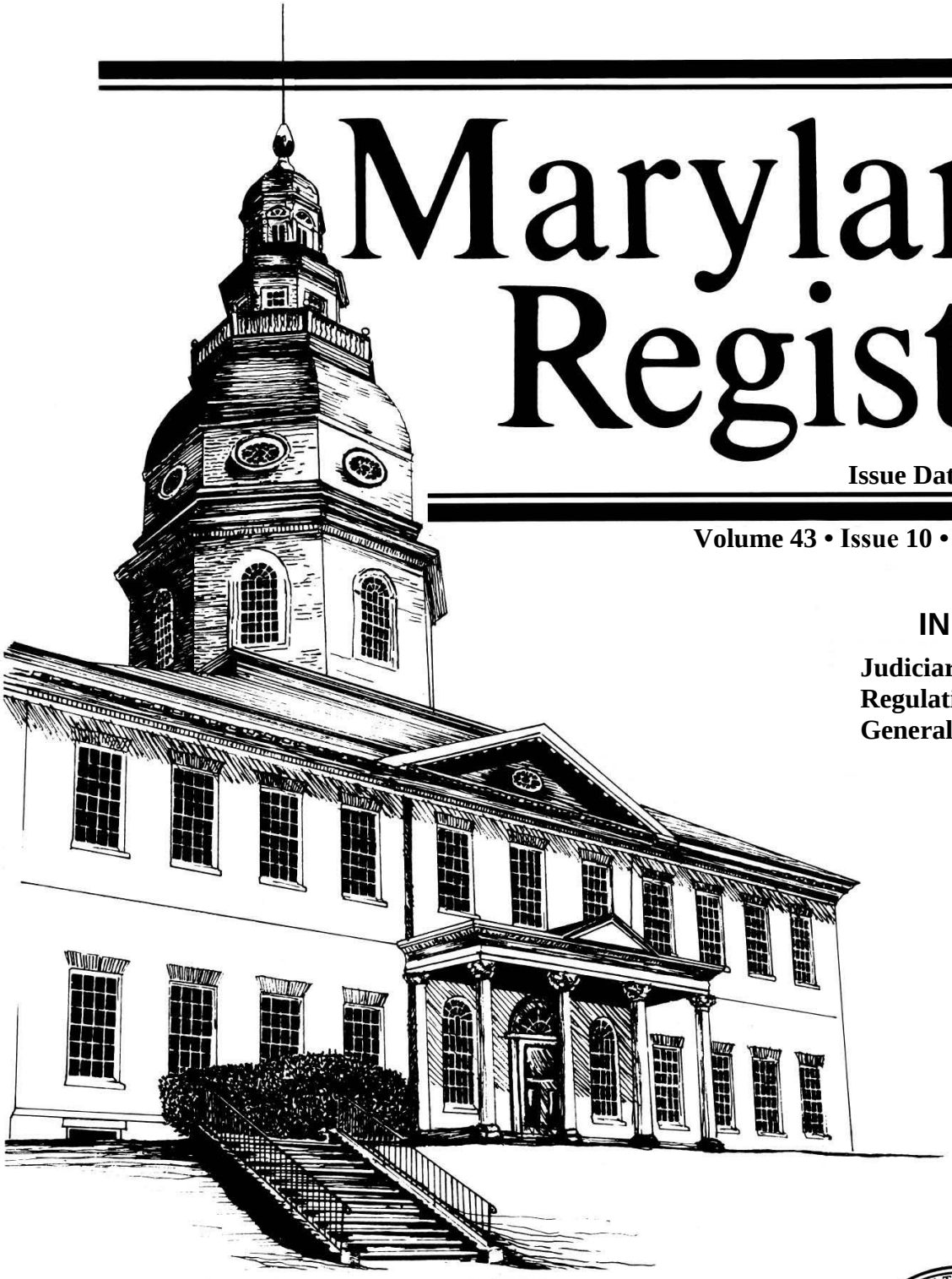
Maryland Register

Issue Date: May 13, 2016

Volume 43 • Issue 10 • Pages 577—612



IN THIS ISSUE

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 25, 2016, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of April 25, 2016.

Brian Morris
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)

Maryland Register (ISSN 0360-2834). Postmaster: Send address changes and other mail to: Maryland Register, State House, Annapolis, Maryland 21401. Tel. 410-260-3876; Fax 410-280-5647. Published biweekly, with cumulative indexes published quarterly, by the State of Maryland, Division of State Documents, State House, Annapolis, Maryland 21401. The subscription rate for the Maryland Register is $225 per year (first class mail). All subscriptions post-paid to points in the U.S. periodicals postage paid at Annapolis, Maryland and additional mailing offices.

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

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

Illustrations by Carolyn Anderson, Dept. of General Services

Contents

Closing Dates for the Maryland Register

COMAR Research Aids

Index of COMAR Titles Affected in This Issue

PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

The Judiciary

Final Action on Regulations

Proposed Action on Regulations

General Notices

Contents

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.

CLOSING DATES AND ISSUE DATES through JANUARY 20, 2017

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

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

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

** Note closing date changes

*** Note issue date and closing date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

09.12.01.01D(2)(c)(iii)

Title | Subtitle | Chapter | Regulation | Section | Subsection | Paragraph | Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

01 EXECUTIVE DEPARTMENT

01.02.04.03 • 43:6 Md. R. 413 (3-18-16)
01.02.04.20-1 • 43:10 Md. R. 590 (5-13-16)

02 OFFICE OF THE ATTORNEY GENERAL

02.06.03.01—.10 • 42:13 Md. R. 798 (6-26-15)

03 COMPTROLLER OF THE TREASURY

03.02.04.01 • 43:8 Md. R. 499 (4-15-16)

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.04.01.06,.07-1,.15 • 43:8 Md. R. 500 (4-15-16)

07 DEPARTMENT OF HUMAN RESOURCES

07.02.12.01—.09 • 43:2 Md. R. 132 (1-22-16)
07.02.14.01—.14 • 43:2 Md. R. 143 (1-22-16)

08 DEPARTMENT OF NATURAL RESOURCES

08.03.08.01,.04—.09,.15 • 43:2 Md. R. 152 (1-22-16)
08.03.11.02,.16 • 43:8 Md. R. 501 (4-15-16)
08.04.16.01—.03 • 43:2 Md. R. 162 (1-22-16)

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

09.03.06.23 • 42:21 Md. R. 1307 (10-16-15)
09.03.09.07 • 42:21 Md. R. 1308 (10-16-15)
09.03.12.09 • 42:21 Md. R. 1309 (10-16-15)
09.12.21.02 • 43:2 Md. R. 175 (1-22-16)
09.12.31 • 43:2 Md. R. 176 (1-22-16)

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitles 01—08 (1st volume)

10.07.01.02,.03,.30 • 43:9 Md. R. 534 (4-29-16) (ibr)
10.07.05.04 • 43:9 Md. R. 535 (4-29-16)
10.07.10.05—.16 • 43:6 Md. R. 414 (3-18-16)

Subtitle 09 (2nd volume)

10.09.01.06 • 43:9 Md. R. 535 (4-29-16)
10.09.02.07 • 43:9 Md. R. 535 (4-29-16)
10.09.04.07 • 43:9 Md. R. 535 (4-29-16)
10.09.05.07 • 43:9 Md. R. 535 (4-29-16)
10.09.08.07,.10 • 43:9 Md. R. 535 (4-29-16)
10.09.09.07 • 43:9 Md. R. 535 (4-29-16)
10.09.12.07 • 43:9 Md. R. 535 (4-29-16)
10.09.14.07 • 43:9 Md. R. 535 (4-29-16)
10.09.15.07 • 43:9 Md. R. 535 (4-29-16)
10.09.17.06 • 43:9 Md. R. 535 (4-29-16)
10.09.18.07 • 43:9 Md. R. 535 (4-29-16)
10.09.21.07 • 43:9 Md. R. 535 (4-29-16)
10.09.22.07 • 43:9 Md. R. 535 (4-29-16)
10.09.23.05 • 43:9 Md. R. 535 (4-29-16)
10.09.24.05-4 • 43:9 Md. R. 543 (4-29-16)
10.09.24.08-2 • 43:9 Md. R. 544 (4-29-16)
10.09.27.06 • 43:9 Md. R. 535 (4-29-16)
10.09.29.07 • 43:9 Md. R. 535 (4-29-16)
10.09.34.04 • 43:9 Md. R. 535 (4-29-16)
10.09.36.01,.03 • 43:9 Md. R. 535 (4-29-16)
10.09.39.06 • 43:9 Md. R. 535 (4-29-16)
10.09.42.06 • 43:9 Md. R. 535 (4-29-16)
10.09.48.03,.08 • 42:26 Md. R. 1613 (12-28-15)
10.09.51.07 • 43:9 Md. R. 535 (4-29-16)
10.09.54.22 • 43:9 Md. R. 535 (4-29-16)
10.09.56.14,.15 • 43:9 Md. R. 532 (4-29-16) (err)
10.09.77.06 • 43:9 Md. R. 535 (4-29-16)

10.09.81.40,.41 • 43:9 Md. R. 535 (4-29-16)
10.09.82.06 • 43:9 Md. R. 535 (4-29-16)
10.09.87.07 • 43:9 Md. R. 535 (4-29-16)
10.09.88.07 • 43:9 Md. R. 535 (4-29-16)
10.09.89.15 • 43:9 Md. R. 535 (4-29-16)

Subtitles 10 — 22 (3rd Volume)

10.22.14.03,.05—.11 • 42:21 Md. R. 1317 (10-16-15)

Subtitles 23 — 36 (4th Volume)

10.25.18.01—.03,.05—.09,.10,.11 • 43:7 Md. R. 456 (4-1-16)
10.27.06.01—.04,.06—.08 • 42:23 Md. R. 1451 (11-13-15)
10.29.01.01,.10—.13 • 42:25 Md. R. 1552 (12-11-15)
10.29.11.01—.06 • 43:1 Md. R. 63 (1-8-16)
10.32.06.04 • 43:8 Md. R. 502 (4-15-16)

Subtitles 37—63 (5th Volume)

10.40.02.03 • 43:6 Md. R. 415 (3-18-16)
10.41.03.03,.07 • 43:1 Md. R. 65 (1-8-16)
10.41.08.02,.13 • 43:1 Md. R. 65 (1-8-16)
10.41.11.03,.10 • 43:1 Md. R. 65 (1-8-16)
10.44.01.04,.05 • 43:6 Md. R. 415 (3-18-16)
10.44.19.03 • 43:6 Md. R. 416 (3-18-16)
10.44.20.02 • 42:3 Md. R. 387 (2-6-15)
43:6 Md. R. 416 (3-18-16)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 11—22 (MVA)

11.15.22.03—.05,.07,.09—.17 • 43:10 Md. R. 591 (5-13-16)
11.15.33.08 • 42:21 Md. R. 1326 (10-16-15)

12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

12.01.01.02—.12 • 43:6 Md. R. 417 (3-18-16)
12.02.24.05 • 43:2 Md. R. 212 (1-22-16)
12.04.01.05 • 43:6 Md. R. 420 (3-18-16)
12.04.01.14 • 43:6 Md. R. 421 (3-18-16)

13A STATE BOARD OF EDUCATION

13A.04.13.01,.02 • 43:8 Md. R. 502 (4-15-16)
13A.04.18.01,.02 • 43:8 Md. R. 503 (4-15-16)
13A.06.02.01—.05 • 43:8 Md. R. 504 (4-15-16)
13A.07.11.014—.05 • 43:10 Md. R. 595 (5-13-16)
13A.10.01.01,.03,.05 • 42:23 Md. R. 1461 (11-13-15)
43:7 Md. R. 463 (4-1-16)

13B MARYLAND HIGHER EDUCATION COMMISSION

13B.06.01.03 • 43:9 Md. R. 545 (4-29-16)
13B.08.02.01—.12 • 42:17 Md. R. 1141 (8-21-15)
13B.08.03.01—.12 • 42:17 Md. R. 1144 (8-21-15)
13B.08.04.01—.13 • 42:20 Md. R. 1276 (10-2-15)
13B.08.05.01—.11 • 42:17 Md. R. 1146 (8-21-15)
13B.08.06.01—.10 • 42:17 Md. R. 1148 (8-21-15)
13B.08.07.01—.09 • 42:20 Md. R. 1278 (10-2-15)
13B.08.08.01—.06 • 42:20 Md. R. 1280 (10-2-15)
13B.08.09.01—.11 • 42:22 Md. R. 1398 (10-30-15)
13B.08.13.01—.10 • 43:8 Md. R. 506 (4-15-16)
13B.08.14.01—.15 • 43:6 Md. R. 421 (3-18-16)
13B.08.15.01—.16 • 43:9 Md. R. 546 (4-29-16)

14 INDEPENDENT AGENCIES

14.06.03.05,.06 • 42:26 Md. R. 1638 (12-28-15)
14.36.04.01,.03—.08 • 43:4 Md. R. 342 (2-19-16)

15 DEPARTMENT OF AGRICULTURE

15.01.01.03 • 43:7 Md. R. 464 (4-1-16)
15.02.01.01—.09 • 43:7 Md. R. 465 (4-1-16)
15.11.18.01—.12 • 43:8 Md. R. 508 (4-15-16)
15.15.14.01—.13 • 43:7 Md. R. 465 (4-1-16)

18 DEPARTMENT OF ASSESSMENTS AND TAXATION

18.14.01.04,.06,.07 • 43:9 Md. R. 551 (4-29-16)
18.14.03.03 • 43:9 Md. R. 551 (4-29-16)

20 PUBLIC SERVICE COMMISSION

20.32.01.01—.04 • 43:9 Md. R. 552 (4-29-16)
20.50.10.07 • 43:9 Md. R. 553 (4-29-16)
20.62.01.01—.04 • 43:9 Md. R. 553 (4-29-16)
20.62.02.01—.11 • 43:9 Md. R. 553 (4-29-16)
20.62.03.01—.08 • 43:9 Md. R. 553 (4-29-16)
20.62.04.01—.03 • 43:9 Md. R. 553 (4-29-16)
20.62.05.01—.20 • 43:9 Md. R. 553 (4-29-16)

22 STATE RETIREMENT AND PENSION SYSTEM

22.06.01.02,.04,.05 • 43:2 Md. R. 215 (1-22-16)
22.06.02.02,.04 • 43:2 Md. R. 215 (1-22-16)
22.06.03.01,.02 • 43:2 Md. R. 215 (1-22-16)
22.06.04.01 • 43:2 Md. R. 215 (1-22-16)
22.06.06.02—.05 • 43:2 Md. R. 215 (1-22-16)
22.06.07.01—.10 • 43:2 Md. R. 215 (1-22-16)

23 BOARD OF PUBLIC WORKS

23.03.02.11 • 43:6 Md. R. 426 (3-18-16)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

26.04.01.01,.01-1,.03,.04,.10—.11-2,.11-4,.15-2,.19,.20,.20-2, .21 • 43:10 Md. R. 596 (5-13-16)

29 DEPARTMENT OF STATE POLICE

29.01.02.01,.02,.11,.16 • 43:10 Md. R. 609 (5-13-16)

31 MARYLAND INSURANCE ADMINISTRATION

31.04.01.01,.03 • 43:7 Md. R. 469 (4-1-16)
31.04.02.01—.08 • 43:4 Md. R. 343 (2-19-16)
31.04.06.01 • 43:7 Md. R. 469 (4-1-16)
31.04.17.03 • 43:7 Md. R. 469 (4-1-16)
31.04.18.02—.14 • 43:2 Md. R. 228 (1-22-16)
31.04.19.02,.05 • 43:7 Md. R. 469 (4-1-16)
31.04.22.04 • 43:7 Md. R. 469 (4-1-16)
31.05.06.02 • 43:7 Md. R. 471 (4-1-16)
31.10.38.01—.05 • 43:6 Md. R. 427 (3-18-16)

31.14.03.05 • 43:6 Md. R. 428 (3-18-16)
31.15 • 43:2 Md. R. 128 (1-22-16) (err)
31.15.04.01—.07 • 43:1 Md. R. 76 (1-8-16)
31.15.16.01—.09 • 43:1 Md. R. 76 (1-8-16)

32 MARYLAND DEPARTMENT OF AGING

32.02.01.17 • 42:21 Md. R. 1334 (10-16-15)

33 STATE BOARD OF ELECTIONS

33.01.01.01 • 43:4 Md. R. 345 (2-19-16)
33.05.04.05 • 43:4 Md. R. 346 (2-19-16)
33.14.02.04 • 43:7 Md. R. 471 (4-1-16)
33.16.01.01 • 43:4 Md. R. 346 (2-19-16)
33.16.02.05 • 43:4 Md. R. 346 (2-19-16)
33.16.03.01,.02 • 43:4 Md. R. 346 (2-19-16)
33.16.04.01 • 43:4 Md. R. 346 (2-19-16)
33.16.05.03,.04 • 43:4 Md. R. 346 (2-19-16)
33.16.06.01 • 43:4 Md. R. 346 (2-19-16)
33.20.01.01 • 43:9 Md. R. 563 (4-29-16)
33.20.02.02,.03 • 43:9 Md. R. 563 (4-29-16)
33.20.04.02 • 43:9 Md. R. 563 (4-29-16)
33.20.06.01,.02 • 43:9 Md. R. 563 (4-29-16)
33.20.07.02 • 43:9 Md. R. 563 (4-29-16)
33.20.08.01 • 43:9 Md. R. 563 (4-29-16)
33.20.09.01 • 43:9 Md. R. 563 (4-29-16)
33.22.01.01—.03 • 43:7 Md. R. 472 (4-1-16)
33.22.02.01 • 43:7 Md. R. 472 (4-1-16)
33.22.03.01,.02 • 43:7 Md. R. 472 (4-1-16)

36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

36.03.02.17 • 43:9 Md. R. 566 (4-29-16)
36.06.01—.03 • 42:14 Md. R. 930 (7-10-15)
36.06.02.01,.02 • 42:14 Md. R. 930 (7-10-15)
36.06.03.01—.08 • 42:14 Md. R. 930 (7-10-15)
36.06.04.01—.04 • 42:14 Md. R. 930 (7-10-15)
36.06.05.01—.06 • 42:14 Md. R. 930 (7-10-15)
36.06.06.01 • 42:14 Md. R. 930 (7-10-15)
36.08.01.01,.02 • 42:14 Md. R. 936 (7-10-15)
36.08.02.01 • 42:14 Md. R. 936 (7-10-15)
36.08.03.01 • 42:14 Md. R. 936 (7-10-15)

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Opinion and Order of the Court of Appeals dated April 22, 2016, **RICHARD WELLS MOORE, JR.**, 2300 York Road, Suite 213, Timonium, Maryland 21093, has been indefinitely suspended, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * * * * * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated April 22, 2016, **LARRY D. HUNT**, 1350 Eaves Road, Shelby, North Carolina 28152, a non-admitted attorney is excluded under Maryland Rule 16-760(k) from exercising the privilege of practicing law in this State for a period of sixty (60) days.

* * * * * * * * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated March 25, 2016, **ALEXANDER MANJANJA CHANTHUNYA**, 11228 Georgia Avenue, #4, Silver Spring, Maryland 20902, has been indefinitely suspended, effective April 25, 2016, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * * * * * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated April 25, 2016, **BRUCE AUGUST KENT**, 5517 Oregon Avenue, Arbutus, Maryland 21227, has been disbarred, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

* * * * * * * * * * *

This is to certify that by an Order of the Court of Appeals dated April 25, 2016, **RICHARD JOSEPH KWASNY**, 1039 S. Kimbles Road, Yardley, Pennsylvania 19067, has been disbarred by consent, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772 (d)).

[16-10-21]

Final Action on Regulations

Symbol Key

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

Title 09
DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 19 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — REAL ESTATE APPRAISERS

09.19.05 Code of Ethics

Authority: Business Occupations and Professions Article, §§16-208, 16-216, 16-220, 16-302(d) and (g), and 16-503(b) and (f), Annotated Code of Maryland

Notice of Final Action

[15-403-F-I]

On April 12, 2016, the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors adopted amendments to Regulation **.01** under **COMAR 09.19.05 Code of Ethics**. This action, which was proposed for adoption in 42:26 Md. R. 1608—1609 (December 28, 2015), has been adopted as proposed.

Effective Date: May 23, 2016.

STEVEN O'FARRELL
Chairman

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.79 Psychiatric Residential Treatment Facility (PRTF) Demonstration Waiver

Authority: Health-General Article, §§2-104(b), 15-103, 15-130.1, and 16-201, Annotated Code of Maryland

Notice of Final Action

[16-074-F]

On May 3, 2016, the Secretary of Health and Mental Hygiene adopted the repeal in their entirety of Regulations **.01—.13** under **COMAR 10.09.79 Psychiatric Residential Treatment Facility (PRTF) Demonstration Waiver**. This action, which was proposed for adoption in 43:6 Md. R. 414 (March 18, 2016), has been adopted as proposed.

Effective Date: May 23, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 63 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS AND SERVICES

Notice of Final Action

[15-305-F]

On April 29, 2016, the Secretary of Health and Mental Hygiene adopted under a new subtitle, **Subtitle 63 Community-Based Behavioral Health Programs and Services**:

(1) New Regulations **.01—.05** under a new chapter, **COMAR 10.63.01 Requirements for All Licensed Programs**;

(2) New Regulations **.01—.04** under a new chapter**, COMAR 10.63.02 Programs Required to Be Accredited in Order to Be Licensed to Provide Community-Based Behavioral Health Services**;

(3) New Regulations **.01—.19** under a new chapter, **COMAR 10.63.03 Descriptions and Criteria for Programs and Services Required to Have an Accreditation-Based License**;

(4) New Regulations **.01—.07** under a new chapter, **COMAR 10.63.04 Additional Requirements for Accreditation-Based Licenses for Specific Residential Community-Based Behavioral Health Services;**

(5) New Regulations **.01—.07** under a new chapter, **COMAR 10.63.05 Descriptions and Criteria for Programs Requiring a Non-Accreditation-Based License**; and

(6) New Regulations **.01—.21** under a new chapter, **COMAR 10.63.06 Application and Licensure Process**.

This action, which was proposed for adoption in 42:22 Md. R. 1383—1398 (October 30, 2015), has been adopted with the nonsubstantive changes shown below.

Effective Date: July 1, 2016.

Attorney General's Certification

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

COMAR 10.63.01.02B(16): In response to public comment, the definition of "contractor" was revised to make it clear that a consultant may be a contractor or a volunteer. Because the change does not change the definition of the word, it is not substantive.

COMAR 10.63.01.02B(19)(c): In response to public comment, the COMAR citation for the meaning of "non-consensual sexual activity" was added to the definition, to assist the reader to understand the meaning. Because the change does not change the definition of the word, it is not substantive.

COMAR 10.63.01.02B(19)(e): In response to public comment, the word "unexpected" was added to one of the examples of "critical incident" to clarify that it was not intended for the definition to include planned evaluations. Therefore, the change is not substantive.

Also in response to public comment, the phrase "disrupt program operations" was replaced with "under circumstances that threaten the life, health or safety," to clarify the types of the circumstances that must be reported to BHA. Both are descriptions of similar situations, but one is more focused and therefore more informative. Therefore, the change is not substantive.

COMAR 10.63.01.02B(19)(f): In response to public comment, the source of the diverted medication was added to clarify the diversion of medication type of critical incident. Because the change does not change the definition of "critical incident" or of "medication," and because the change merely states what is always the case, it is not substantive.

COMAR 10.63.01.02B(36): In response to public comment, the specific medication, LAAM, was removed from the definition, since it no longer is used. Because "LAAM" was in the definition only as an example of "approved drugs," and the regulation will continue to state that "approved drugs" are used, the change is not substantive.

COMAR 10.63.01.02B(38): The definition of "mental illness" was removed because there is no longer any reference in the regulations to that term. Thus, the definition of the word was not changed; it was deleted, making the change non-substantive.

COMAR 10.63.01.02B(46): The phrase, "a program that provides …," was replaced with the phrase, "a program that is approved, certified or licensed to provide …," to emphasize the difference between a "Program" and a "Provider." The two phrases have the same meaning in this context and therefore the change is not substantive.

COMAR 10.63.01.02B(57) (new (56)): The former and new terms for withdrawal have the same meaning. In response to public comment, they were switched. Also, the concept of specific services being provided "to fulfill the physical, social, and emotional needs" of individuals is present in all service definitions and is understood by all providers, and therefore was unnecessary verbiage. The two changes are therefore non-substantive.

COMAR 10.63.01.05B: The second condition listed in this proposed regulation is not necessary, as it is adequately covered in other provisions in this regulation. That condition has been removed as surplusage and the change is therefore non-substantive.

COMAR 10.63.01.05D: The name of the paragraph was changed from "Confidentiality of Records and Information" to "Applicable Laws," and the Americans with Disabilities and Fair Housing Acts were added to the list of statutes that apply to providers, in order to remind licensed providers that they, like all persons and organizations, are subject to the federal disabilities and Fair Housing Acts, and in order to have all references to applicable statutes in one regulation. Because the change adds no new obligations or rights, it is not substantive.

COMAR 10.63.01.05G: The types of critical incidents are already listed in the definitions under COMAR 10.63.01.02B(19) and therefore are repetitious in this subsection. Also, in response to public comment, language was added to clarify that the intent of the regulation is for the 5-day time period to commence when the program is aware of the incident, rather than when the incident occurred, which may well be impossible. Therefore, these changes are not substantive.

In addition, once the list of critical incidents (now in the Definitions regulation) was removed, §G contained two subsections that said one thing. They were combined into one sentence in order to eliminate surplus language. Because the meaning of the provision remains the same, this is not a substantive change.

COMAR 10.63.02.03D and 10.63.06.03C: The clause "in cases in which significant concerns have been raised regarding operation of the program or the organization that accredited the program," was added in order to clarify that the purpose of the regulation is not to duplicate every accreditation organization's on-site inspection. Because it clarifies the existing intent without changing it, it is not a substantive change.

COMAR 10.63.03.19: The structure of this regulation was confusing. The structure of the regulation was changed to make it easier to understand, without changing the requirements stated in the sections. Therefore, the changes are not substantive.

COMAR 10.63.04.06 tagline: The words "approval of" were unnecessary surplusage and were removed to make the tagline more succinct. The change was therefore not substantive.

COMAR 10.63.04.07A: Section A(4) was moved to another regulation in order to list all applicable statutes in one regulation, rather than in various regulations of the chapter. The requirement is now in 10.63.01.05D. Because the requirement was only moved to another regulation of the chapter, the change is not substantive.

COMAR 10.63.06.10A(5) and 10.63.06.11D(2)(d): The word "contractor" was added in response to public comment to clarify that the list of persons to be notified includes all persons or entities who potentially could work for the provider. Technically, the list already included contractors, and so adding the word was not a substantive change.

COMAR 10.63.06.18A(2): In response to public comment, the words "material and egregious" were added in order to clarify that the intent of the Department to not impose civil money penalties for minor violations, if the Department does develop a program for civil money penalties at some point in the future. Therefore, the change is not substantive.

COMAR 10.63.06.18B and C: In response to public comment, the change from "may consider" specific mitigating factors to "shall consider," specific mitigating factors, "among other factors," does not add or remove any rights of the public, or the access of the public to procedures. The mitigating factors are considered in both constructions. Therefore, the change is not substantive.

COMAR 10.63.06.19B: In response to public comments, the two phrases were replaced with two phrases with the same meaning to make the meaning clearer. Because they have the same meaning, the change was not substantive.

COMAR 10.63.06.21A(1)—(7), (9), B and C: All deadlines were extended in order to give providers more time in which to come into compliance with the new regulations. This change was anticipated when the regulations were published, and stakeholders were notified that the deadlines would be extended. Therefore, the changed dates are not substantive changes.

10.63.01 Requirements for All Licensed Programs

Authority: Health-General Article, §§7.5-204, 8-402, 8-404, 10-901, Annotated Code of Maryland

.02 Definitions.

A. (proposed text unchanged)

B. Terms Defined.

(1)—(15) (proposed text unchanged)

(16) "Consultant" means a professional who:

(a) Is not a salaried employee of the program; **[[***and***]]**

(b) Provides advice in the professional's area of expertise; *and*

(c) Is a contractor if paid, and a volunteer if not paid.

(17)—(18) (proposed text unchanged)

(19) "Critical incident" means any of the following:

(a)—(b) (proposed text unchanged)

(c) Non-consensual sexual activity, as prohibited in COMAR 10.01.18;

(d) (proposed text unchanged)

(e) **[[***Evacuation***]]** *Unexpected evacuation of a building* **[[***that disrupts program operations***]]** *under circumstances that threaten the life, health or safety of participants;*

(f) Diversion of medication **[[***in***]]** *from the stock of a program providing opioid treatment services; or*

(g) (proposed text unchanged)

(20)—(35) (proposed text unchanged)

*(36) "Maintenance" means medically supervised continuation of the administration of methadone***[[***, LAAM,***]]** *or other drugs approved by the Administration.*

(37) (proposed text unchanged)

[[*(38) Mental Illness.*

(a) "Mental illness" means an illness resulting from a psychiatric disorder.

*(b) "Mental illness" does not include a primary diagnosis of a developmental disability.***]]**

[[*(39)***]]** *(38)*—**[[**(46)**]]** *(45)* (proposed text unchanged)

[[*(47)***]]** *(46) "Provider" means a program that* **[[***provides***]]** *is approved, certified or licensed to provide community-based behavioral health services.*

[[*(48)***]]** *(47)*—**[[**(56)**]]** *(55)* (proposed text unchanged)

[[*(57)***]]** *(56) "Withdrawal management" means direct or indirect services for an* **[[***acutely intoxicated individual to fulfill the physical, social, and emotional needs of an***]]** *individual manifesting the symptoms that occur on cessation or reduction of use of a substance or medication, by:*

(a)—(c) (proposed text unchanged)

[[*(58)***]]** *(57)* (proposed text unchanged)

.05 Requirements for Licensed Community-Based Behavioral Health Program.

A. (proposed text unchanged)

B. Post-Licensing Inspections.

(1) The Department or its designees may make announced or unannounced visits to inspect a program **[[***:*

(a) For compliance with the standards required by this subtitle; or

*(b) To***]]** *to investigate a complaint.*

(2) (proposed text unchanged)

C. (proposed text unchanged)

D. **[[***Confidentiality of Records and Information***]]** *Applicable Laws. A program licensed in accordance with this chapter shall comply with* **[[***the confidentiality provisions of***]]** *all applicable federal and State laws and regulations, including the following:*

(1)—(2) (proposed text unchanged)

(3) State confidentiality statutes, including:

(a) Health-General Article, §4-301, et seq., Annotated Code of Maryland, as amended; and

(b) General Provisions Article, §4-101, et seq., as amended; **[[***and***]]**

(4) Current applicable State confidentiality regulations;

(5) The Americans With Disabilities Act, 42 U.S.C. §12101, et seq., and

(6) The federal Fair Housing Act, 42 U.S.C. §3604.

E.—F. (proposed text unchanged)

G. Critical Incident Reports.

[[*(1)***]]** *A licensed program shall* **[[***submit critical incident reports as described in §G(2) of this regulation.*

*(2) The program shall***]]** *report all critical incidents to the Department, or its designee, within 5 calendar days following* **[[***an***]]** *the program receiving knowledge of the incident, on the form required by the Department***[[***, any of the following incidents:*

(a) Death of a program participant;

(b) Life-threatening injury to a program participant;

(c) Non-consensual sexual activity;

(d) Sexual activity between a staff member and a program participant; and

(e) Evacuation of a building if the evacuation disrupts program operations.

(3) In addition to the incidents listed in §G(2) of this regulation, programs providing opioid treatment services shall also report the following:

(a) Diversion of medication; and

*(b) Any injury related to an opioid medication dispensed by the program***]]***.*

10.63.02 Programs Required to Be Accredited in Order to Be Licensed to Provide Community-Based Behavioral Health Services

Authority: Health-General Article, §§7.5-204, 8-402, 8-404, 10-901, Annotated Code of Maryland

.03 Requirements for a Program with an Accreditation-Based License.

A.—C. (proposed text unchanged)

D. In addition to the post-licensing inspections provided for in COMAR 10.63.01.05B, a program with an accreditation-based license shall be subject to inspection by the Department or its designees in cases in which significant concerns have been raised regarding operation of the program or the organization that accredited the program, in order to:

(1)—(3) (proposed text unchanged)

10.63.03 Descriptions and Criteria for Programs and Services Required to Have an Accreditation-Based License

Authority: Health-General Article, §§7.5-204, 8-402, 8-404, 10-901, Annotated Code of Maryland

.19 Opioid Treatment Service.

An opioid treatment service is one that:

A. (proposed text unchanged)

B. Is under the direction of a medical director who is a physician and:

*(1) Has at least 3 years of documented experience providing services to persons with substance-related disorders and opioid use disorders, including at least 1 year of experience in the treatment of opioid use disorder with opioid maintenance therapy***[[***;***]]**

[[*(2) Is***]]** *and is board-certified in addiction medicine or addiction psychiatry; or*

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

C. Uses pharmacological interventions, including dispensing of full and partial opiate agonist treatment medications as part of treatment, support, and recovery services to an individual with an opioid addiction;

D. (proposed text unchanged)

E. **[[***In accordance with 21 CFR §1300, arranges***]]** *Arranges for* **[[***transportation of a patient's medication***]]** *any opioid maintenance medication dispensed to a patient to be transported to* **[[***and from***]]** *the following service sites:*

(1) (proposed text unchanged)

(2) Withdrawal management services at ASAM levels 3.2-WM and 3.7-WM as described in Regulation .18 of this chapter; or

(3) Residential programs at levels 3.1, when the patient, because of a developmental or physical disability, or lack of access to transportation, cannot obtain or transport the patient's take-home opioid maintenance medication; **[[***and***]]**

[[*(4) Arranges***]]** *F. In accordance with 21 CFR §1300, et seq., arranges transportation of opioid maintenance medication from the program* **[[***site***]]** *sites identified in §E of this regulation or confirms the disposal of such medication when a patient leaves residential levels of care* **[[***in accordance with 21 CFR §1300***]]***;*

[[*F.***]]** *G.*—**[[***K.***]]** *L.* (proposed text unchanged)

10.63.04 Additional Requirements for Accreditation-Based Licenses for Specific Residential Community-Based Behavioral Health Services

Authority: Health-General Article, §§7.5-204, 8-402, 8-404, 10-901, Annotated Code of Maryland

.06 Application Requirements for* [[*Approval of*]] *a Residence to be Operated by a Program.

