. 20190904, Carroll Township, York County, Pa.; approval to revise monitoring condition contained within Special Condition 20 allowing for an alternate monitoring location; Approval Date: May 14, 2020.

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

DATED: June 22, 2020.

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-16-20]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: May 1-31, 2020

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, 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.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22 (f)(13) and 18 CFR §806.22 (f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

Tilden Marcellus, LLC; Pad ID: State 822 Pad; ABR-202005003; Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: May 3, 2020.

Tilden Marcellus, LLC; Pad ID: State 815 Pad; ABR-202005004; Elk & Gaines Townships, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: May 3, 2020.

Chief Oil & Gas, LLC.; Pad ID: Cahill Realty Business Unit Pad; ABR-202005005; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: May 3, 2020.

Repsol Oil & Gas USA, LLC; Pad ID: DCNR (02 006); ABR-20100355.R2; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 3, 2020.

SWN Production Company, LLC.; Pad ID: LU-10 ELLY MAY - PAD; ABR-202005001; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 8, 2020.

Chief Oil & Gas, LLC.; Pad ID: Kingsley Drilling Pad #1; ABR-20100336.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 8, 2020.

SWN Production Company, LLC.; Pad ID: Reeve; ABR-20100403.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 8, 2020.

EXCO Resources (PA), LLC; Pad ID: Kensinger 3H Drilling Pad #1; ABR-20100205.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: May 11, 2020.

SWEPI LP; Pad ID: Cascarino 443; ABR-20100222.R2; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 11, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Alton; ABR-20100411.R2; Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 13, 2020.

Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 014); ABR-20100309.R2; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 13, 2020.

ARD Operating, LLC; Pad ID: Texas Blockhouse F&G B; ABR-20100207.R2; Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 13, 2020.

ARD Operating, LLC; Pad ID: COP Tr 231 C; ABR-20100304.R2; Boggs & Snowshoe Townships, Centre County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 13, 2020.

SWEPI LP; Pad ID: Parthemer 284; ABR-20100311.R2; Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 13, 2020.

SWEPI LP; Pad ID: Cummings 823; ABR-20100350.R2; Chatham Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 13, 2020.

SWEPI LP; Pad ID: Waskiewicz 445; ABR-20100330.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: May 13, 2020.

Seneca Resources Company, LLC; Pad ID: CRV Pad C09D; ABR-201504001.R1; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 13, 2020.

EOG Resources, Inc.; Pad ID: HARKNESS 2H; ABR-20091220.R2; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.9990 mgd; Approval Date: May 17, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Everbreeze; ABR-20100408.R2; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 17, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Henry; ABR-20100421.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 17, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Koromlan; ABR-20100423.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 17, 2020.

Repsol Oil & Gas USA, LLC; Pad ID: ZIEGLER (03 001) E; ABR-20100424.R2; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 17, 2020.

SWEPI LP; Pad ID: Halteman 611; ABR-20100406.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 17, 2020.

SWEPI LP; Pad ID: Lange 447; ABR-20100428.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: May 17, 2020.

Cabot Oil & Gas Corporation; Pad ID: ChambersO P1; ABR-201504004.R1; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 17, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Blanche Poulsen; ABR-202005002; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 18, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Amburke; ABR-20100438.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 20, 2020.

Chief Oil & Gas, LLC; Pad ID: Oliver Drilling Pad #1; ABR-20100425.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 20, 2020.

XTO Energy, Inc.; Pad ID: MARQUARDT UNIT 8517H; ABR-20100417.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 20, 2020.

Cabot Oil & Gas Corporation; Pad ID: KelleyP P1; ABR-20100310.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 20, 2020.

Cabot Oil & Gas Corporation; Pad ID: BlaisureJo P1; ABR-20100325.R2; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: May 20, 2020.

Cabot Oil & Gas Corporation; Pad ID: BlaisureJe P1; ABR-20100431.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: May 20, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Angie; ABR-20100441.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 21, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Holtan; ABR-20100446.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 21, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Nickolyn; ABR-20100436.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 21, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Way; ABR-20100448.R2; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 21, 2020.

Repsol Oil & Gas USA, LLC; Pad ID: CALABRO T1; ABR-201505006.R1; Orange Town, Schuylers County, NY; Consumptive Use of Up to 0.0800 mgd; Approval Date: May 27, 2020.

Repsol Oil & Gas USA, LLC; Pad ID: WEBSTER T1; ABR-201505008.R1; Orange Town, Schuylers County, NY; Consumptive Use of Up to 0.0800 mgd; Approval Date: May 27, 2020.

Repsol Oil & Gas USA, LLC; Pad ID: DRUMM G2; ABR-201505009.R1; Bradford Town, Steuben County, NY; Consumptive Use of Up to 0.0800 mgd; Approval Date: May 27, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Pauliny; ABR-20100508.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 29, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Ballibay; ABR-20100409.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 29, 2020.

XTO Energy, Inc.; Pad ID: PA Tract C; ABR-202005006; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2020.

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

DATED June 24, 2020.

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-16-19]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: June 1-30, 2020

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, 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.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22 (f)(13) and 18 CFR §806.22 (f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

Rockdale Marcellus, LLC; Pad ID: Red Run Mountain 736; ABR-20100502.R2; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 9, 2020.

Repsol Oil & Gas USA, LLC; Pad ID: Chicken Hawk; ABR-20100434.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 9, 2020.

Repsol Oil & Gas USA, LLC; Pad ID: STORCH (03 035) D; ABR-20100445.R2; Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 9, 2020.