A.—B. (proposed text unchanged)

.07 Residential Site Requirements.

A program licensed to provide community-based behavioral health residential services under this chapter shall ensure that:

A. All areas of a residence, including storage areas:

(1) (proposed text unchanged)

(2) Clean; and

(3) Free of hazards and clutter **[[***, and*

*(4) Comply with the requirements of the Americans with Disabilities Act***]]***;*

B.—G. (proposed text unchanged)

10.63.06 Application and Licensure Process

Authority: Health-General Article, §§7.5-204, 8-402, 8-404, 10-901, Annotated Code of Maryland

.03 Additional Application Requirements for Licenses Requiring Accreditation.

A.—B. (proposed text unchanged)

C. Before determining whether a program requiring an accreditation-based license to provide community-based behavioral health services is eligible for licensure, the Department's designated approval unit may conduct an on-site review in cases in which significant concerns have been raised regarding the operations of the program or the organization that accredited the program.

.10 Discontinuation of Program Operations.

A. If a program licensed to provide community-based behavioral health services intends to discontinue operations, the program director shall, no less than 60 calendar days before the program intends to discontinue operations, submit to the Department's licensure unit, the Administration, and the CSA, LAA, or LBHA, as appropriate, its written plan for:

(1)—(4) (proposed text unchanged)

(5) Notifying employees, contractors, consultants, and consumers of its cessation of operations.

B.—F. (proposed text unchanged)

.11 Summary Suspension.

A.—C. (proposed text unchanged)

D. If the Department summarily suspends the license of a program, the program shall immediately:

(1) (proposed text unchanged)

(2) Develop and implement a written plan, approved by the Department, to:

(a)—(c) (proposed text unchanged)

(d) Notify employees, contractors, consultants, and consumers of its cessation of operations.

.18 Civil Money Penalties.

A. Notwithstanding any penalty that may be imposed under the Civil False Claims Act, pursuant to Health-General Article, §2-611, Annotated Code of Maryland or other statute, the Department may impose a civil monetary penalty on a person for:

(1) (proposed text unchanged)

(2) **[[***Failing to comply with***]]** *Any material and egregious violation of any provision of this subtitle; or*

(3) (proposed text unchanged)

B. In determining whether a civil monetary penalty is to be imposed, the Department **[[***may***]]** *shall consider the following* **[[***factors***]]***, among any other relevant factors:*

(1)—(5) (proposed text unchanged)

C. In determining the amount of any civil money penalty to be imposed, the Department shall consider the factors listed in §B of this regulation, among any other relevant factors.

.19 Program's Right to a Hearing on Proposed Sanctions.

A. (proposed text unchanged)

B. If the program submits a request for a hearing **[[***under Regulation .11 of this chapter***]]** *on a proposed summary suspension, the hearing shall take place* **[[***before the action proposed by the Department's designated approval unit***]]** *in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.*

.21 Deadlines and Effective Dates of this Chapter.

A. Accreditation-based Licenses. The following shall apply for programs that are required by law and this chapter to be accredited to be licensed:

(1) A program may not operate on or after **[[***June 1, 2017***]]** *April 1, 2018 without a license;*

(2) To be licensed on or before **[[***June 1, 2017***]]** *April 1, 2018, a program shall submit a completed and accurate application to the Department's designated approval unit before* **[[***March 1, 2017***]]** *January 1, 2018;*

(3) An accreditation-based license may be issued on or after, and not before, **[[***March 1, 2016***]]** *January 1, 2017;*

(4) The Department's designated approval unit shall begin accepting applications for accreditation-based licenses on **[[***December 1, 2015***]]** *October 1, 2016;*

(5) As of **[[***December 1, 2015***]]** *October 1, 2016, applications for an accreditation-based license shall include evidence that the program is accredited by an approved accreditation organization;*

(6) The Department's designated approval unit may not accept an application for initial certification or approval under COMAR Title 10, Subtitles 21 or 47 after **[[***November 30, 2015***]]** *September 30, 2016;*

(7) A program with a certification or approval under COMAR Title 10, Subtitles 21 or 47:

(a) May apply for renewal of the certification or approval before **[[***March 1, 2017***]]** *January 1, 2018;*

(b) If eligible for renewal, shall receive a certification or approval, valid until **[[***June 1, 2017***]]** *April 1, 2018; and*

(c) May not operate under the certification or approval after **[[***May 31, 2017***]]** *March 31, 2018.*

(8) (proposed text unchanged)

(9) If the Department's designated approval unit cannot issue a license by **[[***June 1, 2017***]]** *April 1, 2018 for a program that submits a completed, accurate application for a license before* **[[***March 1, 2017***]]** *January 1, 2018, the Department's designated approval unit shall extend the expiration date of the existing approval or certification to complete the license application process***[[***; or***]]** .

B. Non-Accreditation-Based Licenses. The following shall apply for programs that are not required by law and this chapter to be accredited to be licensed:

(1) A program may not operate on or after **[[***June 1, 2017***]]** *April 1, 2018 without a license;*

(2) A program that is certified or approved under COMAR Title 10, Subtitles 21 or 47, may operate under those subtitles until the expiration of the term of its current certification or approval, but not after **[[***May 31, 2017***]]** *March 31, 2018;*

(3) The Department's designated approval unit may not accept an application for initial certification or approval under COMAR Title 10, Subtitles 21 or 47, after **[[***November 30, 2015***]]** *September 30, 2016;*

(4) A program with a current certification or approval under COMAR Title 10, Subtitles 21 or 47:

(a) May apply for renewal of the certification or approval under COMAR Title 10, Subtitles 21 or 47, before **[[***March 1, 2017***]]** *January 1, 2018; and*

(b) May not operate after **[[***May 31, 2017***]]** *March 31, 2018 without a license.*

(5) To be licensed on or before **[[***June 1, 2017***]]** *April 1, 2018, a program shall submit a completed and accurate application to the Department's designated approval unit before* **[[***March 1, 2017***]]** *January 1, 2018;*

(6) A license may be issued on or after, and not before, **[[***March 1, 2016***]]** *January 1, 2017; and*

(7) If the Department's designated approval unit cannot issue a license by **[[***June 1, 2017***]]** *April 1, 2018 for a program that submits a completed accurate application for licensure before* **[[***March 1, 2017***]]** *January 1, 2018, the Department's designated approval unit shall extend that expiration date of the existing approval or certification to complete the license application process.*

C. Applicability Dates of Regulations. Current chapters of regulations under COMAR 10.21 and 10.47 shall remain in effect concurrently with the regulations in this chapter until **[[***June 1, 2017***]]** *April 1, 2018.*

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 13A
STATE BOARD OF EDUCATION

Notice of Final Action

[15-186-F-I]

On April 26, 2016, the Maryland State Board of Education adopted amendments to:

(1) Regulation **.02** under **COMAR 13A.02.06 General Financial Aid to Local School Systems**;

(2) Regulation **.01** under **COMAR 13A.08.01 General Regulations**; and

(3) Regulation **.01** under **COMAR 13A.08.02 Student Records**.

This action, which was proposed for adoption in 42:14 Md. R. 912 (July 10, 2015) and reproposed in 42:23 Md. R. 1460 (November 13, 2015), has been adopted as reproposed.

Effective Date: May 23, 2016.

JACK R. SMITH, Ph.D.
Interim State Superintendent of Schools

Title 15
DEPARTMENT OF AGRICULTURE

Subtitle 03 WEIGHTS AND MEASURES

15.03.12 Biodiesel Motor Blend Fuel Registration for a Weighing and Measuring Device

Authority: Agriculture Article, §11-203(b) and (c), Annotated Code of Maryland

Notice of Final Action

[16-023-F]

On April 28, 2016, the Secretary of Agriculture adopted new Regulations **.01 — .07** under a new chapter, **COMAR 15.03.12 Biodiesel Motor Blend Fuel Registration for a Weighing and Measuring Devic**e. This action, which was proposed for adoption in 43:1 Md. R. 68—69 (January 8, 2016), has been adopted as proposed.

Effective Date: May 23, 2016.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 24
DEPARTMENT OF COMMERCE

Subtitle 05 ECONOMIC DEVLOPMENT

24.05.03 Biotechnology Investment Incentive Tax Credit

Authority: Economic Development Article, §2-108; Tax-General Article, §10-725; Annotated Code of Maryland

Notice of Final Action

[16-069-F]

On May 3, 2016, the Secretary of Commerce adopted amendments to Regulations **.02** and **.06** under **COMAR 24.05.03 Biotechnology Investment Incentive Tax Credit**. This action, which was proposed for adoption in 43:6 Md. R. 427 (March 18, 2016), has been adopted as proposed.

Effective Date: May 23, 2016.

R. MICHAEL GILL
Secretary of Commerce

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

01.02.04 Charitable Organizations: Substantive Regulations

Authority: Business Regulation Article, §6-204, Annotated Code of Maryland

Notice of Proposed Action

[16-112-P]

The Secretary of State proposes to amend Regulation **.20-1** under **COMAR 01.02.04 Charitable Organizations: Substantive Regulations**.

Statement of Purpose

The purpose of this action is to ease the annual filing burdens and costs of private foundations affiliated with a State agency that must register with the Office of the Secretary of State by raising the threshold at which an audit is required with its registration statement and agreed upon procedures report.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There will be a cost savings for charitable organizations.

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

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

A. Organizations impacted: Private foundations affiliated with a State agency that receive at least $100,000 but less than $500,000 in charitable contributions, and who are therefore required to register with the Office of the Secretary of State. The cost of an audit, for a smaller organization, costs approximately $10,000 and sometimes more. For charitable organizations affiliated with a State agency receiving at least $100,000 but less than $200,000 in charitable contributions per year, it will save approximately $10,000 or more (the cost of an audit with agreed upon procedures report). For charitable organizations affiliated with a State agency receiving at least $200,000 but less than $500,000 in charitable contributions per year, it will save approximately $5,000 or more (the difference between the cost of an audit with agreed upon procedures report and a financial review).

D. Organizations impacted: Private foundations affiliated with a State agency that receive at least $100,000 but less than $500,000 in charitable contributions, and who are therefore required to register with the Office of the Secretary of State. The cost of an audit, for a smaller organization, costs approximately $10,000 and sometimes more. For charitable organizations affiliated with a State agency receiving at least $100,000 but less than $200,000 in charitable contributions per year, it will save approximately $10,000 or more (the cost of an audit with agreed upon procedures report). For charitable organizations affiliated with a State agency receiving at least $200,000 but less than $500,000 in charitable contributions per year, it will save approximately $5,000 or more (the difference

between the cost of an audit with agreed upon procedures report and a financial review).

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, Charities Investigator, Charities Division, Office of the Secretary of State, State House, Annapolis, MD 21401, or call 410-260-3879, or email to michael.schlein@maryland.gov, or fax to 410-974-5527. Comments will be accepted through June 13, 2016. A public hearing has not been scheduled.

.20-1 Private Foundations Affiliated with State Agencies.

A. A private foundation affiliated with a State agency**[**, which raises more than $100,000 in charitable contributions and**]** *that* is required to register with the Secretary of State as a charitable organization**[**,**]** shall file with its registration statement and with each annual report an audit prepared in accordance with generally accepted auditing standards *if it is required to do so under Business Regulation Article, §6-402(b)(7)(i), Annotated Code of Maryland*.

B.—F. (text unchanged)

JOHN C. WOBENSMITH
Secretary of State

Title 11
DEPARTMENT OF TRANSPORTATION

Subtitle 15 MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION

11.15.22 Apportioned Registration of Fleet Vehicles

Authority: Transportation Article, §12-406, Annotated Code of Maryland

Notice of Proposed Action

[16-117-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulations **.03—.05**, **.07**, and **.09 — .17** under **COMAR 11.15.22 Apportioned Registration of Fleet Vehicles**.

Statement of Purpose

The purpose of this action is to update and clarify regulations and procedures in the implementation of the International Registration Plan (IRP) entered into with other jurisdictions for the registration of fleets of vehicles on an apportioned basis as authorized by Transportation Article, §12-406, Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposed action would update regulations and procedures in the implementation of the International Registration Plan (IRP) entered into with other jurisdictions for the registration of fleets of vehicles on an apportioned basis as authorized by Transportation Article, §12-406, Annotated Code of Maryland. This fiscal estimate includes the estimated fiscal impact resulting from the implementation of the Full Reciprocity Plan (FRP). Based on data received from the IRP, Inc. (resulting from a study prepared by the Freight Policy Transportation Institute, Transportation Research Group of the Washington State University), the estimated annual revenue gain to be realized is $1,041,602. An estimated $15,000 one-time expense would be incurred as a result of this proposed action. In addition, a fiscal impact would potentially result for Maryland's commercial trucking industry as well as for private companies who provide transportation services outside the State. However, it is not possible to quantify a potential fiscal impact to the commercial trucking industry or to private companies providing these transportation services.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) (MVA/MDOT)	(R+)	$1,041,602 (annually)
(2) (MVA/MDOT)	(E+)	$15,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	**Magnitude**
D. On regulated industries or trade groups:	(+)	Indeterminable
E. On other industries or trade groups:	(+)	Indeterminable
F. Direct and indirect effects on public:	NONE	

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

A(1). Based on a study authorized by the IRP, Inc., the MVA would realize an annual revenue gain of $1,041,602 from this proposed change. The estimated revenue impact is determined as follows: As part of the process in the eventual implementation of the Full Reciprocity Plan (FRP), the IRP, Inc. Board of Directors authorized an independent study to determine the fiscal impact of the proposed FRP. This study was prepared by the Freight Policy Transportation Institute, Transportation Research Group of the Washington State University. In its study, the Freight Policy Transportation Institute analyzed the potential impact to the 48 contiguous States, the District of Columbia, and the ten Canadian provinces which compose the IRP. This study compared the estimated IRP revenue before and after the implementation of the FRP. The study concluded that the State of Maryland would realize an estimated additional $1,041,602 annually in IRP revenue from the implementation of the Plan.

A(2). The implementation of the FRP will also result in increased expenditures. The changes included in the FRP will result in the need for modifications to the State's IRP system to incorporate the Plan's enhancements. These modifications will involve computer

programming changes as well as other programmatic adjustments. The estimated cost of additional expenditures is $15,000.

D. It is anticipated that the State's commercial trucking industry would potentially be impacted by the changes contained in this proposed regulation. For example, the regulations contained in the FRP which grants full reciprocity for all apportioned vehicles in all member IRP jurisdictions would potentially have an impact on registration fees paid by commercial carriers based in the State. Other changes potentially impacting commercial carriers include no longer needing to obtain trip permits or having to add jurisdictions to its cab cards since all 48 contiguous states, the District of Columbia and all ten Canadian provinces would be included in the FRP. Specifically, individual Maryland commercial carriers may potentially be required to pay more (or less) in registration fees under the FRP. In addition, carriers would no longer need to purchase trip permits or add jurisdictions to their cab cards – thus potentially saving money. However, due to the many variables involved, it is not possible to accurately quantify the net fiscal impact to Maryland's commercial trucking industry.

E. The FRP has also amended the IRP with regards to non-government owned buses transporting chartered parties. Currently, these buses have the option of registering under the IRP. However, if these buses provide transportation services to chartered parties outside the jurisdiction in which they are registered, these buses will now be required to register under the IRP and have apportioned plates. It is not possible to quantify the impact to those business concerns providing this service at this time.

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, Motor Vehicle Administration, 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 June 13, 2016. A public hearing has not been scheduled.

.03 Member Jurisdictions.

The following are member jurisdictions: Alabama, Alberta, **[**Canada,**]** Arizona, Arkansas, *British Columbia,* California, Colorado, Connecticut, *Delaware, District of Columbia,* Florida, *Georgia,* Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, *Maine, Manitoba,* Maryland, *Massachusetts,* Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, *Nevada, New Brunswick, New Hampshire, New Jersey, New Mexico, New York, Newfoundland and Labrador,* North Carolina, North Dakota, *Nova Scotia, Ohio,* Oklahoma, *Ontario,* Oregon, Pennsylvania, *Prince Edward Island, Quebec, Rhode Island, Saskatchewan,* South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

.04 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (5) (text unchanged)

(6) "Audit" means the examination of a registrant's records, including source documents, to verify the distances reported in the registrant's application for apportioned registration and evaluate the accuracy of the registrant's distance-accounting system for its fleet. Such an examination may be of multiple fleets for multiple years

[(6)**]** *(7)* (text unchanged)

(8) "Average per-vehicle distance" means the average per-vehicle distance in each member jurisdiction determined by the total actual distances reported during the previous registration year as having been operated by all Maryland carriers.

[(7)**]** *(9)* — **[**(11)**]** *(13)* (text unchanged)

[(12) "Chartered party" means a group of persons who, under a common purpose and under a single contract, and at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the Interstate Commerce Commission, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.**]**

[(13)**]** *(14)* — **[**(14)**]** *(15)* (text unchanged)

(16) "Equipment number" means the unit number or equipment number assigned by the applicant. Each piece or unit of equipment must have a specific International Registration Plan (IRP) identifier.

[(15)**]** *(17)* — **[**(18)**]** *(20)* (text unchanged)

[(19)**]** *(21)* "International Registration Plan *(IRP)*" means a registration reciprocity agreement among **[**the signatory**]** states of the United States, *the District of Columbia,* and provinces of Canada providing for the payment of **[**registration**]** *apportionable* fees on the basis of fleet miles operated in each jurisdiction**[**, which agreement is the product of the American Association of Motor Vehicle Administrators, and is generally administered by that association**]**.

[(20)**]** *(22)* — **[**(21)**]** (*23)* (text unchanged)

[(22)**]** *(24)* "**[**I.V.M.R.**]** *IVMR*" means individual vehicle mileage record.

[(23)**]** *(25)* — **[**(49)**]** (*51)* (text unchanged)

(52) "Vehicle-tracking system" means an electronic system that monitors the exact location, 24 hours a day, of any moving vehicle using the Global Positioning System (GPS) or another type of automatic vehicle location technology.

(53) "VIN" means vehicle identification number.

.05 Application for Proportional Registration.

A. (text unchanged)

B. Contents of the Application.

(1) Schedule **[**A (Form IRP A)**]** *A/C (Form IRP A/C)* shall contain a description of each power unit, trailer, semi-trailer, and auxiliary axle and be accompanied by a uniform mileage schedule.

(2) Schedule B (Form IRP B).

(a) (text unchanged)

(b) If no operations were conducted with any vehicle or vehicles during the preceding year, the application shall **[**contain a full statement of the proposed method of operation and estimates of annual mileage in each jurisdiction**]** *use the average per-vehicle distance.*

(c) (text unchanged)

[(d) The Administration may adjust the estimate in the application if it is not satisfied as to its correctness.**]**

[(e)**]** *(d)* Changes to an original or renewed application may be made after it has been filed by notifying the Motor Carrier Services Section **[**not later than March 1**]** *prior to payment.*

(e) The Maryland IRP registration period is staggered on a quarterly basis.

C. Evidence of Ownership.

[(1)**]** The owner or lessor of a vehicle to be proportionally registered shall hold in their name a Maryland certificate of title or a negotiable title issued in another jurisdiction for each vehicle.

[(2) If the registration of a vehicle not titled in Maryland has not been previously apportioned in the applicant's name, a photocopy

of the out-of-State vehicle title, bill of sale, or registration card shall accompany the registration application.**]**

.07 Registration Criteria — Leased Vehicles.

A. (text unchanged)

B. Temporary Leases.

(1) (text unchanged)

(2) The temporarily leased vehicle shall continue to bear proportional registration credentials and may be operated on those credentials only in jurisdictions **[**to which fees have been paid**]** *displayed on the cab card*.

.09 Registration Criteria — Rental Vehicles.

A. (text unchanged)

B. Tractor, Truck-tractor and Truck Fleet Registrations. Rental owners having a rental fleet of trucks, tractors and truck-tractors based in Maryland excluding one-way vehicles, and operating into or through one or more other member jurisdictions may proportionally register the vehicles by paying apportionable registration fees based on mileage using Schedule **[**A/E (Form IRP A),**]** *A/C (Form IRP A/C) and* Schedule B (Form IRP B)**[**, and Schedule C (Form IRP C) Supplement, if needed**]**.

C. —E. (text unchanged)

.10 Changes in Apportionable Vehicle Fleets.

A. —C. (text unchanged)

[D. Adding Jurisdictions. A registrant who has filed an original apportioned registration application for a registration year may expand its operation into or through a jurisdiction not previously included by filing Schedule A/E (Form A) and Schedule B (Form B) forms which:

(1) Describe the new operation;

(2) Indicate the estimated miles in the new jurisdictions; and

(3) Indicate the desired weight in the new jurisdictions.**]**

.11 Temporary Registration.

A. Maryland Temporary Authorization Certificates.

(1) Temporary authorization certificates may be obtained from the Motor Carrier Services Section of the Administration by apportioned vehicle registrants for use on an additional vehicle or when it is necessary to increase a vehicle's registered weight. The registrant's fees on its original apportioned registration application shall be paid before approval of the request for temporary authorization certificates. Temporary authorization certificates are not transferable and may not be used by another carrier. **[**A temporary authorization certificate is valid for 45 days from the date of its first use.**]**

[(2) The carrier shall complete the temporary authorization application by typewriter or in ink.**]**

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

B. — C. (text unchanged)

.12 Billing and Payment Procedures.

A. Billing Notices.

[(1)**]** Upon the approval of an application for apportioned registration, the Administration will **[**mail**]** *provide* a billing notice **[**in duplicate**]** to the **[**address of the**]** registrant shown on the application. The notice will list the amount of all registration fees due *to* the State of Maryland as well as the apportioned registration fees due *to* each member jurisdiction**[**, except for those jurisdictions which bill directly**]**.

[(2) The Motor Carrier Services Section of the Administration will forward a copy of an application for apportioned registration to all direct bill jurisdictions with which the applicant seeks apportioned registration. A separate billing notice will be sent to the registrant by each direct bill jurisdiction.**]**

B. Payment Procedures. The following apply to the payment of the apportioned registration fees:

(1) (text unchanged)

(2) Payments shall be made by *cash, cashier's check,* certified check, *credit card, or* money order**[**, cashier's check, or by uncertified check if a**]** *for fees due for each member jurisdiction unless a* surety bond has been filed with the Administration;

[(3) Payments for original applications and renewals shall be received by the Department by April 10 of a registration year;

(4) Payments to direct bill jurisdictions shall be made by separate checks or money orders for each billing notice and sent to the jurisdiction's apportioned registration office.**]**

C. (text unchanged)

.13 Registration Credentials.

A. Vehicle Identification.

(1) Issuance of Plate and Cab Cards. Upon approval of an application for apportioned registration and payment of the necessary fees, the Administration shall issue the following to Maryland based carriers:

(a) (text unchanged)

(b) An apportioned cab card containing the following information:

(i) (text unchanged)

(ii) Make and **[**vehicle identification number**]** *VIN* of the vehicle,

(iii) —(v) (text unchanged)

(2) Display. Credentials issued by the Administration shall be maintained or displayed **[**as follows:**]** *as required by Transportation Article, §§13-409 and 13-411, Annotated Code of Maryland.*

[(a) The apportioned registration plate shall be mounted on the front of and rear of tractor and truck tractor, trailer, and other apportioned vehicles;**]**

[(b)**]** The cab card shall be carried in the vehicle for which it is issued.

B. (text unchanged)

C. Cancellation. The Administration may cancel or suspend apportioned registration plates, cab cards, and temporary registrations **[**issued in error, if any fees remain unpaid, or the applicant has made a false statement on any apportioned application. Apportioned registration plates and cab card shall be returned to the Administration when the registration is no longer required or is suspended or cancelled**]** *as authorized by Transportation Article, §13-705, Annotated Code of Maryland. Apportioned registration plates and cab cards shall be returned to the Administration when the registration is no longer required or is suspended or cancelled.*

.14 Fees.

A. General. Registration fees for apportionable vehicles shall be determined as follows:

(1) Obtain the percentage factor for each member jurisdiction by dividing the miles travelled in each jurisdiction by the total fleet miles accrued during the preceding year. The Maryland mileage shall include the following:

(a) Mileage accrued within Maryland; *and*

(b) Mileage accrued in any nonmember jurisdiction which does not apportion registration fees but which grants reciprocity**[**; and**]**.

[(c) Mileage accrued in member jurisdictions in which the applicant does not desire to apportion registration fees.**]**

(2) — (3) (text unchanged)

B. (text unchanged)

C. Additional Vehicle Fees.

[(1) General.**]**

[(a)**]** *(1)* — **[**(c)**]** *(3)* (text unchanged)

[(2) Estimating Mileage.

(a) A carrier may, upon receiving apportioned registration for a registration year, estimate the mileage in any jurisdiction in which it has no mileage history and into or through which it desires to expand operations. The fees calculated for expanded operations will be in excess of the 100 percent registration percentages established at renewal.

(b) Instead of estimating mileage, a carrier may conduct expanded operations by use of trip permits.

(c) Carriers estimating mileage in any jurisdiction for a second full consecutive registration year will continue to pay in excess of 100 percent registration fees.**]**

D. —K. (text unchanged)

L. Refunds.

(1) (text unchanged)

(2) Fees of Other Jurisdictions. **[**A**]** *Except for overpayments due to an audit, a* refund of apportioned registration fees of other jurisdictions may not be made by the Administration. Application for a refund of the fees shall be made directly to the proper authorities in accordance with the appropriate statutes or regulations of the jurisdiction.

.15 Enforcement.

A. Enforcement Date. A Maryland apportioned registration plate shall be attached to a vehicle and the appropriate unexpired cab card carried in the vehicle **[**not later than May 1 of a registration year**]**.

B. (text unchanged)

.16 Records and Audits.

A. Duty to Maintain.

(1) Operation Records. Every apportioned carrier shall maintain the operational records on which its registration application is based for a period of 3 years. Operational records include documents supporting mileage travelled in each jurisdiction and total mileage travelled, such as fuel reports, trip sheets, logs and computer runs. An acceptable source document for verification of fleet mileage shall be some type of Individual Vehicle Mileage Record which shall be completed for each movement of a vehicle and which shall contain the following:

(a) For records produced by a means other than a vehicle-tracking system:

(i) **[**Starting**]** *The beginning* and ending dates *of the trip to which the records pertain*;

[(b)**]** *(ii)* **[**Trip**]** *The* origin and destination *of the trip*;

[(c)**]** *(iii)* **[**Route**]** *The route* of travel;

(iv) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the trip;

(v) The total distance of the trip;

(vi) The distance traveled in each jurisdiction; and

(vii) The VIN or equipment number;

[(d) Total trip miles, including all movement (loaded, empty, deadhead, or bobtail number);

(e) Mileage by jurisdiction;

(f) Unit number or vehicle identification;

(g) Vehicle fleet number;

(h) Registrant's name; and

(i) Driver's signature or name. **]**

(b) For records produced wholly or partly by a vehicle-tracking system, including a system based on the Global Positioning System (GPS):

(i) The original GPS or other location data for the vehicle to which the records pertain;

(ii) The date and time of each GPS or other system reading;

(iii) The location of each GPS or other system reading;

(iv) The beginning and ending reading from the odometer, hubodometer, ECM, or any similar device for the period to which the records pertain;

(v) The calculated distance between each GPS or other system reading;

(vi) The route of the vehicle's travel;

(vii) The total distance traveled by the vehicle;

(viii) The distance traveled in each jurisdiction; and

(ix) The VIN or equipment number; and

(c) Summaries:

(i) For each month, a summary of the fleet's operations which includes both the full distance traveled by each apportioned vehicle in the fleet during the calendar month, and the distance traveled in the month by each apportioned vehicle in each jurisdiction; and

(ii) For each calendar quarter, a summary of the fleet's operations which includes both the full distance traveled by vehicles in the fleet during the calendar quarter, and the distance traveled in each jurisdiction by the vehicles in the fleet during the calendar quarters.

(2) Failure to Maintain Records. **[**An apportioned vehicle, on which a carrier fails to maintain adequate records, as required, shall be registered at the full annual registration fee, unless the carrier provides evidence of nonuse of the vehicle satisfactory to the Motor Carrier Services Section**]**

(a) If the records produced by the registrant for audit do not, for the registrant's fleet as a whole, meet the criteria or if, within 30 calendar days of the issuance of a written request by the State of Maryland, the registrant produces no records, the State shall impose on the registrant:

(i) First offense: An assessment in the amount of 20 percent of the apportionable fees paid by the registrant for the registration of its fleet in the registration year to which the records pertain;

(ii) Second offense: The Administration shall impose an assessment of 50 percent of the apportionable fees paid by the registrant for the registration of its fleet in the registration year to which the records pertain; and

(iii) Third or subsequent offense: The Administration shall impose an assessment of 100 percent of the apportionable fees paid by the registrant for the registration of its fleet in the registration year to which the records pertain.

(b) The Administration shall distribute the amounts of assessment it collects under this subsection on a pro rata basis to the other jurisdictions in which the fleet was registered.

B. (text unchanged)

.17 Licensing of Trip Permit/Temporary Operating Authority Vendors.

A. Qualifications. In order to insure a sufficient number and availability of locations where an owner or operator of a commercial vehicle may purchase a temporary trip permit or temporary operating authority, as required by Transportation Article, §12-406, Annotated Code of Maryland, before entering this State or placing a newly acquired vehicle in service, the **[**Motor Vehicle**]** Administration, in its discretion, may license applicants to issue trip permits or temporary operating authority if they meet the following qualifications:

(1) (text unchanged)

(2) The applicant shall possess a Business Rating Reputation, and capability satisfactory to the **[**Motor Vehicle**]** Administration;

(3) The applicant shall agree to and is capable of providing the service at all times specified by the **[**Motor Vehicle**]** Administration;

(4) The applicant shall agree to deliver copies of all issued or voided trip permits or temporary operating authorities to the offices of the **[**Motor Vehicle**]** Administration by the next working day;

(5) The applicant shall demonstrate to the Administration that he *or she* possesses the financial capability to purchase trip permits from the **[**Motor Vehicle**]** Administration in advance of sale in quantities specified by the **[**Motor Vehicle**]** Administration.

B. Issuance of Trip Permits/Temporary Operating Authorities by Licensees.

(1) Licensees shall purchase from the Administration and sell trip permits/temporary operating authorizations in the manner prescribed by the **[**Motor Vehicle**]** Administration.

(2) The licensee may charge the purchaser of a trip permit/temporary operating authorities a fee for its service not to exceed the rate established by the **[**Motor Vehicle**]** Administration.

C. Liability. The **[**Motor Vehicle**]** Administration is not liable for the illegal or improper acts of its licensees.

D. Inspection of Record. The applicant agrees to the availability and inspection of all its records by the **[**Motor Vehicle**]** Administration during normal business hours, for the determination of compliance with the **[**Motor Vehicle**]** Administration requirements and regulations.

E. Transferability and Revocation of License.

(1) (text unchanged)

(2) Licensees may terminate the license by giving 30 days written notice to the **[**Motor Vehicle**]** Administration. If the license arrangement is cancelled by either party, the licensee shall promptly turn in to the offices of the Administration all unissued trip permits and the Administration shall refund their cost.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 13A
STATE BOARD OF EDUCATION

Subtitle 07 SCHOOL PERSONNEL

13A.07.11 Standards for Professional Learning

Authority: Education Article, §2-205(c) and (q)(2)(vii), Annotated Code of Maryland

Notice of Proposed Action

[16-116-P-I]

The Maryland State Board of Education proposes to adopt new Regulations **.01—.05** under a new chapter, **COMAR 13A.07.11 Standards for Professional Learning**. This action was considered at the March 22, 2016 meeting of the State Board of Education.

Statement of Purpose

The purpose of this action is to provide guidance for local school systems to establish a high quality, comprehensive professional learning program based on professional learning standards aligned to the international Learning Forward Standards for Professional Learning.

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 Cecilia J. Roe, Director of Instructional Assessment and Professional Learning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0574 (TTY 410-333-6442), or email to cecilia.roe@maryland.gov, or fax to 410-333-6442. Comments will be accepted through June 13, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on June 28, 2016, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Learning Forward Standards for Professional Learning, August 2011, 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 43:1 Md. R. 10 (January 8, 2016), 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.

.01 Scope.

This chapter applies to local school systems that provide professional learning programs for educators.

.02 Purpose.

The purpose of this chapter is to provide guidance for local school systems to establish a high quality, comprehensive professional learning program based on professional learning standards aligned to the international Learning Forward Standards for Professional Learning that result in increased student achievement by:

A. Providing support for the implementation of Maryland content standards and Science, Technology, Engineering and Mathematics (STEM) Education;

B. Fostering collaborative inquiry and learning that enhances individual and collective performance;

C. Providing research and evidence-based professional learning to ensure equity and excellence in educator learning;

D. Aligning with the professional growth model for implementation of teacher and principal evaluation; and

E. Including the Learning Forward Standards for Professional Learning set forth in Regulation .03A of this chapter.

.03 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference:

A. Learning Forward Standards for Professional Learning, August 2011; and

B. Maryland Teacher Professional Development Evaluation Guide, October 2008, which has been incorporated by reference in COMAR 13A.07.01.02.

.04 Evaluation of the Professional Learning Program.

Local school systems shall evaluate the effectiveness of the professional learning program and shall use the Maryland Teacher Professional Development Evaluation Guide, October 2008, as a resource for developing an evaluation model.