EXCO Resources (PA), LLC.; Pad ID: Warner Drilling Pad #1; ABR-20100451; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 9, 2020.

SWN Production Company, LLC; Pad ID: NR-25 NOWICKI; ABR-201504006.R1; Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 9, 2020.

SWN Production Company, LLC.; Pad ID: NR-05 BAC Realty; ABR-201504007.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 11, 2020.

SWEPI LP.; Pad ID: Johnson 434; ABR-20100501.R2; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 11, 2020.

SWN Production Company, LLC.; Pad ID: GU-Y Loomis Pad; ABR-20100504.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 12, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Coates; ABR-20100509.R2; Standing Stone Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 12, 2020.

Chief Oil & Gas, LLC; Pad ID: Kerr Drilling Pad #1; ABR-20100506.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 15, 2020.

Range Resources Appalachia, LLC; Pad ID: Dog Run Hunting Club Unit; ABR-20100456.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 15, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Fred; ABR-201005241.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: McConnell; ABR-20100525.R2; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2020.

Cabot Oil & Gas Corporation; Pad ID: HousenickJ P1; ABR-201505004.R1; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 24, 2020.

SWN Production Company, LLC; Pad ID: RU-42-KROPFF-PAD; ABR-201410002.R1; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 29, 2020.

Seneca Resources Company, LLC; Pad ID: Gamble Pad P; ABR-201506005.R1; Hepburn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Brackman; ABR-20100420.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 29, 2020.

Chief Oil & Gas, LLC; Pad ID: Squier Drilling Pad #1; ABR-201007008.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 29, 2020.

Cabot Oil & Gas Corporation; Pad ID: WarrinerR P2; ABR-20100518.R1; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 29, 2020.

Cabot Oil & Gas Corporation; Pad ID: CarsonJ P1; ABR-20100520.R1; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 29, 2020.

SWEPI LP; Pad ID: Walker 438; ABR-20100516.R2; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2020.

XPR Resources, LLC; Pad ID: Alder Run Land LP #2H; ABR-20100454.R2; Cooper Township, Clearfield County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 29, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Cerca; ABR-20100538.R2; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Treat; ABR-20100527.R2; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Feusner New; ABR-20100558.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Madden; ABR-20100536.R2; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Rich; ABR-20100539.R2; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Allen; ABR-20100606.R2; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Finnerty; ABR-20100602.R2; West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Hilltop NEW; ABR-201006102.R2; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Akita NEW; ABR-20100689.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Alderfer NEW; ABR-20100671.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Lillie NEW; ABR-201006104.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

Rockdale Marcellus, LLC; Pad ID: Greenwood Hunting Lodge 427; ABR-20100532.R2; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2020.

Seneca Resources Company, LLC; Pad ID: PHC Pad Q; ABR-20100551.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2020.

Chief Oil & Gas, LLC; Pad ID: Severcool Drilling Pad #1; ABR-20100547.R2; Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 30, 2020.

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

DATED: July 14, 2020.

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-16-21]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modifications

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: June 1-30, 2020.

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 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.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR 806.18 or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period specified above:

Minor Modifications Issued Under 18 CFR § 806.18

Silver Springs Ranch, LLC, Docket No. 20200313, Monroe Township, Wyoming County, Pa.; approval authorizing the additional water use purposes of bulk water supply for filling swimming pools and for other public water suppliers, as needed; Approval Date: June 12, 2020.

In addition, on March 13, 2020, the Susquehanna River Basin Commission adopted Resolution No. 2020-02 (Resolution) and companion Policy No. 2020-01 (Policy), which clarified the interpretation of consumptive use mitigation rules as applied to certain water impoundment evaporation (ponds, tanks, etc.).

Notice is hereby given that pursuant to, and consistent with, the Resolution and Policy, the Executive Director modified the following approvals to clarify that the evaporative losses from certain structures are not subject to consumptive use mitigation. A total of 111 dockets were modified pursuant to the Resolution. A list of those modifications can be found at <https://www.srbc.net/regulatory/policies-guidance/docs/20200313.pdf>.

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

DATED: July 14, 2020.

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-16-24]

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 13, 2020. Due to the COVID-19 situation and the relevant orders in place in the Commission's member jurisdictions, the Commission will hold this meeting telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 18, 2020, 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 and proposals. The deadline for the submission of written comments is August 24, 2020.

DATES: The public hearing will convene on August 13, 2020, 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 24, 2020.

ADDRESSES: This hearing will be held by telephone rather than at a physical location. Conference Call # 1-888-387-8686, the Conference Room Code # 9179686050.

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 and Facility: Bloomfield Borough Water Authority, Centre Township, Perry County, Pa. Application for renewal of groundwater withdrawal of up to 0.056 mgd (30-day average) from Well 1 (Docket No. 19901103).

Project Sponsor: Byler Golf Management, Inc. **Project Facility:** Iron Valley Golf Club, Cornwall Borough, Lebanon County, Pa. Modification to change consumptive use mitigation method (Docket No. 19981206). **Project Sponsor and Facility:** Cabot Oil & Gas Corporation, Eaton Township, Wyoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from the Hatchery Wellfield (Wells 1, 2, and 3) (Docket No. 20160610).

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20160902). **Project Sponsor and Facility:** Chesapeake Appalachia, L.L.C. (Susquehanna River), Wilmot Township, Bradford County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Windham Township, Wyoming County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Green Leaf Water LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20160601).

Project Sponsor and Facility: Lake Meade Municipal Authority, Reading Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 3.

Project Sponsor and Facility: Meadia Heights Golf Club LLC, West Lampeter Township, Lancaster County, Pa. Modification to change consumptive use mitigation method (Docket No. 20000204).

Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.267 mgd (30-day average) from Well 1 (Docket No. 19881102).

Project Sponsor: Pixelle Specialty Solutions LLC. **Project Facility:** Spring Grove Mill (Codorus Creek and Unnamed Tributary to Codorus Creek), Spring Grove Borough, Jackson Township, and North Codorus Township, York County, Pa. Applications for existing surface water withdrawals (peak day) of up to 19.800 mgd (New Filter Plant Intake), 6.000 mgd (Old Filter Plant Intake), and 0.750 mgd (Kessler Pond Intake); consumptive use of up to 3.650 mgd (peak day); and existing groundwater withdrawals (30-day average) of up to 0.039 mgd (Well 1) and 0.021 mgd (Well 2). Proposed action to include combining all existing and new approvals into a single approval document with a single approval term.

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Sheshequin Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20160908).

Project Sponsor and Facility: S.T.L. Resources, LLC (West Branch Susquehanna River), Grugan Township, Clinton County, Pa. Application for surface water withdrawal of up to 3.450 mgd (peak day). Shippensburg Borough Authority, Southampton Township, Cumberland County, Pa. Application for renewal of groundwater withdrawal of up to 1.280 mgd (30-day average) from Well 1 (Docket No. 19900713).

Project Sponsor: Togg Mountain, LLC. **Project Facility:** Toggenburg Mountain Winter Sports Center (West Branch Tioughnioga Creek), Town of Fabius, Onondaga County, N.Y. Modification to increase consumptive use (peak day) by an additional 0.505 mgd, for a total consumptive use of up to 0.990 mgd, and increase surface water withdrawal (peak day) by an additional 2.300 mgd, for a total surface water withdrawal of up to 4.500 mgd (Docket No. 20180911).

Commission-Initiated Project Approval Modifications:

Project Sponsor and Facility: The Municipal Authority of the Borough of Berlin, Allegheny Township, Somerset County, Pa. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.030 mgd (30-day average) from Well 6 (Docket No. 19980702).

Project Sponsor and Facility: Iron Masters Country Club, Bloomfield Township, Bedford County, Pa. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.051 mgd (30-day average) from Well 10 and up to 0.061 mgd (30-day average) from Well 14 (Docket No. 20020813).

Project Sponsor and Facility: Sinking Valley Country Club, Tyrone Township, Blair County, Pa. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.081 mgd (30-day average) from the 14th Fairway Well and up to 0.099 mgd (30-day average) from the 8th Tee Well (Docket No. 20020811).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. Given the telephonic nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net prior to the hearing date. 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 via telephone will begin at 2:15 p.m. 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 <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before August 24, 2020, to be considered.

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

DATED: July 14, 2020

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-16-25]

SUSQUEHANNA RIVER BASIN COMMISSION

Revocation of ABR Approvals

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: June 1-30, 2020

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, 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.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, that have been revoked for the time period specified above:

Revocation of Approvals by Rule – Issued Under 18 CFR 806.22(f):
Chesapeake Appalachia, L.L.C.; Pad ID: Sophia; ABR-201106005.R1; Smithfield and Springville Townships, Bradford County, Pa.; Revocation Date: June 25, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Sharidan; ABR-201112027.R1; Litchfield Township, Bradford County, Pa.; Revocation Date: June 25, 2020.

Repsol Oil & Gas USA, LLC.; Pad ID: COLE (03 016) T; ABR-20100549.R1; Columbia Township, Bradford County, Pa.; Revocation Date: June 26, 2020.

SWN Production Company, LLC.; Pad ID: TI-Kohler Pad; ABR-201601006; Liberty Township, Tioga County, Pa.; Revocation Date: June 26, 2020.

SWEPI LP.; Pad ID: State 822; ABR-201007040.R1; Gaines Township, Tioga County, Pa.; Revocation Date: June 26, 2020.

SWEPI LP.; Pad ID: Youst 405; ABR-201106026.R1; Jackson Township, Tioga County, Pa.; Revocation Date: June 26, 2020.

SWEPI LP.; Pad ID: Wilson 286; ABR-201203027.R1; Charleston Township, Tioga County, Pa.; Revocation Date: June 29, 2020.

SWEPI LP.; Pad ID: Jones 276; ABR-201201021.R1; Jackson Township, Tioga County, Pa.; Revocation Date: June 29, 2020.
SWEPI LP.; Pad ID: State 6721; ABR-20100440.R1; Elk Township, Tioga County, Pa.; Revocation Date: June 29, 2020.

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

DATED: July 14, 2020

JASON E. OYLER
General Counsel and Secretary to the Commission
[20-16-22]

WATER AND SCIENCE ADMINISTRATION

Public Hearing for Water Quality Certification 20-WQC-0033

*Ellicott City Flood Mitigation c/o Howard Co. DPW
9801 Broken Land Parkway
Columbia, Maryland 21046*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(1)(d), The Maryland Department of the Environment is providing notice of a joint public hearing with the Army Corps of Engineers for Water Quality Certification 20-WQC-0033.

Location: Several sites along Frederick Road/Main Street (MD 144) from US 29 east to the Patapsco River.