.05 Reporting Requirements.

Local school systems shall, in accordance with Education Article, §5-401(c), Annotated Code of Maryland, report in their Bridge to Excellence Master Plans their goals, objectives, and strategies regarding their professional learning programs along with timelines for implementation and methods for measuring progress.

JACK R. SMITH, Ph.D.
Interim State Superintendent of Schools

Title 26
DEPARTMENT OF THE ENVIRONMENT

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

26.04.01 Quality of Drinking Water in Maryland

Authority: Environment Article, Title 9, Subtitles 2 and 4, Annotated Code of Maryland

Notice of Proposed Action

[16-113-P]

The Secretary of the Environment proposes to amend Regulations **.01**, **.01-1**, **.03**, **.04**, **.10**, **.11**, **.11-1**, **.11-2**, **.15-2**, **.19**, **.20**, **.20-2**, and **.21** and to adopt new Regulation **.11-4** under **COMAR 26.04.01 Quality of Drinking Water in Maryland**.

Statement of Purpose

The purpose of this action is to adopt federal regulations under the Safe Drinking Water Act for the Revised Total Coliform Rule (RTCR), which were finalized by EPA in February 2013, and to adopt a minor revision to the Stage 2 Disinfection Byproduct Rule monitoring requirements (COMAR 26.04.01.15-2).

The RTCR eliminates the specific drinking water standards for total coliform bacteria and fecal coliform bacteria while increasing other monitoring and reporting requirements that will increase oversight of public water systems. The RTCR establishes a maximum contaminant level (MCL) for E.coli and uses the presence of E.coli or total coliform to initiate a "find and fix" approach to address contamination that could enter into the distribution system. E.coli is a more specific indicator of fecal contamination than fecal coliform, which was the indicator under the Total Coliform Rule (TCR) which was adopted in 1989. EPA also replaced the MCL for total coliforms with a treatment technique (TT) requirement for total coliforms in the RTCR.

Under the RTCR all PWSs that confirm total coliform bacteria in the drinking water must complete a Level 1 assessment of the PWS. A Level 1 assessment is an evaluation to identify the presence of sanitary defects, defects in distribution system coliform monitoring practices, and the probable causes for the assessment. It is conducted by the system operator or owner. PWSs would be required to submit a report identifying sanitary defects detected, corrective actions completed, and a timetable for any corrective actions not already completed.

Under the RTCR all PWSs experiencing ongoing total coliform contamination or E. coli contamination must receive a Level 2 assessment. A Level 2 assessment provides a more detailed examination of the system (including the systems monitoring and operational practices) than the Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by the State or a third party approved by the State. The State may also direct expedited actions in the case of an E.coli violation. Additionally, as part of the Level 2 assessment, PWSs must submit to the State a report identifying sanitary defects detected, corrective actions completed, and a timetable for completion of any corrective actions that are not already completed.

All PWSs must comply with the RTCR requirements starting April 1, 2016. PWSs include all Community Water Systems (CWSs) Non-Transient Non-Community water Systems (NTNCWSs), and Transient Non-Community Water Systems (TNCWSs).

Background

The Safe Drinking Water Act (SDWA) requires EPA to review and revise, as appropriate each existing National Primary Drinking Water Regulation (NPDWR) at least once every 6 years. In 2003, EPA completed its review of the TCR. The purpose of the review was to identify new health risk assessments and changes in technology or other factors that would support a regulatory revision that would maintain or improve public water protection. The EPA published the RTCR in the Federal Register on February 13, 2013 (78 FR 10269) and minor corrections on February 26, 2014 (79 FR 10665). The RTCR upholds the purpose of the 1989 TCR to protect public health by ensuring the integrity of the drinking water distribution system and monitoring for the presence of microbial contamination. The RTCR, as with the TCR, is the only microbial drinking water regulation that applies to all PWSs.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Changes to the existing Total Coliform Rule will have a direct effect on the issuing agency by increasing the cost of its regulatory program, and on suppliers of water by increasing the costs for report preparation. Changes to the requirements for testing will have a negligible impact. A benefit to the public, the issuing agency, and the local government, though not quantifiable, will result in improved maintenance and treatment of the water system since the focus will be on identifying potential contamination sources, and correcting the sanitary defect. Changes to the affected industries will have a negligible impact. The estimated changes in cost from the 1989 TCR to the RTCR are related to 7 categories: Rule Implementation and Annual Administration, Revision of Sample Siting Plans, Monitoring, Annual Site Visits, Assessments, Corrective Actions and Public Notification. The estimated economic impacts for these categories are summarized in the table shown in the Assumptions Section under D. for other industries and trade groups, they cost is calculated by adding the totals for all three PWS types (total - $286,400). The basis for the cost estimates was provided with the final rule in the Federal Register, and is annualized.

RTCR Rule Implementation and Annual Administration: Under the RTCR all PWSs would incur one-time costs that include training employees on rule requirements. All PWSs are subject to additional transitional implementation activities. The State and local agencies will incur administrative costs to implement the RTCR. These implementation costs are necessary to ensure that the provisions of the RTCR are properly carried out. The State will need to allocate time for staff to establish and maintain the programs necessary to comply with the RTCR, including adopting state regulations, developing new report forms, and modifying data management systems to track the new PWS reports to the State.

Revision of Sample Siting Plans: Under the RTCR, all PWSs subject to the RTCR would incur one-time costs to revise existing sample siting plans to identify sampling locations and collection schedules that are representative of water throughout the distribution system. System sample siting plans must include routine and repeat sample sites and any sampling points necessary to meet Ground Water Rule (GWR) and the Stage 1 Disinfection Byproduct Rule requirements. Under the RTCR, the State is expected to incur one-time costs to review and approve sample siting plans for PWSs. State costs are based on the number of PWSs submitting revised sample siting plans each year.

Monitoring: Monitoring costs for PWSs are calculated by multiplying the total numbers of routine, additional routine, and repeat samples required under the 1989 TCR and RTCR by the monitoring costs per sample as provided by the September 2012 Economic Analysis for the Final RTCR.

Annual Site Visits: Under the RTCR, any PWS on an annual monitoring schedule would be required to also have an annual site visit conducted by the State or State-designated third party. A voluntary Level 2 assessment or a sanitary survey can also satisfy the annual site visit requirement.

Assessments: Under the RTCR all PWSs experiencing a Level 1 trigger must complete a Level 1 assessment, and all PWSs experiencing a Level 2 trigger must complete a Level 2 assessment. The labor as provided by the September 2012 Economic Analysis for the Final RTCR are used to generate Level 1 and Level 2 assessment unit costs by PWS size and type. Labor hours are assumed to include time for reporting and record-keeping activit1es. Under the RTCR, the State would incur burden to review the assessment forms from the PWSs and to conduct Level 2 assessments. State costs are based on the number of PWSs submitting assessment reports. The State labor rate as provided by the September 2012 Economic Analysis for the Final RTCR provided by EPA and estimates of labor hours are used to generate State Level 1 and Level 2 assessment unit costs.

Corrective Actions: Under the RTCR all PWSs are required to correct sanitary defects found through the performance of Level 1 or Level 2 assessments. For modeling purposes, EPA estimated only the net change in the number of corrective actions performed under the RTCR compared to the 1989 TCR. Based on discussions with state representatives, EPA estimates that additional corrective actions would be performed for only 10% of the assessments undertaken as a result of the RTCR. The State of Maryland already engages in corrective actions with systems, so no extra costs are expected.

Public Notification: Public notification (PN) for exceeding a maximum contaminant level or treatment technique requirement is assumed to be comparable to the existing level of effort, so there is no increased expense. Public notification for monitoring and reporting violations will be increased due to the complexity of the RTCR. For Community Water Systems, they will use the annual Consumer Confidence Report to provide the notification. Estimates of PWS unit costs for PN are derived by multiplying PWS labor rates as provided by the September 2012 Economic Analysis for the Final RTCR.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E-)	Approximately $171,222
B. On other State agencies:	(E-)	Approximately $76,250
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Approximately $286,400
E. On other industries or trade groups:	NONE	None
F. Direct and indirect effects on public:	(-)	Minimal

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

A. The proposed amendments will replace the current regulations for monitoring bacteriological quality of drinking water. The equivalent of three new permanent Natural Resource Planner II positions are needed to cover the additional compliance and enforcement activities, and responsibilities associated with implementing the new regulations for public water systems.

B. Local governments will be affected by the proposed action since they own and operate PWSs. There are 470 total PWSs that are locally owned. There are 207 CWSs, 163 NTNCs and 101 TNCs. Using the totals of the cost impacts for the different PWS types estimated in the table in section D, the estimates for local government owned systems were calculated as a percentage of the estimated cost. The estimated costs for local government owned CWSs is $56,781, for NTNCWSs is $10,633 and for TNCWSs is $8,836. The total estimated costs for all local government owned PWSs is $76,250. In addition, 17 County Health Departments have accepted delegation agreements from the State to implement regulations for transient noncommunity systems.

D. Public water systems are the regulated industry that will be most affected by the proposed action. The cost model provided by EPA for the changes in cost between the Total Coliform Rule and the Revised Total Coliform Rule for public water systems was used to calculate the increased costs for public water systems. The cost of the annual impact of the RTCR per PWS generally increases with PWS size, the range of the costs is expected to be fairly wide and some individual PWSs may be more heavily impacted than others. The total estimated cost for Public Water Systems in Maryland is $286,400, which is the total of the three system type costs. Based on a total population of 5 million persons, the estimated cost of this rule is less than 10 cents per person. The table below includes the number of PWSs as of November 2015:

Public Water Systems and the Estimated Cost Impact

Population	CWS			NTNC			TNC		
	Number of Systems	Cost/ system	Cost Impact	Number of Systems	Cost/ system	Cost Impact	Number of Systems	Cost/ system	Cost Impact
<500	292	$23	$6,716	451	$18	$8,118	2,212	$80	$176,960
500 — 3,300	113	$40	$4,520	84	$116	$9,744	117	$164	$19,188
3,301 — 10,000	38	$377	$14,326	1	$563	$563	2	$611	$1,222
10,001 — 50,000	22	$1,453	$31,966	0	-	$0	0	-	$0
>50,000	9	$1,453	$13,077	0	-	$0	0	-	$0
Totals	474		$70,605	536		$18,425	2,331		$197,370

E. Other industries are not expected to be directly impacted by these regulations.

F. Some Community Water Systems may choose to increase the rates they charge their consumers to pass on their increased costs as a result of the proposed action.

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 Nancy Reilman, Division Chief, Water Supply Program, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230, or call 410-537-3729, or email to nancy.reilman@maryland.gov, or fax to 410-537-3157. Comments will be accepted through June 13, 2016. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (4) (text unchanged)

(5) "Clean compliance history" is, for the purposes of subpart Y of 40 CFR §141, a record of no MCL violations under §141.63; no monitoring violations under §141.21 or subpart Y; and no coliform treatment technique trigger exceedances or treatment technique violations under subpart Y.

[(4-1)**]** ***(6)*** — **[**(17)**]** *(30)* (text unchanged)

[(17-1)**]** *(31)* "Lead-free" means:

[(a) Solders and flux containing not more than 0.2 percent lead;

(b)Pipes and pipe fittings containing not more than 8.0 percent lead; and

(c) Pipe fittings and fixtures intended by the manufacturer to dispense water for human ingestion that are in compliance with plumbing standards established in accordance with 42 U.S.C. §300g-6(e).**]**

(a) Containing not more than a weighted average of 0.25 percent lead when used with respect to the wetted surface of pipes, pipe fitting, plumbing fittings, and fixtures; and

(b) Not containing more than 0.2 percent lead when used with respect to solder and flux.

(32) "Level 1 assessment" is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of a typical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage);source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether aground water system is disinfected);existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

(33) "Level 2 assessment" is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the State, which may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. The system must comply with any expedited actions or additional actions required by the State in the case of an E. coli MCL violation.

[(18)**]** *(34)* — **[**(38)**]** *(56)* (text unchanged)

(57) "Sanitary defect" is a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

[(39)**]** ***(58)*** (text unchanged)

(59) "Seasonal system" is a noncommunity water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.

[(40)**]** *(60)* — **[**(52)**]** *(76)* (text unchanged)

.01-1 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated. Code of Federal Regulations (CFR) — 40 CFR §§141 and 142 **[**(July 1, 2009**)]** *(July 1, 2014)*:

(1) Surface Water Treatment Rule (40 CFR §§141.70—141.76, Subpart H) June 8, 2001, January 14, 2002, October 23, 2002, **[**and**]** October 29, 2002, *and February 13, 2013* revisions.

(2) Interim Enhanced Surface Water Treatment Rule (40 CFR *§***[**Part**]** 141, Subpart P, §§141.170—141.175), January 14, 2002, revision;

[(2-1)**]** *(3)* — **[**(3)**]** *(5)* (text unchanged)

[(4)**]** *(6)* Best Available Technology (40 CFR §§141.61—141.**[**65)**]** *66, Subpart G) February 13, 2013 revisions***[**revised January 16, 2001**]**;

[(5)**]** *(7)* Lead and Copper Rule (40 CFR §§141.80—141.91, *Subpart I*) revised January 12, 2000 and October 10, 2007;

[(7)**]** *(8)* **[**Sampling and Analytical Methods:**]** *Monitoring and Analytical Methods (40 CFR §§141.21 — 141.29, Subpart C) February 13, 2013 revisions;*

[(6)**]** *(a)* **[**Total Coliform Rule**]** *Coliform Bacteria* (40 CFR §141.21) **[**October 23, 2002, and October 29, 2002, revisions**]***November 21, 2006 and February 13, 2013 revisions*;

[(a)**]** *(b)* Inorganics (40 CFR §141.23) October 23, 2002, October 29, 2002, and March 25, 2003 revisions;

[(b)**]** *(c)* Organics (40 CFR §141.24) October 23, 2002, and October 29, 2002, revisions; and

[(c)**]** *(d)* Radionuclides (40 CFR §§141.25-*141.26) December 7, 2000, and* October 23, 2002, revision.

[(8)**]** *(9)* Method Detection Limit (40 CFR *§***[**Part**]** 136), October 23, 2002, revision;

[(9)**]** *(10)* Public Notification of Drinking Water Violations (40 CFR *§***[**Part**]** 141, Subpart Q; 40 CFR §§141.201—141.211, **[**January 14, 2002, November 27, 2002, and March 25, 2003, January 4, 2006, January 6, 2006, and**]**November 8, 2006, *February 13, 2013, and February 26, 2014* revisions;

[(10)**]** *(11)* Consumer Confidence Report (40 CFR **[**Part**]***§§*141.*151 -141.155*, Subpart O), January 14, 2002, November 27, 2002, March 25, 2003, January 4, 2006, **[**and**]**November 8, 2006, *February 13, 2013, and February 26, 2014* revisions;

[(11)**]** *(12)* Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors:

(a) Stage 1 Disinfection Byproduct Rule (40 CFR *§***[**Part**]** 141, Subpart L; 40 CFR §§141.130—141.144, Subpart L, §141.65), December 16, 1998, January 16, 2001, **[**and**]** January 4, 2006, *and February 13, 2013* revisions; and

(b) Stage 2 Disinfection Byproduct Rule (40 CFR **[**Part**]** *§§*141, Subpart U §§141.600—141.605, Subpart V §§141.606—141.629), January 4, 2006, January 27, 2006, and June 29, 2009, revisions;

[(12)**]** *(13)* Arsenic Rule (40 CFR §§141.6, 141.51, 141.60, 141.62, 141.65, 142.61, 142.62) March 25, 2003 revision;

[(13) Radionuclides Rule (40 CFR §§141.26, 141.55, 141.66, 142.65)-December 7, 2000;**]**

(14) Definitions (40 CFR §141.2) January 14, 2002, January 4, 2006, **[**and**]** January 5, 2006, *and February 13, 2013* revisions;

(15) Unregulated Contaminant Monitoring Regulation (40 CFR §141.40), March 12, 2002, October 29, 2002, **[**and**]** January 4, 2007, *and May 2, 2012* revisions*;* **[**and**]**

(16) Ground Water Rule (40 CFR §§141.21, 141.28, 141.153, 141.202, 141.203, 141.400-141.405, 142.14-142.16) — November 8, 2006, **[**and**]** November 21, 2006, *and February 13, 2013* revisions**[.]***; and*

(17) Revised Total Coliform Rule (40 CFR §§141.4, 141.52, 141.63, 141.71, 141.74, 141.132, §§141.851-141.861, Subpart Y, and 142.15-142.16, 142.63) – February 13, 2013, and February 26, 2014 revisions.

.03 Requirements for a Variance, Granting a Variance, and Public Hearings.