The purpose of the project is to improve public safety by reducing flood depths in Lower Main St. and the West End (west of Ellicott Mills Dr.) to three feet (3') or less, and out-of-channel flow velocities to five feet per second (5 fps) or less for the simulated July 30, 2016 flash flood storm event. This project involves seven projects along the Frederick Road/Main Street corridor in Ellicott City, Howard County to provide improved conveyance of large storm events and reduce the potential of flooding. The projects generally include floodplain grading, channel stabilization, channel dredging, construction of conveyance structures and additional culverts for bypass of high flows, and removal of existing channel restrictions that are currently reducing channel capacity.

The applicant initially proposed the removal of 10 historic structures within the Ellicott City Historic District; however, the applicant has reduced the proposed removal of historic structures from 10 structures to 4 structures along Lower Main Street. In addition, the applicant is not proposing compensatory mitigation to offset the 3,515 lf of permanent stream impact as the project does not result in permanent stream loss.

The purpose of this public notice is to solicit comments from the public about the proposed work and to announce the date of a Maryland Department of the Environment (MDE) and Army Corps of Engineers public information hearing on the subject application. At this time, no decision has been made as to whether or not authorizations will be issued.

The public information hearing will be held via Webex: September 9, 2020 from 7:00 pm to 9:00 pm. The public hearing announcement and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/index.aspx>.

The MDE public information hearing provides members of the public the opportunity to present views, opinions, and information which will be considered by the MDE in evaluating the permit application. Beginning at 7:00 pm, the formal public hearing will begin with agency statements, followed by public testimony. Please

note that a time limit of two minutes per speaker may be set, depending on the number of speakers, to ensure that all interested parties have an opportunity to voice their views. The public hearing will be audio only, but all public testimony will be recorded and transcribed. A record of the Public Hearing will be available at the Army Corps of Engineers' website after the Public Hearing.

Contact: Debra Correia at debra.correia@maryland.gov or 410-537-3900.

[20-16-10]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0035

*Elizabeth Hormel
3629 Albermarle St., NW
Washington, District of Columbia 20008*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0035.

Location: 4427 Roslyn Farm Road, Trappe, Maryland 21673 in Talbot County.

The purpose of the project is to provide shoreline stabilization and plant a tidal marsh to create and enhance aquatic habitat and contribute to improvements in water quality.

1. Construct a 720-foot long by 12-foot wide stone breakwater system within a maximum of 25 feet channelward of the mean high water line (MHWL);

2. Construct an 780-linear foot low profile stone, sand containment sill; and fill and grade with 850 cubic yards of sand along 965 feet of eroding shoreline and plant with marsh vegetation, all extending a maximum of 35 feet channelward of the MHWL; and

3. Construct 85 feet of riprap revetment within a maximum of 6 feet channelward of the MHWL.

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Jonathan Stewart at jon.stewart@maryland.gov or 410-537-3059.

[20-16-11]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0037

*Robert Tan
143 Seneca Shores Road
Perryville, Maryland 21903*

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0037.

Location: Mt Pleasant Landing Circle, Saint Michaels, Maryland 21663 in Talbot County.

The purpose of the project is to provide shoreline stabilization and plant a tidal marsh to create and enhance aquatic habitat and contribute to improvements in water quality.

1. Construct 130 feet of low profile stone edging within a maximum of 4 feet channelward of an eroding marsh edge; and to fill, grade, and plant marsh vegetation with 25 cubic yards emplaced in eroded areas within the marsh; and

2. Construct a 23-foot long by 3-foot wide walkway over tidal vegetation, a 141-foot long by 6-foot wide pier, one boat lift and two mooring piles, all extending a maximum of 150 feet channelward of the MHWL

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Jonathan Stewart at jon.stewart@maryland.gov or 410-537-3059.

[20-16-09]

MARYLAND HEALTH CARE COMMISSION

SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following schedules to interested members of the public and sponsors of health care facility and service projects subject to Certificate of Need ("CON") review and approval. Not every type of project subject to the requirements of CON review and approval is included in this review schedule. In these cases, persons seeking CON approval for a project may file a letter of intent at any time. (See COMAR 10.24.01.07 and .08 for additional information on CON application filing and project review.)

The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria. It will be noted that the first criterion is evaluation of the project according to all relevant State Health Plan standards, policies and criteria.

This Certificate of Need review schedule updates the schedule published in the *Maryland Register*, Volume 46, Issue 20, pages 878-881 (September 27, 2019). This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate, in and of itself, that additional capacity is needed in services subject to Certificate of Need review, or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

Letters of Intent and applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m.** on the scheduled date of submission. Letters of intent for projects not covered by this review schedule may be filed at any time.

For further information about review schedules or procedures, call Kevin McDonald, Chief, Certificate of Need, at (410) 764-5982.

The Commission will use the following regional configuration of jurisdictions for the General Hospital Project, Special Hospital Project, Freestanding Ambulatory Surgical Facility Project, and Schedule Two Comprehensive Care Facility Project Review Schedules:

<u>Western Maryland:</u> Allegany, Frederick, Garrett, and Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore City, Baltimore County, Carroll, Harford, and Howard
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester	<u>Montgomery & Southern Maryland:</u> Calvert, Charles, Montgomery, Prince George's, and St. Mary's

General Hospital Projects

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by general hospitals, for projects that involve: (1) capital expenditures by or on behalf of general hospitals that exceed the applicable capital expenditure threshold referenced at COMAR 10.24.01.02A(5); (2) proposed changes in bed capacity or operating room capacity at existing hospitals; (3) the relocation of a general hospital; and/or (4) a change in the type or scope of any health care service offered by a general hospital, as specified at COMAR 10.24.01.02A, except for neonatal intensive care. Please note that the following schedule does not apply to a project to establish a new general hospital.

Schedule One All General Hospital Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Montgomery & Southern Maryland	August 7, 2020	August 19, 2020	October 9, 2020
Western Maryland	September 4, 2020	September 16, 2020	November 6, 2020
Central Maryland	October 2, 2020	October 14, 2020	December 4, 2020
Eastern Shore	November 6, 2020	November 18, 2020	January 8, 2021

Schedule Two All General Hospital Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Montgomery & Southern Maryland	February 5, 2021	February 17, 2021	April 9, 2021
Western Maryland	March 5, 2021	March 17, 2021	May 7, 2021
Central Maryland	April 2, 2021	April 14, 2021	June 4, 2021
Eastern Shore	May 7, 2021	May 19, 2021	July 9, 2021

Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by special hospitals, for projects that involve: (1) capital expenditures by or on behalf of special hospitals that exceed the applicable capital expenditure threshold referenced at COMAR 10.24.01.02A(5); (2) proposed changes in bed capacity at existing hospitals; (3) the relocation of a special hospital; and/or (4) a change in the type or scope of any health care service offered by a special hospital, as specified at COMAR 10.24.01.02A. Please note that the following schedule does not apply to a project to establish a new special hospital.

Schedule One
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	August 7, 2020	August 19, 2020	October 9, 2020
Eastern Shore	September 4, 2020	September 16, 2020	November 6, 2020
Montgomery & Southern Maryland	October 2, 2020	October 14, 2020	December 4, 2020
Western Maryland	November 6, 2020	November 18, 2020	January 8, 2021

Schedule Two
Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	February 5, 2021	February 17, 2021	April 9, 2021
Eastern Shore	March 5, 2021	March 17, 2021	May 7, 2021
Montgomery & Southern Maryland	April 2, 2021	April 14, 2021	June 4, 2021
Western Maryland	May 7, 2021	May 19, 2021	July 9, 2021

Freestanding Ambulatory Surgical Facility Projects

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications to establish freestanding ambulatory surgical facilities, add operating rooms at an existing freestanding ambulatory surgical facility, or make a capital expenditure by or on behalf of a freestanding ambulatory surgical facility that requires Certificate of Need review and approval. The definition of freestanding ambulatory surgical facility can be found at Health-General Article §19-114(b).

Schedule One
Freestanding Ambulatory Surgical Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	August 7, 2020	August 19, 2020	October 9, 2020
Eastern Shore	September 4, 2020	September 16, 2020	November 6, 2020
Montgomery & Southern Maryland	October 2, 2020	October 14, 2020	December 4, 2020
Western Maryland	November 6, 2020	November 18, 2020	January 8, 2021

Schedule Two
Freestanding Ambulatory Surgical Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	February 5, 2021	February 17, 2021	April 9, 2021
Eastern Shore	March 5, 2021	March 17, 2021	May 7, 2021
Montgomery & Southern Maryland	April 2, 2021	April 14, 2021	June 4, 2021
Western Maryland	May 7, 2021	May 19, 2021	July 9, 2021

Comprehensive Care Facility/Nursing Home Projects

The Commission hereby publishes the following two schedules for Certificate of Need review of proposed projects affecting comprehensive care facilities (“CCFs”) or nursing homes. Schedule One identifies the review cycles for proposals involving the addition of CCF beds in Maryland jurisdictions in which the most recent bed need projection published in the *Maryland Register* identifies a net need for beds in the forecast year and for which no letters of intent or applications have been filed. Persons interested in submitting Certificate of Need applications involving the addition of beds in these jurisdictions should contact the Maryland Health Care Commission to ascertain the current level of net bed need, if any, identified for these jurisdictions prior to the filing of a Certificate of Need application. Schedule Two establishes submission dates for Certificate of Need applications related to all other CCF projects that do not involve an increase in CCF bed capacity in the jurisdiction in which the project is located. These include projects that involve a proposed capital expenditure for new construction or renovation at an existing CCF, the relocation of an existing facility, or the proposed relocation of some or all of the CCF bed capacity from an existing facility to a new site within the same jurisdiction.

Schedule One
Projects Proposing New Comprehensive Care Facility Beds

Jurisdiction	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Charles County	September 4, 2020	September 16, 2020	November 6, 2020
Howard County	November 6, 2020	November 18, 2020	January 8, 2021

Schedule Two
A: Other Comprehensive Care Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Montgomery & Southern Maryland	August 7, 2020	August 19, 2020	October 9, 2020
Western Maryland	September 4, 2020	September 16, 2020	November 6, 2020
Central Maryland	October 2, 2020	October 14, 2020	December 4, 2020
Eastern Shore	November 6, 2020	November 18, 2020	January 8, 2021

Schedule Two
B: Other Comprehensive Care Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	January 8, 2021	January 20, 2021	March 12, 2021
Montgomery & Southern Maryland	February 5, 2021	February 17, 2021	April 9, 2021
Western Maryland	March 5, 2021	March 17, 2021	May 7, 2021
Central Maryland	April 2, 2021	April 14, 2021	June 4, 2021
Eastern Shore	May 7, 2021	May 19, 2021	July 9, 2021

Freestanding Medical Facility Projects

The Commission hereby publishes the following statewide schedule for Certificate of Need review of proposed projects by general hospitals to establish or relocate freestanding medical facilities (FMFs) and proposed capital expenditures by or on behalf of FMFs that require CON review and approval. Please note that these schedules do not apply to the filing of a request for an Exemption from Certificate of Need by a general hospital seeking to convert to a freestanding medical facility.