A. (text unchanged)

(1) — (2) (text unchanged)

(3) The Approving Authority may issue to systems serving fewer than 10,000 persons a variance from a maximum contaminant level, or a treatment technique in accordance with 40 CFR §§142.301-142.313, Subpart K, **[**Variances for Small Systems**]** *except for microbial contaminants that are included in subparts H, P, S, T, W, and Y of the 40 CFR §***[**Part**]** *141.*

(4) Variances from the treatment technique requirements of 40 CFR *§***[**Part**]** 141, Subpart H, may not be granted;

(5) Variances from the total coliform *and E. coli* maximum contamination levels may not be granted*; beginning April 1, 2016 the total coliform maximum contaminant level is no longer effective;*

(6) — (7) (text unchanged)

(8) Variances for a treatment technique other than treatment technique requirements of 40 CFR *§***[**Part**]** 141, Subpart H, may be granted if the Approving Authority finds that the supplier of water applying for the variance has demonstrated that the treatment technique is not necessary to protect the health of persons because of the nature of the raw water source of the system.

B. — L. (text unchanged)

.04 Requirements for an Exemption, Granting an Exemption, and Public Hearings.

A. The Approving Authority may grant exemptions to public water systems, after documentation and consideration of findings, as specified in 40 CFR §§142.20 and 142.50. The Approving Authority may not issue an exemption to a public water system granted a variance under §1415(e) of the Safe Drinking Water Act. **[**Exemptions may not be granted for the maximum contaminant level for total coliform.**]** *Exemptions may not be granted for the maximum contaminant level for total coliforms, and E. coli.* The Approving Authority may exempt any supplier of water from any other requirement respecting a maximum contaminant level or treatment technique requirement, or both, of this regulation, upon a finding that:

(1) — (4) (text unchanged)

B. — G. (text unchanged)

.10 Maximum Contaminant Levels for Microbiological Contaminants in Drinking Water.

A. **[**The**]** *Until March 31, 2016, the* maximum contamination level of *total* coliform is based on the presence or absence of total coliform in each sample, *rather than coliform density*. The maximum contaminant level for coliform bacteria is exceeded if:

(1) — (4) (text unchanged)

B. — C. (text unchanged)

D. **[**Best**]** *Until March 31, 2016, the best* technology, treatment techniques, or other means of achieving compliance with §A of this regulation are:

(1) — (5) (text unchanged)

E. Until March 31, 2016, any fecal coliform-positive repeat sample or E. coli-positive routine sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample, the system is in violation of the MCL for

total coliforms. This is a violation that may pose an acute risk to health.

F. Beginning April 1, 2016, a system is in violation of the MCL for E. coli for samples taken under the requirements of Regulation .11-4 of this chapter when any of the conditions below occur. A violation of the MCL for E. coli may pose an acute risk to health.

(1) The system has an E. coli-positive repeat sample following a total coliform-positive routine sample.

(2) The system has a total coliform-positive repeat sample following an E. coli-positive routine sample.

(3) The system fails to take all required repeat samples following an E. coli-positive routine sample.

(4) The system fails to test for E. coli when any repeat sample tests positive for total coliform.

G. Until March 31, 2016, a supplier of water shall determine compliance with §§A — B of this regulation for each month in which it is required to monitor for total coliforms. Beginning April 1, 2016, a supplier of water shall determine compliance with the MCL for E. coli in accordance with §F of this regulation for each month in which it is required to monitor for total coliforms.

H. Beginning April 1, 2016, the best technology, treatment techniques, or other means of achieving compliance with the maximum contaminant level for total coliforms in §§A — B of this regulation, and for achieving compliance with the maximum contaminant level for E. coli in §F of this regulation are:

(1) Protection of wells from fecal contamination by appropriate placement and construction;

(2) Maintenance of a disinfectant residual throughout the distribution system;

(3) Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tank and reservoirs, cross connection control, and continual maintenance of positive water pressure in the distribution system;

(4) Filtration and/or disinfection of surface water, as described in subparts H, P, T, and W of 40 CFR §141, or disinfection of ground water, as described in subpart S of 40 CFR §141, using strong oxidants such as chlorine, chlorine dioxide, or ozone; and

(5) For systems using ground water, compliance with the requirements of a Wellhead Protection Program developed and implemented under section 1428 of the SDWA.

(6) Pursuant to section 1412 of the SDWA, the technology, treatment techniques, or other means available identified in this section are affordable technology treatment techniques, or other means available to systems serving 10,000 or fewer people for achieving compliance with the maximum contaminant level for total coliforms in §§A and B of this regulation and for achieving compliance with the maximum contaminant level for E. coli in §F of this regulation.

.11 Microbiological Contaminant Sampling and Analytical Requirements for Total Coliform.

A. Routine Monitoring for Total Coliform of Community and Noncommunity Water Supply Systems *Until March 31, 2016*.

(1) — (6) (text unchanged)

B. Alternative Routine Monitoring Frequency for Total Coliform *Until March 31, 2016*.

(1) — (4) (text unchanged)

C. Analytical Requirements for Total Coliform Analysis *Until March 31, 2016.*

(1) — (2) (text unchanged)

D. (text unchanged)

.11-1 Microbiological Contaminant Sampling and Analytical Requirements for Fecal Coliform *Until March 31, 2016*.

A. — B. (text unchanged)

.11-2 Frequency of Repeat Sampling and Sample Invalidation for Total Coliform, and Triggered Source Water Monitoring.

A. Frequency of Repeat Sampling for Total Coliform *Until March 31, 2016*.

(1) — (6) (text unchanged)

B. Repeat Sampling the Next Month *Until March 31, 2016*.

(1) — (2) (text unchanged)

C. Invalidation of Total Coliform Samples *Until March 31, 2016*.

(1) — (2) (text unchanged)

D. Triggered Source Water Monitoring for Ground Water Supplies.

(1) General Requirements *Until March 31, 2016*. A ground water supplier subject to Regulation .05-5 of this chapter shall conduct triggered source water monitoring pursuant to 40 CFR §141.402(a) if the following conditions exist:

(a) (text unchanged)

(b) The supplier is notified that a sample collected under Regulation .11A of this chapter is total coliform-positive and the sample is not invalidated under Regulation .11-2C of this chapter *until March 31, 2016.*

(2) Sampling Requirements *Until March 31, 2016*. A groundwater supplier shall collect, within 24 hours of notification of the routine total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time *that* the total coliform-positive sample was collected under Regulation .11 of this chapter *until March 31, 2016,*, except as provided in §D(2)(b) of this regulation.

(a) (text unchanged)

(b) If approved by the Approving Authority, suppliers with more than one ground water source may meet the requirements of §D(2) of this regulation by sampling a representative ground water source or sources. If directed by the Approving Authority, suppliers shall submit for approval a triggered source water monitoring plan. The plan shall include a sampling siting plan developed in accordance with Regulation .11A(5) of this chapter, and shall identify one or more ground water sources that are representative of each monitoring site in the supplier's sample siting plan *until March 31, 2016,* and that the supplier intends to use for representative sampling under §D(2) of this regulation.

(c) (text unchanged)

(3) Additional Requirements *Until March 31, 2016*. If the Approving Authority does not require corrective action under Regulation .05-5C of this chapter for a fecal indicator-positive source water sample collected under §D of this regulation that is not invalidated under §G of this regulation, the supplier shall collect five additional source water samples from the same source within 24 hours of being notified of the fecal indicator-positive sample.

(4) Consecutive and Wholesale Systems *Until March 31, 2016*.

(a) In addition to the other requirements of §D of this regulation, a consecutive ground water supplier that has a total coliform-positive sample collected under Regulation .11 of this chapter *until March 31, 2016*, shall notify the wholesale supplier or suppliers within 24 hours of being notified of the total coliform positive sample.

(b) (text unchanged)

(i) A wholesale ground water supplier that receives notice from a consecutive supplier it serves that a sample collected under Regulation .11 of this chapter *until March 31, 2016*, is total coliform positive shall, within 24 hours of being notified, collect a sample from its ground water source(s) under §D(2) of this regulation and analyze it for a fecal indicator under §F of this regulation.

(ii) (text unchanged)

(5) Exceptions to the Triggered Source Water Monitoring Requirements *Until March 31, 2016*. A ground water supplier is not

required to comply with the source water monitoring requirements of §D of this regulation if either of the following conditions exists:

(a) **[**The**]** *Until March 31, 2016, the* Approving Authority determines, and documents in writing, that the total coliform-positive sample collected under Regulation .11 of this chapter is caused by a distribution system deficiency; or

(b) **[**The**]** *Until March 31, 2016, the* total coliform-positive sample collected under Regulation .11 of this chapter, **[**had been**]** is collected at a distribution system location or under conditions that the Approving Authority **[**had**]** determined *will cause total-coliform-positive samples.* **[**is unrelated to the raw water quality, or that the total coliform-positive sample had been invalidated.**]**

(6) General Requirements beginning April 1, 2016. A ground water supplier subject to Regulation .05-5 of this chapter shall conduct triggered source water monitoring pursuant to 40 CFR §141.402(a) if the following conditions exist:

(a) The supplier does not provide at least 4-log treatment of viruses, using inactivation, removal, or a combination of 4-log virus inactivation and removal approved by the Approving Authority, before or at the first customer for each ground water source; and

(b) The supplier is notified that a sample collected under Regulations .11-4 D — G of this chapter is total coliform-positive and the sample is not invalidated under Regulation .11-4C(3) beginning April 1, 2016.

(7) Sampling Requirements beginning April 1, 2016. A groundwater supplier shall collect, within 24 hours of notification of the routine total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time that the total coliform-positive sample was collected under Regulations .11-4 D — G of this chapter beginning April 1, 2016, except as provided in §D(7)(b) of this regulation.

(a) The Approving Authority may extend the 24-hour time limit on a case-by-case basis if the supplier cannot collect the ground water source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Approving Authority must specify how much time the supplier has to collect the sample.

(b) If approved by the Approving Authority, suppliers with more than one ground water source may meet the requirements of §D(7) of this regulation by sampling a representative ground water source or sources. If directed by the Approving Authority, suppliers shall submit for approval a triggered source water monitoring plan. The plan shall include a sampling siting plan developed in accordance with Regulation .11-4C of this chapter, and shall identify one or more ground water sources that are representative of each monitoring site in the supplier's sample siting plan developed in accordance with Regulation .11-4C of this chapter beginning April 1, 2016, and that the supplier intends to use for representative sampling under §D(7) of this regulation.

(c) Beginning April 1, 2016, a groundwater system serving 1,000 or fewer people may use a repeat sample collected from a ground water source to meet both the requirements of Regulation 11-4 of this chapter and to satisfy the monitoring requirements of paragraph §D(2) of this regulation for that ground water source only if the Approving Authority approves the use of E. coli as a fecal indicator for source water monitoring under §D of this regulation and approves the use of a single sample for meeting both the triggered source water monitoring requirements in §D of this regulation and the repeat monitoring requirements in Regulation .11-4H of this chapter. If the repeat sample collected from the ground water source is E. coli-positive, the system must comply with §D(3) of this regulation.

(8) Additional Requirements beginning April 1, 2016. If the Approving Authority does not require corrective action under Regulation .05-5C of this chapter for a fecal indicator-positive source water sample collected under §D of this regulation that is not invalidated under §G of this regulation, the supplier shall collect five additional source water samples from the same source within 24 hours of being notified of the fecal indicator-positive sample.

(9) Consecutive and Wholesale Systems beginning April 1, 2016.

(a) In addition to the other requirements of §D of this regulation beginning April 1, 2016, a consecutive ground water supplier that has a total coliform-positive sample collected under Regulations .11-4 D — G of this chapter shall notify the wholesale supplier or suppliers within 24 hours of being notified of the total coliform positive sample.

(b) In addition to the other requirements of §D of this regulation, a wholesale ground water supplier shall comply with the following:

(i) Beginning April 1, 2016, a wholesale ground water supplier that receives notice from a consecutive supplier it serves that a sample collected under Regulations .11-4D — G of this chapter is total coliform positive shall, within 24 hours of being notified, collect a sample from its ground water source(s) in accordance with §D(7) of this regulation and analyze it for a fecal indicator in accordance with §F of this regulation.

(ii) If the sample collected under §D(4)(b)(i) of this regulation is fecal indicator-positive, the wholesale ground water supplier shall notify all consecutive suppliers served by that ground water source of the fecal indicator source water positive result within 24 hours of being notified of the ground water source sample monitoring result and shall meet the requirements of §D(3) of this regulation.

(10) Exceptions to the Triggered Source Water Monitoring Requirements beginning April 1, 2016. A ground water supplier is not required to comply with the source water monitoring requirements of §D of this regulation if either of the following conditions exists:

(a) The Approving Authority determines, and documents in writing, that the total coliform-positive sample collected under Regulations .11-4 D — G of this chapter beginning April 1, 2016 is caused by a distribution system deficiency; or

(b) The total coliform-positive sample collected under Regulations .11-4 D — G of this chapter beginning April 1, 2016 is collected at a distribution system location or under conditions that the Approving Authority determined will cause total-coliform-positive samples.

E. Assessment Source Water Monitoring. If directed by the Approving Authority, ground water suppliers shall conduct assessment source water monitoring. A ground water supplier conducting assessment source water monitoring may use a triggered source water sample collected under §D(1) of this regulation to meet the assessment source water monitoring. If assessment source water monitoring is required by the Approving Authority, the monitoring shall include:

(1) — (3) (text unchanged)

(4) Analysis of all ground water source samples using one of the analytical methods listed in 40 CFR §141.402(c)(2) for the presence of E. coli**[**, enterococci, or coliphage**]**;

(5) — (6) (text unchanged)

F. — J. (text unchanged)

.11-4 Microbiological Contaminant Monitoring and Reporting Requirements.

A. Applicability.

(1) This regulation applies to all public water systems.

(2) Suppliers of water shall comply with the provisions of this regulation beginning April 1, 2016, unless otherwise specified.

(3) Suppliers of water that fail to comply with the applicable requirements of 40 CFR §§141.851 — 141.861, are in violation of the regulation.

B. Analytical Methods and Laboratory Certification.

(1) Analytical Methodology.

(a) The standard sample volume required for analysis, regardless of analytical method used, is 100 ml.

(b) The samples shall be analyzed for the presence or absence of total coliforms and E. coli; a determination of density is not required.

(c) The time from sample collection to initiation of test medium incubation may not exceed 30 hours. Suppliers are encouraged but not required to hold samples below 10 deg. C during transit.

(d) If drinking water having residual chlorine (measured as free, combined, or total chlorine) is to be analyzed, sufficient sodium thiosulfate (Na 2 S 2 O 3) shall be added to the sample bottle before sterilization to neutralize any residual chlorine in the water sample.

(e) Analyses shall be conducted for total coliform and E. coli analyses in accordance with an EPA approved analytical method, which is incorporated by reference.

(2) Laboratory certification. Suppliers shall have all compliance samples required under this regulation analyzed by a laboratory certified by the EPA, or the Approving Authority to analyze drinking water samples. The laboratory used by the supplier shall be certified for each method, and associated contaminants used for compliance monitoring analyses under this regulation.

C. General Monitoring Requirements for All Public Water Systems.

(1) Sample Siting Plans.

(a) No later than March 31, 2016, suppliers shall develop a written sample siting plan, which identifies sampling sites and includes a sample collection schedule and which shall be representative of water throughout the distribution system. These plans are subject to review by the Approving Authority and revision as needed. Suppliers shall collect total coliform samples according to the written sample siting plan. Monitoring required by this regulation may take place at a customer's premise, dedicated sampling station, or other designated compliance sampling location. Routine and repeat sample sites and any sampling points necessary to meet the requirements of Regulation .11-2 shall be included in the sampling plan.

(b) Suppliers shall collect samples at regular time intervals throughout the month, except that suppliers that use only ground water and serve 4,900 or fewer people may collect all required samples on a single day if they are taken from different sites.

(c) Suppliers shall take at least the minimum number of required samples even if the system has had an E. coli MCL violation or has exceeded the coliform treatment technique triggers in §I(1) of this regulation.

(d) A supplier may conduct more compliance monitoring than is required by this regulation to investigate potential problems in the distribution system and use monitoring as a tool to assist in uncovering problems. A supplier may take more than the minimum number of required routine samples and shall include the results in calculating whether the coliform treatment technique trigger in §I(1)(a) of this regulation has been exceeded if the samples are taken in accordance with the existing sample siting plan and are representative of water throughout the distribution system.

(e) Suppliers shall identify repeat monitoring locations in the sample siting plan according to the requirements of 40 CFR §141.853(a) which is incorporated by reference.

(2) Special purpose samples. Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, may not be used to determine whether the coliform treatment technique trigger has been exceeded. Repeat samples taken according to §H of this regulation are not considered special purpose samples, and shall be used to determine whether the coliform treatment technique trigger has been exceeded.

(3) Invalidation of total coliform samples. A total coliform-positive sample invalidated under this section does not count toward meeting the minimum monitoring requirements of this regulation.

(a) The Approving Authority may invalidate a total coliform-positive sample if the one of the following conditions are met:

(i) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

(ii) The Approving Authority, on the basis of the results of repeat samples collected as required under §H of this regulation, determines that the total coliform-positive sample resulted from a domestic or other nondistribution system plumbing problem. The Approving Authority cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected at a location other than the original tap are total coliform-negative.

(iii) The Approving Authority has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition that does not reflect water quality in the distribution system. In this case, the supplier shall still collect all repeat samples required under §H of this regulation, and use them to determine whether a coliform treatment technique trigger in §I of this regulation has been exceeded.

(b) A laboratory shall invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the Presence-Absence (P-A) Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the supplier shall collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The supplier shall continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Approving Authority may waive the 24-hour time limit on a case-by-case basis. Alternatively, the Approving Authority may implement criteria for waiving the 24-hoursampling time limit to use in lieu of case-by-case extensions.

D. Routine Monitoring Requirements for Noncommunity Water Systems Serving 1,000 or Fewer People Using Only Ground Water.

(1) General.

(a) This section applies to noncommunity water systems using only ground water (except ground water under the direct influence of surface water, as defined in Regulation .01 of this chapter) and serving 1,000 or fewer people.

(b) Following any total coliform-positive sample taken under the provisions of this section, suppliers shall comply with the repeat monitoring requirements and E. coli analytical requirements in §H of this regulation.

(c) Once all monitoring required by this section and §H of this regulation for a calendar month has been completed, suppliers shall determine whether any coliform treatment technique triggers specified in §I of this regulation have been exceeded. If any trigger has been exceeded, suppliers shall complete assessments as required by §I of this regulation.

(2) Monitoring frequency for total coliforms. Suppliers shall monitor each calendar quarter that the system provides water to the

public, except for seasonal systems or as provided under subsections (3) — (8) and (10) of this section. Seasonal systems shall meet the monitoring requirements of subsection (9) of this section.

(3) Transition.

(a) Systems, including seasonal systems, shall continue to monitor according to the total coliform monitoring schedules under Regulation .11A(5) of this chapter that were in effect on March 31, 2016, unless any of the conditions for increased monitoring in subsection (6) of this section are triggered on or after April 1, 2016, or unless otherwise directed by the Approving Authority.

(b) Beginning April 1, 2016, the Approving Authority shall perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule in accordance with 40 CFR §141.853(c).

(4) Annual site visits. Beginning no later than January 1, 2017, systems on annual monitoring, including seasonal systems, shall have an initial and recurring annual site visit by the Approving Authority that is equivalent to a Level 2 assessment or an annual voluntary Level 2 assessment that meets the criteria in §I(2) of this regulation in order to remain on annual monitoring.

(5) Criteria for annual monitoring. Beginning April 1, 2016, the Approving Authority may reduce the monitoring frequency for a well-operated ground water system from quarterly routine monitoring to no less than annual monitoring, if the system demonstrates that it meets the criteria for reduced monitoring in paragraphs (5)(a) — (c) of this section, except for a system that has been on increased monitoring under the provisions of subsection (6) of this section. A system on increased monitoring under subsection (6) of this section shall meet the provisions of subsection (7) of this section to go to quarterly monitoring and shall meet the provisions of subsection (8) of this section to go to annual monitoring.

(a) The system has a clean compliance history for a minimum of 12 months;

(b) The most recent sanitary survey shows that the system is free of sanitary defects or has corrected all identified sanitary defects, has a protected water source, and meets approved construction standards; and

(c) The Approving Authority has conducted an annual site visit within the last 12 months and the supplier has corrected all identified sanitary defects. The supplier may substitute a Level 2 assessment that meets the criteria in §I (2) for the annual site visit.

(6) Increased Monitoring Requirements for systems on quarterly or annual monitoring. A system on quarterly or annual monitoring that experiences any of the events identified in paragraphs (6)(a) — (d) of this section shall begin monthly monitoring the month following the event. A system on annual monitoring that experiences an event identified in paragraphs (6)(e) of this section shall begin quarterly monitoring the quarter following the event. The supplier shall continue monthly or quarterly monitoring until the requirements in subsection (7) of this section for quarterly monitoring or subsection (8) of this section for annual monitoring are met. A system on monthly monitoring for reasons other than those identified in paragraphs (6)(a) — (d) of this section is not considered to be on increased monitoring for the purposes of subsections (7) and (8) of this section.

(a) The system triggers a Level 2 assessment or two Level 1 assessments under the provisions of §I of this regulation in a rolling 12-month period;

(b) The system has an E. coli MCL violation;

(c) The system has a coliform treatment technique violation;

(d) The system has two monitoring violations under this regulation, or one monitoring violation under this regulation and one Level 1 assessment under the provisions of §I of this regulation in a rolling 12-month period for a system on quarterly monitoring; or

(e) The system has one monitoring violation under this regulation for a system on annual monitoring.

(7) Requirements for returning to quarterly monitoring. The Approving Authority may reduce the monitoring frequency for a system on monthly monitoring triggered under subsection (6) of this section to quarterly monitoring if the system meets the criteria in paragraphs (7)(a) and (7)(b) of this section.

(a) Within the last 12 months, the system shall have a completed sanitary survey or a site visit by the Approving Authority or by its designee or a voluntary Level 2 assessment by a party approved by the Approving Authority, be free of sanitary defects, and have a protected water source; and

(b) The system shall have a clean compliance history for a minimum of 12 months.

(8) Requirements for systems on increased monitoring to qualify for annual monitoring. The Approving Authority may reduce the monitoring frequency for a system on increased monitoring under subsection (6) of this section if the system meets the criteria in subsection (7) of this section plus the criteria in paragraphs (8)(a) and (8)(b) of this section.

(a) An annual site visit by the Approving Authority and correction of all identified sanitary defects. The supplier may substitute a voluntary Level 2 assessment by a party approved by the Approving Authority for the annual site visit in any given year.

(b) The supplier shall have in place or adopt one or more additional enhancements to the water system barriers to contamination in paragraphs (8)(b)(i) — (v) of this section.

(i) An approved cross connection control plan.

(ii) An operator certified by the Board of Waterworks and Waste Systems Operators or regular visits by a circuit rider certified by the Board of Waterworks and Waste Systems Operators.

(iii) Continuous disinfection entering the distribution system and a residual in the distribution system in accordance with criteria specified by the Approving Authority.

(iv) Demonstration of maintenance of at least a 4-log removal or inactivation of viruses as provided for under 40 CFR §141.403(b)(3).

(v) Other equivalent enhancements to water system barriers as approved by the Approving Authority.

(9) Seasonal Systems.

(a) Beginning April 1, 2016, all seasonal systems shall demonstrate completion of an approved start-up procedure, which may include a requirement for startup sampling prior to serving water to the public.

(b) Beginning April 1, 2016 a seasonal system shall monitor every month that it is in operation unless it meets the criteria in subparagraphs (9)(b)(i) — (iii) of this section to be eligible for monitoring less frequently than monthly, except as provided under subsection (3) of this section.

(i) Seasonal systems monitoring less frequently than monthly shall have an approved sample siting plan that designates the time period for monitoring based on site-specific considerations (e.g., during periods of highest demand or highest vulnerability to contamination). Seasonal systems shall collect compliance samples during this time period.

(ii) To be eligible for quarterly monitoring, the system shall meet the criteria in subsection (7) of this section.

(iii) To be eligible for annual monitoring, the system shall meet the criteria under subsection (8) of this section.

(c) The Approving Authority may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating, except that systems that monitor less frequently than monthly shall monitor during the vulnerable period designated by the Approving Authority.

(10) Additional routine monitoring the month following a total coliform-positive sample. Suppliers collecting samples on a quarterly or annual frequency shall conduct additional routine monitoring the month following one or more total coliform-positive samples (with or without a Level 1 treatment technique trigger). Suppliers shall collect at least three routine samples during the next month, except that the Approving Authority may waive this requirement if the conditions of 40 CFR §141.854(j) are met. Suppliers may either collect samples at regular time intervals throughout the month or may collect all required routine samples on a single day if samples are taken from different sites. Suppliers shall use the results of additional routine samples in coliform treatment technique trigger calculations under §I of this regulation.

E. Routine Monitoring Requirements for Community Water Systems Serving 1,000 or Fewer People Using Ground Water.

(1) General.

(a) This section applies to community water systems using only ground water (except ground water under the direct influence of surface water, as defined in Regulation .01 of this chapter) and serving 1,000 or fewer people.

(b) Following any total coliform-positive sample taken under the provisions of this section, suppliers shall comply with the repeat monitoring requirements and E. coli analytical requirements in §H of this regulation.

(c) Once all monitoring required by this section and §H of this regulation for a calendar month has been completed, suppliers shall determine whether any coliform treatment technique triggers specified in §I of this regulation have been exceeded. If any trigger has been exceeded, suppliers shall complete assessments as required by §I of this regulation.

(2) Monitoring frequency for total coliforms. The monitoring frequency for total coliforms is one sample/month, except as provided for under subsections (3) — (6) of this section.

(3) Transition.

(a) All suppliers shall continue to monitor according to the total coliform monitoring schedules under Regulation .11A(5) of this chapter that were in effect on March 31, 2016, unless any of the conditions in subsection (5) of this section are triggered on or after April 1, 2016, or unless otherwise directed by the Approving Authority.

(b) Beginning April 1, 2016, the Approving Authority shall perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule in accordance with 40 CFR §141.855(b)(2).

(4) Criteria for reduced monitoring. The Approving Authority may reduce the monitoring frequency from monthly monitoring to no less than quarterly monitoring if the system is in compliance with operator certification provisions and demonstrates that it meets the criteria in paragraphs (4)(a) — (c) of this section. A system that loses its certified operator shall return to monthly monitoring the month following that loss.

(a) The system has a clean compliance history for a minimum of 12 months.

(b) The most recent sanitary survey shows the system is free of sanitary defects, or that the system is in compliance with an approved plan and schedule to correct the sanitary defects. The sanitary survey must also show that the system has a protected water source and meets approved construction standards.

(c) The system meets at least one of the following criteria:

(i) An annual site visit by the Approving Authority that is equivalent to a Level 2 assessment or an annual Level 2 assessment by a party approved by the Approving Authority and correction of all identified sanitary defects (or an approved plan and schedule to correct them and is in compliance with the plan and schedule).

(ii) An approved cross connection control plan.

(iii) Continuous disinfection entering the distribution system and a residual in the distribution system in accordance with criteria specified by the Approving Authority.

(iv) Demonstration of maintenance of at least a 4-log removal or inactivation of viruses as provided for under 40 CFR §141.403(b)(3).

(v) Other equivalent enhancements to water system barriers as approved by the Approving Authority.

(5) Return to routine monthly monitoring requirements. Systems on quarterly monitoring that experience any of the events in paragraphs (5)(a) — (d) of this section shall begin monthly monitoring the month following the event. The supplier shall continue monthly monitoring until it meets the reduced monitoring requirements in subsection (4) of this section.

(a) The system triggers a Level 2 assessment or two Level 1 assessments in a rolling 12-month period.

(b) The system has an E. coli MCL violation.

(c) The system has a coliform treatment technique violation.

(d) The system has two monitoring violations under this regulation in a rolling 12-month period.

(6) Additional routine monitoring the month following a total coliform-positive sample. Suppliers collecting samples on a quarterly frequency shall conduct additional routine monitoring the month following one or more total coliform-positive samples (with or without a Level 1 treatment technique trigger). Suppliers shall collect at least three routine samples during the next month, except that the Approving Authority may waive this requirement if the conditions of paragraph (6)(a), (b), or (c) of this section are met. Suppliers may either collect samples at regular time intervals throughout the month or may collect all required routine samples on a single day if samples are taken from different sites. Suppliers shall use the results of additional routine samples in coliform treatment technique trigger calculations.

(a) The Approving Authority may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Approving Authority, or an agent approved by the Approving Authority, performs a site visit before the end of the next month in which the system provides water to the public. Although a sanitary survey need not be performed, the site visit shall be sufficiently detailed to allow the Approving Authority to determine whether additional monitoring and/or any corrective action is needed. The Approving Authority cannot approve an employee of the system to perform this site visit, even if the employee is an agent approved by the Approving Authority to perform sanitary surveys.

(b) The Approving Authority may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Approving Authority has determined why the sample was total coliform-positive and has established that the supplier has corrected the problem or will correct the problem before the end of the next month in which the supplier serves water to the public. In this case, the Approving Authority shall document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the Approving Authority official who recommends such a decision, and make this document available to the EPA and the public. The written documentation shall describe the specific cause of the total coliform-positive sample and what action the supplier has taken and/or will take to correct this problem.

(c) The Approving Authority may not waive the requirement to collect three additional routine samples the next month in which the supplier provides water to the public solely on the grounds that all repeat samples are total coliform-negative. If the Approving Authority determines that the supplier has corrected the

contamination problem before the supplier takes the set of repeat samples required in 40 CFR §141.858, and all repeat samples were total coliform-negative, the Approving Authority may waive the requirement for additional routine monitoring the next month.

F. Routine Monitoring Requirements for Subpart H Public Water Systems Serving 1,000 or Fewer People.

(1) General.

(a) This section applies to subpart H public water systems, as defined in Regulation .01 of this chapter, serving 1,000 or fewer people.

(b) Following any total coliform-positive sample taken under the provisions of this section, suppliers shall comply with the repeat monitoring requirements and E. coli analytical requirements in §H of this regulation.

(c) Once all monitoring required by this section and §H of this regulation for a calendar month has been completed, suppliers shall determine whether any coliform treatment technique triggers specified in §I of this regulation have been exceeded. If any trigger has been exceeded, suppliers shall complete assessments as required by §I of this regulation.

(d) Seasonal Systems.

(i) Beginning April 1, 2016, all seasonal systems shall demonstrate completion of an approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

(ii) The Approving Authority may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(2) Routine monitoring frequency for total coliforms. Subpart H systems of this regulation (including consecutive systems) shall monitor monthly. Systems may not reduce monitoring.

(3) Unfiltered Subpart H Systems. A subpart H system of this chapter that does not practice filtration in compliance with subparts H, P, T, and W of 40 CFR §141 shall collect at least one total coliform sample near the first service connection each day the turbidity level of the source water, measured as specified in 40 CFR §141.74(b)(2), exceeds 1 NTU. When one or more turbidity measurements in any day exceed 1 NTU, the supplier shall collect this coliform sample within 24 hours of the first exceedance, unless the Approving Authority determines that the supplier, for logistical reasons outside the supplier's control, cannot have the sample analyzed within 30 hours of collection and identifies an alternative sample collection schedule. Sample results from this coliform monitoring shall be included in determining whether the coliform treatment technique trigger in §I of this regulation has been exceeded.

G. Routine Monitoring Requirements for Public Water Systems Serving More Than 1,000 People.

(1) General.

(a) This section applies to public water systems serving more than 1,000 persons.

(b) Following any total coliform-positive sample taken under the provisions of this section, suppliers shall comply with the repeat monitoring requirements and E. coli analytical requirements in §H of this regulation.

(c) Once all monitoring required by this section and §H of this regulation for a calendar month has been completed, suppliers shall determine whether any coliform treatment technique triggers specified in §I of this regulation have been exceeded. If any trigger has been exceeded, suppliers shall complete assessments as required by §I of this regulation.

(d) Seasonal Systems.

(i) Beginning April 1, 2016, all seasonal systems shall demonstrate completion of a Approving Authority-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

(ii) The Approving Authority may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(2) Monitoring frequency for total coliforms. The monitoring frequency for total coliforms is based on the population served by the system, as follows:

Population served	*Minimum number of samples per month*
1,001 to 2,500	*2*
2,501 to 3,300	*3*
3,301 to 4,100	*4*
4,101 to 4,900	*5*
4,901 to 5,800	*6*
5,801 to 6,700	*7*
6,701 to 7,600	*8*
7,601 to 8,500	*9*
8,501 to 12,900	*10*
12,901 to 17,200	*15*
17,201 to 21,500	*20*
21,501 to 25,000	*25*
25,001 to 33,000	*30*
33,001 to 41,000	*40*
41,001 to 50,000	*50*
50,001 to 59,000	*60*
59,001 to 70,000	*70*
70,001 to 83,000	*80*
83,001 to 96,000	*90*
96,001 to 130,000	*100*
130,001 to 220,000	*120*
220,001 to 320,000	*150*
320,001 to 450,000	*180*
450,001 to 600,000	*210*
600,001 to 780,000	*240*
780,001 to 970,000	*270*
970,001 to 1,230,000	*300*
1,230,001 to 1,520,000	*330*
1,520,001 to 1,850,000	*360*
1,850,001 to 2,270,000	*390*
2,270,001 to 3,020,000	*420*
3,020,001 to 3,960,000	*450*
3,960,001 or more	*480*
Total Coliform Monitoring Frequency for Public Water Systems Serving More Than 1,000 People	

(3) Unfiltered Subpart H Systems. A subpart H system of this part that does not practice filtration in compliance with subparts H, P, T, and W of 40 CFR 141 shall collect at least one total coliform sample near the first service connection each day the turbidity level of the source water, measured as specified in §141.74(b)(2), exceeds 1 NTU. When one or more turbidity measurements in any day exceed 1 NTU, the supplier shall collect this coliform sample within 24 hours of the first exceedance, unless the Approving Authority determines that the supplier, for logistical reasons outside the supplier's control, cannot have the sample analyzed within 30 hours of collection and identifies an alternative sample collection schedule. Sample results from this coliform monitoring shall be included in determining whether the coliform treatment technique trigger in §I of this regulation has been exceeded.