Schedule One
Freestanding Medical Facility Projects

Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
January 8, 2021	January 20, 2021	March 12, 2021

Schedule Two
Freestanding Medical Facility Projects

Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
June 4, 2021	June 16, 2021	August 6, 2021

Cardiac Surgery Services

The Maryland Health Care Commission provides the following schedule for the review of applications for Certificates of Need ("CON") by general hospitals seeking to introduce cardiac surgery services. An applicant must demonstrate that the proposed project is consistent with the general criteria for CON review set forth at COMAR 10.24.01.08G(3). This review schedule is not a solicitation by the Commission for CON applications, and it does not indicate that additional capacity is needed or that CON applications submitted will be approved by the Commission. Applicants are encouraged to discuss their development plans and projects with the Commission staff prior to filing Letters of Intent or applications.

Region Definitions

Eastern (Lower Shore) Region: Dorchester, Somerset, Wicomico, and Worcester.

Metropolitan Washington Region: Calvert, Charles, Frederick, Montgomery, Prince George's, and St. Mary's.

Western Region: Allegany, Garrett, and Washington.

Schedule One
Cardiac Surgery Services

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Metropolitan Washington	September 4, 2020	September 16, 2020	November 6, 2020
Eastern (Lower Shore)	October 2, 2020	October 14, 2020	December 4, 2020
Western	November 6, 2020	November 18, 2020	January 8, 2021

**Schedule Two
Cardiac Surgery Services**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Metropolitan Washington	February 5, 2021	February 17, 2021	April 9, 2021
Eastern (Lower Shore)	March 5, 2021	March 17, 2021	May 7, 2021
Western	April 2, 2021	April 14, 2021	June 4, 2021

Home Health Agency Projects

At this time, there are no scheduled CON review cycles for HHA applicants.

[20-16-08]

General Notices

Notice of ADA Compliance

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

STATE COLLECTION AGENCY LICENSING BOARD

Subject: Public Meeting

Date and Time: August 10, 2020, 2 — 3 p.m.

Place: Via videoconference—see details below

Add'l. Info: In response to Governor Hogan's Executive Order number 20-03-30-01 (Stay-at-Home Order) and other applicable emergency orders, this meeting will be held via videoconference. Directions for access will be provided on the State Collection Agency Licensing Board website, <http://www.labor.maryland.gov/finance/collaboard.shtml>, prior to the meeting.

Contact: Devki Dave (410) 230-6019
[20-16-14]

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Subject: Public Meeting

Date and Time: August 6, 2020, 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: E. Fremont Magee (410) 706-8531

[20-16-05]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting

Date and Time: August 11, 2020, 9 — 11 a.m.

Place: 653 W. Pratt St., Ste. 212, Baltimore, MD

Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month. Part of the meeting may include a closed session.

Contact: E. Fremont Magee (410) 706-8531

[20-16-04]

MARYLAND DEPARTMENT OF HEALTH

Subject: Receipt of Application

Add'l. Info: The Maryland Department of Health (MDH) is currently accepting applications and nominations for physicians and pharmacists to serve on the Maryland Medicaid Drug Use Review (DUR) Board beginning January 2021.

The implementation of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), §1927g (3) requires that the MDH establish a Medicaid DUR Board. The DUR Board is comprised of licensed and actively practicing physicians and pharmacists in Maryland and has been in operation since November 1992. The activities of the DUR Board include but not limited to:

- Reviewing prospective and retrospective DUR criteria, prior authorization criteria and quantity or dosage form limitations developed by the Division of Clinical Pharmacy Services or by contracted vendors.

- Evaluating the use of criteria and interventions, including assessing the operational effect of the criteria and interventions, in order to identify areas of prescribing and dispensing of specific drugs that may result in adverse participant outcomes.

- Evaluating participant drug utilization that may represent potential fraud and abuse and make disposition recommendations.

- Identifying educational needs and develop educational plans to improve prescribing or dispensing practices, and evaluate the effect of these educational interventions.

- Advising the Office of Pharmacy Services (OPS) in the area of enrollment of participants into the Corrective Managed Care (CMC) Program through the DUR Board's CMC Advisory Committee. This subcommittee of the DUR Board develops Corrective Managed Care enrollment recommendations by considering the Lock-In Criteria for participants (as defined by the CMC Advisory Committee Policy and Procedures).

The DUR Board meets quarterly for 3—4 hours in the Baltimore area. Meetings are normally scheduled on the first Thursday morning during the months of March, June, September, and December. Members are appointed by the Secretary of MDH and serve terms of three (3) years from the date

of their appointment with the option to serve an additional three (3) year term.

The membership of the Maryland DUR Board includes health care professionals who have recognized knowledge and expertise in one or more of the following areas:

(1) The clinically appropriate prescribing of outpatient drugs.

(2) The clinically appropriate dispensing and monitoring of outpatient drugs.

(3) Drug use review, evaluation and intervention.

(4) Medical quality assurance.

All interested applicants are required to submit a formal application through the Maryland Department of Health's (MDH) Office of Appointments and Executive Nominations application link at <https://forms.health.maryland.gov/>. Applications must be submitted no later than Friday, September 25, 2020.

Any additional questions regarding applications may be addressed to Gina Homer at the Office of Pharmacy Services (gina.homer@maryland.gov) or call 410-767-1749.

Contact: Gina Homer (410) 767-1749
[20-16-15]

MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

Subject: Board of Public Works Medicaid Provider Rate Changes Effective 7/1/2020

Add'l. Info: On July 1, 2020, the Board of Public Works approved the following updates to provider rates included in Maryland's State Plan across the Maryland Medical Assistance Program. As of 7/27/2020 all written comments have been addressed. Additional comments or questions may be emailed to Katia Fortune, katia.fortune@maryland.gov.

Nursing Facilities: For dates of service beginning July 1, 2020, the Maryland Medical Assistance reimbursement rates for nursing facilities will increase by 4 percent. The rate increase is consistent with the Program's budget for State Fiscal Year 2021. The amount of the projected rate increase is \$48.9 million during the period July 1, 2020 through June 30, 2021 (50 percent general funds and 50 percent

federal funds) compared with the rates in effect in Fiscal Year 2020.

REM: Effective July 1, 2020, the Maryland Medical Assistance reimbursement rates for Rare and Expensive Case Management will increase by 4 percent. This represents an estimated \$328,395 increase in total funds (47 percent general funds \$154,346; 53 percent federal funds \$174,050).

DDA TCM: For dates of service beginning July 1, 2020, the Maryland Medical Assistance reimbursement rate for Developmental Disabilities Administration (DDA) targeted case management (TCM) providers will increase 4 percent. These TCM services are also called Coordination of Community Services. DDA TCM services target three populations of individuals with developmental disabilities: (1) individuals on the Developmental Disabilities Waiting List who have been determined to have a disability; (2) individuals needing community coordination services; and (3) individuals transitioning to the community. This represents an estimated \$2,375,505 total fund increase (50 percent general funds/50 percent federal funds) cost for the program between July 1, 2020 and June 30, 2021.

Private Duty Nursing: For dates of service beginning July 1, 2020, the Maryland Medical Assistance reimbursement rates for private duty nursing services will increase by 4 percent. This represents an estimated \$4.43 million increase in total funds for this program (48.8 percent general funds \$2.16 million; 51.2 percent federal funds \$2.27 million).

ABA: For dates of service beginning July 1, 2020, the Maryland Medical Assistance reimbursement rates for covered applied behavioral analysis services will increase by 4 percent. This represents an estimated \$233,000 increase in total funds (41.2 percent general funds \$96,000, 58.8 percent federal funds \$137,000).

Behavioral Health

Adult Residential SUD: Effective July 1, 2020, the Maryland Medical Assistance reimbursement rates for Adult Residential SUD services will increase by 4 percent. This represents an estimated \$3,870,876 increase in total funds (60 percent general funds \$2,308,387; 40 percent federal funds \$1,562,489).

Community-Based SUD: Effective July 1, 2020, the Maryland Medical Assistance reimbursement rates for Community Based SUD services will increase by 4 percent. This represents an estimated \$8,564,993 increase in total funds (40 percent general funds \$3,459,612; 60 percent federal funds \$5,105,381).

Mental Health: Effective July 1, 2020, the Maryland Medical Assistance reimbursement rates for Mental Health services will increase by 4 percent. This represents an estimated \$23,579,278 increase in total funds (40 percent general funds \$9,460,849; 60 percent federal funds \$14,118,429).

Effective July 1, 2020, the reimbursement rates for community based Mental Health services funded through Maryland's Public Behavioral Health System will increase by 4 percent. This represents an estimated \$1,350,536 increase in total funds (100 percent general funds).

BH TCM for Adults: Effective July 1, 2020, the Maryland Medical Assistance reimbursement rates for TCM for adults will increase by 4 percent. This rate change represents an estimated \$379,290 increase in total funds (39 percent general funds \$148,477; 61 percent federal funds \$230,813).

BH TCM for Children: Effective July 1, 2020, the Maryland Medical Assistance reimbursement rates for TCM for children will increase by 4 percent. This rate change represents an estimated \$315,178 increase in total funds (36.8 percent general funds \$112,165; 64.2 percent federal funds \$203,013).

BH Health Home: Effective July 1, 2020, the Maryland Medical Assistance Behavioral Health, Health Home program reimbursement rates will increase by 4 percent. This rate change represents an estimated \$294,829 increase in total funds (50 percent general funds \$147,414.56; 50 percent federal funds \$147,414.56).

1915i: Effective July 1, 2020, the Maryland Medical Assistance reimbursement rates for the 1915i Home and Community Based Services Program will increase by 4 percent. This rate change represents an estimated \$4,211 increase in total funds (35.37 percent general funds \$1,489; 64.63 percent federal funds \$2,722.).

Therapeutic Behavioral Services: Effective July 1, 2020, the Maryland Medical Assistance reimbursement rates for Therapeutic Behavioral Services will increase by 4 percent. This rate change represents an estimated \$59,390 increase in total funds (35.37 percent general funds \$21,006; 64.63 percent federal funds \$38,384).

DMS/DME & Oxygen: Effective for dates of service on or after July 1, 2020, the Maryland Medical Assistance reimbursement rates for Durable Medical Supplies and Equipment and Oxygen will decrease from 85 percent of the Medicare rate, and reimburse at 80 percent of the

current Medicare rates for DMS/DME services. This represents an estimated \$737,255 decrease in total funds (44.1 percent general funds \$325,232.30; 55.9 percent federal funds \$412,022.80).

Contact: Katia Fortune (410) 767-4267
[20-16-12]

MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

Subject: Board of Public Works Medicaid Provider Rate

Add'l. Info: On July 1, 2020, the Board of Public Works approved the following updates to District of Columbia hospital reimbursement rates included in Maryland's State Plan. Additional updates regarding provider rates not addressed in the State Plan are forthcoming.

DC Hospitals: For dates of services beginning July 14, 2020, the Maryland Medical Assistance reimbursement rate for District of Columbia hospitals calculated pursuant to COMAR 10.09.62.08(A)(2) will be subject to a 6% increase rather than a 9% increase. The amount of the projected rate decrease is \$4.3 million during the period July 1, 2020 through June 30, 2021 (40% general funds and 60% federal funds) compared with the rates in effect in Fiscal Year 2020. Written comments may be emailed to Katia Fortune, katia.fortune@maryland.gov.

Contact: Katia Fortune (410) 767-4267
[20-16-17]

MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE

Subject: Public Meeting

Date and Time: August 17, 2020, 1 — 3 p.m.

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

Contact: Kimberly Hiner (410) 767-2301
[20-16-02]

MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE

Subject: Public Meeting

Date and Time: November 16, 2020, 1 — 3 p.m.

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

Contact: Kimberly Hiner (410) 767-2301
[20-16-03]

GENERAL NOTICES

**MARYLAND HEALTH CARE
COMMISSION****Subject:** Receipt of Application**Add'l. Info:** On June 5, 2020 the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:

UM-Midtown Surgery Center — (Baltimore City) — Matter No. 20-24-2442. Establish a new ambulatory surgical facility with 3 operating rooms and 2 procedure rooms in the ambulatory care building that is currently under construction on the UMMC-Midtown Campus across Linden Avenue from the Hospital. Estimated Cost: \$9,326,107

The MHCC shall review the applications under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to: Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215

Contact: Ruby Potter (410) 764-3276

[20-16-13]

**STANDING ADVISORY COMMITTEE
ON OPIOID ASSOCIATED DISEASE
PREVENTION****Subject:** Public Meeting**Date and Time:** September 4, 2020, 10 a.m. — 12 p.m.**Place:** Virtual Meeting:meet.google.com/mio-rnmi-ovk

Attend by Phone: 1 704-288-3904

PIN: 282 420 501 #

Contact: Monica McAllister (410) 767-2577

[20-16-26]

RACING COMMISSION**Subject:** Public Meeting**Date and Time:** August 27, 2020, 12:30 — 1 p.m.**Place:** Laurel Park, Laurel, MD**Add'l. Info:** Meeting may be held using Google Meet.**Contact:** J. Michael Hopkins (410) 296-9682

[20-16-07]

BOARD OF WELL DRILLERS**Subject:** Public Meeting**Date and Time:** August 26, 2020, 9 a.m. — 1 p.m.**Place:** Maryland Dept. of Environment, 1800 Washington Blvd., Baltimore, MD**Add'l. Info:** A portion of this meeting may be held in closed session.**Contact:** Dee Settler (410) 537-4162

[20-16-06]

**WORKERS' COMPENSATION
COMMISSION****Subject:** Public Meeting**Date and Time:** August 13, 2020, 9:30 — 11:30 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

[20-16-01]

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Title 16	Department of Juvenile Services		\$32	\$20		
Title 17	Department of Budget and Management		\$38	\$25		
Title 18	Department of Assessments and Taxation		\$28	\$18		
Title 19A	State Ethics Commission		\$33	\$20		
Title 20	Public Service Commission		\$64	\$42		
Title 21	State Procurement Regulations		\$65	\$42		
Title 22	State Retirement and Pension System		\$33	\$18		
Title 23	Board of Public Works		\$26	\$15		
Title 24	Department of Commerce		\$47	\$25		
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Title 26	Department of Environment (All parts) **		\$241	\$160		
Title 26	Part 1 **		\$72	\$42		
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Title 27	Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays		\$26	\$15		
Title 28	Office of Administrative Hearings		\$23	\$12		
Title 29	Maryland State Police		\$40	\$22		
Title 30	MD Institute for Emergency Medical Services Systems (MIEMSS)		\$34	\$20		
Title 31	Maryland Insurance Administration		\$90	\$62		
Title 32	Department of Aging		\$34	\$18		
Title 33	State Board of Elections		\$57	\$35		
Title 34	Department of Planning		\$42	\$25		
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- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

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Acquired Immunodeficiency Syndrome (AIDS)
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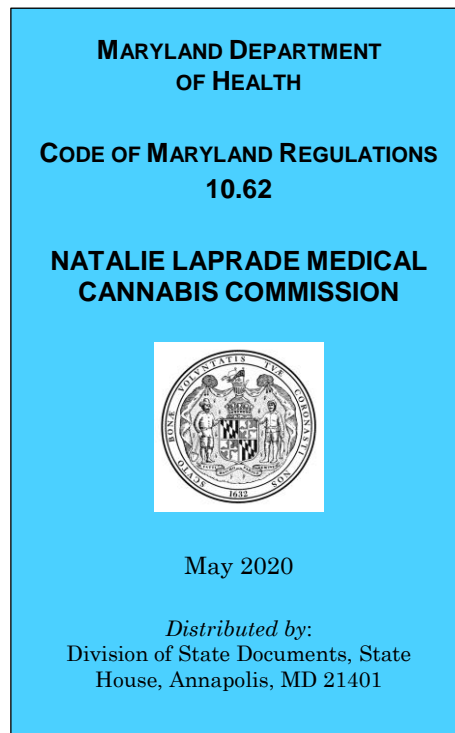
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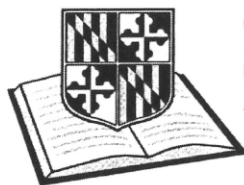
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