(4) Reduced monitoring. Suppliers may not reduce monitoring, except for noncommunity water systems using only ground water

(and not ground water under the direct influence of surface water) serving 1,000 or fewer people in some months and more than 1,000 persons in other months. In months when more than 1,000 persons are served, the suppliers shall monitor at the frequency specified in subsection (1) of this section. In months when 1,000 or fewer people are served, the Approving Authority may reduce the monitoring frequency, in writing, to a frequency allowed under §D of this regulation for a similarly situated system that always serves 1,000 or fewer people, taking into account the provisions in §D(1) — (7).

H. Repeat Monitoring and E. coli Requirements

(1) Repeat Monitoring.

(a) If a sample taken under §§D — G of this regulation is total coliform-positive, the supplier shall collect a set of repeat samples within 24 hours of being notified of the positive result. The supplier shall collect no fewer than three repeat samples for each total coliform-positive sample found. The Approving Authority may extend the 24-hour limit on a case-by-case basis if the supplier has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. Alternatively, the Approving Authority may implement criteria for the supplier to use in lieu of case-by-case extensions. In the case of an extension, the Approving Authority shall specify how much time the supplier has to collect the repeat samples. The Approving Authority cannot waive the requirement for a supplier to collect repeat samples in paragraphs (a) — (c) of this section.

(b) The supplier shall collect all repeat samples on the same day, except that the Approving Authority may allow a supplier with a single service connection to collect the required set of repeat samples over a 3-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 300 ml.

(c) The supplier shall collect an additional set of repeat samples in the manner specified in paragraphs (a) — (c) of this section if one or more repeat samples in the current set of repeat samples is total coliform-positive. The supplier shall collect the additional set of repeat samples within 24 hours of being notified of the positive result, unless the Approving Authority extends the limit as provided in paragraph (a) of this section. The supplier shall continue to collect additional sets of repeat samples until either total coliforms are not detected in one complete set of repeat samples or the supplier determines that a coliform treatment technique trigger specified in §I(1) has been exceeded as a result of a repeat sample being total coliform-positive and notifies the Approving Authority. If a trigger identified in §I is exceeded as a result of a routine sample being total coliform-positive, suppliers are required to conduct only one round of repeat monitoring for each total coliform-positive routine sample.

(d) After a supplier collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the supplier may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

(e) Results of all routine and repeat samples taken under §§D—G of this regulation not invalidated by the Approving Authority shall be used to determine whether a coliform treatment technique trigger specified in §I of this regulation has been exceeded.

(2) Escherichia coli (E. coli) Testing.

(a) If any routine or repeat sample is total coliform-positive, the supplier shall analyze that total coliform-positive culture medium to determine if E. coli are present. If E. coli are present, the supplier shall notify the Approving Authority by the end of the day when the supplier is notified of the test result, unless the supplier is notified of the result after the Approving Authority office is closed and the Approving Authority does not have either an after-hours phone line or an alternative notification procedure, in which case the supplier shall notify the Approving Authority before the end of the next business day.

(b) The Approving Authority has the discretion to allow a supplier, on a case-by-case basis, to forgo E. coli testing on a total coliform-positive sample if that supplier assumes that the total coliform-positive sample is E. coli-positive. Accordingly, the supplier shall notify the Approving Authority as specified in paragraph (2)(a) of this section and the provisions of 40 CFR §141.63(c) apply.

I. Coliform Treatment Technique Triggers and Assessment Requirements for Protection Against Potential Fecal Contamination

(1) Treatment Technique Triggers. Suppliers shall conduct assessments in accordance with subsection (2) of this section after exceeding treatment technique triggers in paragraphs (1)(a) and (1)(b) of this section.

(a) Level 1 Treatment Technique Triggers.

(i) For suppliers taking 40 or more samples per month, the system exceeds 5.0% total coliform-positive samples for the month.

(ii) For suppliers taking fewer than 40 samples per month, the system has two or more total coliform-positive samples in the same month.

(iii) The system fails to take every required repeat sample after any single total coliform-positive sample.

(b) Level 2 treatment technique triggers.

(i) An E. coli MCL violation, as specified in 40 CFR §141.860(a).

(ii) A second Level 1 trigger as defined in paragraph (1)(a) of this section, within a rolling 12-month period, unless the Approving Authority has determined a likely reason that the samples that caused the first Level 1 treatment technique trigger were total coliform-positive and has established that the supplier has corrected the problem.

(iii) For systems with approved annual monitoring, a Level 1 trigger in 2 consecutive years.

(2) Requirements for assessments.

(a) Suppliers shall ensure that Level 1 and 2 assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices. Level 2 assessments shall be conducted by parties approved by the Approving Authority.

(b) When conducting assessments, suppliers shall ensure that the assessor evaluates minimum elements that include review and identification of inadequacies in sample sites; sampling protocol; sample processing; atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., small ground water systems); and existing water quality monitoring data. The supplier shall conduct the assessment consistent with any Approving Authority directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

(3) Level 1 Assessments. A supplier shall conduct a Level 1 assessment consistent with Approving Authority requirements if the system exceeds one of the treatment technique triggers in paragraph (1)(a) of this section.

(a) The supplier shall complete a Level 1 assessment as soon as practical after any trigger in paragraph (1)(a) of this section. In the completed assessment form, the supplier shall describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified. The supplier shall submit the completed Level 1

assessment form to the Approving Authority within 30 days after the supplier learns that it has exceeded a trigger.

(b) If the Approving Authority reviews the completed Level 1 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Approving Authority shall consult with the supplier. If the Approving Authority requires revisions after consultation, the supplier shall submit a revised assessment form to the Approving Authority on an agreed-upon schedule not to exceed 30 days from the date of the consultation.

(c) Upon completion and submission of the assessment form by the supplier, the Approving Authority shall determine if the supplier has identified a likely cause for the Level 1 trigger and, if so, establish if the supplier has corrected the problem, or has included a schedule acceptable to the Approving Authority for correcting the problem.

(4) Level 2 Assessments. A supplier shall ensure that a Level 2 assessment consistent with Approving Authority requirements is conducted if the supplier exceeds one of the treatment technique triggers in paragraph (1)(b) of this section. The supplier shall comply with any expedited actions or additional actions required by the Approving Authority in the case of an E. coli MCL violation.

(a) The supplier shall ensure that a Level 2 assessment is completed as soon as practical after any trigger in paragraph (1)(b) of this section. The supplier shall submit a completed Level 2 assessment form to the Approving Authority within 30 days after the supplier learns that it has exceeded a trigger. The assessment form shall describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified.

(b) The supplier may conduct Level 2 assessments if the supplier has staff or management with the certification or qualifications specified by the Approving Authority unless otherwise directed by the Approving Authority.

(c) If the Approving Authority reviews the completed Level 2 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Approving Authority shall consult with the supplier. If the Approving Authority requires revisions after consultation, the supplier shall submit a revised assessment form to the Approving Authority on an agreed-upon schedule not to exceed 30 days.

(d) Upon completion and submission of the assessment form by the supplier, the Approving Authority shall determine if the supplier has identified a likely cause for the Level 2 trigger and determine whether the supplier has corrected the problem, or has included a schedule acceptable to the Approving Authority for correcting the problem.

(5) Corrective Action. Suppliers shall correct sanitary defects found through either Level 1 or 2 assessments conducted under subsection (2) of this section. For corrections not completed by the time of submission of the assessment form, the supplier shall complete the corrective action(s) in compliance with a timetable approved by the Approving Authority in consultation with the supplier. The supplier shall notify the Approving Authority when each scheduled corrective action is completed.

(6) Consultation. At any time during the assessment or corrective action phase, either the water supplier or the Approving Authority may request a consultation with the other party to determine the appropriate actions to be taken. The supplier may consult with the Approving Authority on all relevant information that may impact on its ability to comply with a requirement of this subpart, including the method of accomplishment, an appropriate time frame, and other relevant information.

J. Violations of the Revised Total Coliform Rule.

(1) E. coli MCL Violation. A system is in violation of the MCL for E. coli when any of the conditions identified in paragraphs (1)(a) — (d) of this section occur.

(a) The system has an E. coli-positive repeat sample following a total coliform-positive routine sample.

(b) The system has a total coliform-positive repeat sample following an E. coli-positive routine sample.

(c) The system fails to take all required repeat samples following an E. coli-positive routine sample.

(d) The system fails to test for E. coli when any repeat sample tests positive for total coliform.

(2) Treatment Technique Violation.

(a) A treatment technique violation occurs when a system exceeds a treatment technique trigger specified in §I(1) of this regulation and then fails to conduct the required assessment or corrective actions within the time frame specified in §I(2) and (3) of this regulation.

(b) A treatment technique violation occurs when a seasonal system fails to complete an Approving Authority-approved start-up procedure prior to serving water to the public.

(3) Monitoring Violations.

(a) Failure to take every required routine or additional routine sample in a compliance period is a monitoring violation.

(b) Failure to analyze for E. coli following a total coliform-positive routine sample is a monitoring violation.

(4) Reporting Violations.

(a) Failure to submit a monitoring report or completed assessment form after a system properly conducts monitoring or assessment in a timely manner is a reporting violation.

(b) Failure to notify the Approving Authority following an E. coli-positive sample as required by 40 CFR §141.858(b)(1) in a timely manner is a reporting violation.

(c) Failure to submit certification of completion of Approving Authority-approved start-up procedure by a seasonal system is a reporting violation.

.15-2 Disinfection Byproducts Sampling and Analytical Requirements.

A. — H. (text unchanged)

I. Stage 2 Disinfection Byproducts Requirements

(1) — (2) (text unchanged)

(3) Monitoring and Compliance.

(a) — (f) (text unchanged)

(g) Increased Monitoring.

(i) A supplier of water shall increase monitoring to include dual sample sets once per quarter at all locations if a TTHM sample is greater than 0.080 milligram per liter or an HAA5 sample is greater than 0.060 milligram per liter at any location. There shall be **[**at least**]** 90 days between the **[**quarterly**]** samples. *The approved sample period is based on the month that includes the peak historical month for the water system. Sample periods may include: 1) January, April, July, October; 2) February, May, August, November; or 3) March, June, September, December.*

(ii) — (iii) (text unchanged)

(h) (text unchanged)

(4) — (5) (text unchanged)

J. (text unchanged)

.19 Reporting Requirements.

A. — C. (text unchanged)

D. Reporting Requirements for Total *Coliform,* **[**and**]** Fecal Coliform, *and E.coli*.

(1) A supplier of water which has exceeded the maximum contamination level for total coliform under Regulation .10 of this chapter shall report the violation to the Approving Authority before

the end of the next business day after the supplier of water was notified of the violation *until March 31, 2016.*

(2) When fecal coliform or E. coli are detected, or when a supplier of water assumes a total coliform-positive sample is positive for fecal coliform or E. coli, the supplier of water shall notify the Approving Authority by the end of the business day on which the supplier of water was notified of the results. If the supplier of water was notified of the fecal or E. coli result after the end of the business day, the supplier of water shall notify the Approving Authority by the end of the next business day *until March 31, 2016*.

(3) (text unchanged)

(4) Reporting for E.coli After April 1, 2016.

(a) A supplier shall notify the Approving Authority by the end of the day when the supplier learns of an E. coli MCL violation, unless the supplier learns of the violation after the Approving Authority office is closed and the Approving Authority does not have either an after-hours phone line or an alternative notification procedure, in which case the supplier shall notify the Approving Authority before the end of the next business day, and notify the public in accordance with subpart Q of 40 CFR §141.

(b) A supplier shall notify the Approving Authority by the end of the day when the supplier is notified of an E. coli- positive routine sample, unless the supplier is notified of the result after the Approving Authority office is closed and the Approving Authority does not have either an after-hours phone line or an alternative notification procedure, in which case the supplier shall notify the Approving Authority before the end of the next business day.

(5) A supplier that has violated the treatment technique for coliforms in Regulation .11-4I of this chapter shall report the violation to the Approving Authority no later than the end of the next business day after it learns of the violation, and notify the public in accordance with subpart Q of 40 CFR §141.

(6) A supplier required to conduct an assessment under the provisions of Regulation .11-4I of this chapter shall submit the assessment report within 30 days. The supplier shall notify the Approving Authority in accordance with Regulation .11-4I of this chapter when each scheduled corrective action is completed for corrections not completed by the time of submission of the assessment form.

(7) A supplier that has failed to comply with a coliform monitoring requirement shall report the monitoring violation to the Approving Authority within 10 days after the supplier discovers the violation, and notify the public in accordance with subpart Q of 40 CFR §141.

(8) A seasonal system shall certify, prior to serving water to the public, that it has complied with the Approving Authority-approved start-up procedure.

[(4)**]** *(9)* In addition to the requirements of 40 CFR §141.31, a ground water supplier regulated under 40 CFR §141 Subpart S shall provide the following information to the Approving Authority:

(a) — (c) (text unchanged)

E. — G. (text unchanged)

.20 Public Notification of Variances, Exemptions, and Noncompliance with Standards.

A. — B. (text unchanged)

C. Tier 2 Public Notice.

(1) (text unchanged)

(2) Manner of Tier 2 Notice. A supplier of water shall:

(a) (text unchanged)

(b) Repeat the notice every 3 months as long as the violation or situation persists, unless the Approving *Authority determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstances may the repeat notice be given less frequently than once per year. The Approving Authority may not allow less frequent repeat notice for an MCL or treatment technique violation under Regulation .11-4 of this chapter or a treatment technique violation under Regulation .05-2 of this chapter. The Approving Authority may not allow less frequent repeat notice for a Tier 2 repeat notice. Approving Authority determinations that allow repeat notices to be given less frequently than once every 3 months must be in writing* **[**issues written permission for a different repeat notice frequency, which notice frequency may not be less often than once a year**]**;

(c) — (d) (text unchanged)

(3) — (5) (text unchanged)

D. Tier 3 Public Notice.

(1) (text unchanged)

(a) — (c) (text unchanged)

(d) Results are available for unregulated contaminant monitoring; **[**and**]**

(e) Exceedance of the fluoride secondary maximum contaminant level*; and* **[**.**]**

(f) Reporting and record-keeping violations under subpart Y of 40 CFR §141.

(2) (text unchanged)

E. (text unchanged)

.20-2 Consumer Confidence Reports.

A. — D. (text unchanged)

E. (text unchanged)

(1) — (3) (text unchanged)

(4) (text unchanged)

(a) — (f) (text unchanged)

(g) For a report that contains information regarding a Level 1 or Level 2 assessment required by Regulation .11-4 of this chapter, Level 1 assessment and Level 2 assessment, as applicable.

(5) Information on Detected Contaminants.

(a) (text unchanged)

(b) (text unchanged)

(i) The highest contaminant level used to determine compliance and the range of **[**test results**]** *detected levels* from monitoring *for contaminants subject to an MCL, except turbidity, total coliform, fecal coliform and E. coli*;

(ii) — (iv) (text unchanged)

(c) (text unchanged)

(6) — (9) (text unchanged)

(10) Any system required to comply with a Level 1 or Level 2 assessment requirement under Regulation .11-4 of this chapter that is not due to an E. coli MCL violation shall include the information specified in 40 CFR §141.153(h)(7).

F. — I. (text unchanged)

.21 Record Maintenance.

A. — G. (text unchanged)

H. In addition to the previous requirements of this regulation, a ground water supplier subject to 40 CFR §141 Subpart S shall maintain information in its records, including the following:

(1) — (3) (text unchanged)

(4) For consecutive systems, documentation of notification to the wholesale system(s) of total-coliform positive samples that are not invalidated under 40 CFR §141.21(c) *until March 31, 2016, or under 40 CFR §141.853 beginning April 1, 2016*. Documentation shall be kept for a period of not less than 5 years.

(5) (text unchanged)

I. In addition to §A of this regulation, a public water supplier subject to 40 CFR §141, Subpart Y shall maintain information in its records, including the following:

(1) The supplier shall maintain any assessment form, regardless of who conducts the assessment, and documentation of corrective actions completed as a result of those assessments, or

other available summary documentation of the sanitary defects and corrective actions taken under Regulation .11-4H of this chapter for Approving Authority review. This record shall be maintained by the supplier for a period not less than 5 years after completion of the assessment or corrective action.

(2) The supplier shall maintain a record of any repeat sample taken that meets Approving Authority criteria for an extension of the 24-hour period for collecting repeat samples as provided for under Regulation .11-4H(1)(a) of this chapter.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 29
DEPARTMENT OF STATE POLICE

Subtitle 01 OFFICE OF THE SECRETARY

29.01.02 Public Information Requests

Authority: General Provisions Article, §§4-201, 4-205, **[**and**]** 4-206, *and 4-330*; Public Safety Article, §2-205; Annotated Code of Maryland

Notice of Proposed Action

[16-115-P]

The Secretary of State Police proposes to amend Regulations **.01**, **.02**, and **.11** and adopt new Regulation **.16** under **COMAR 29.01.02 Public Information Requests**.

Statement of Purpose

The purpose of this action is to amend Regulation .01 by updating a cross-reference; amend Regulation .02 by adding date of birth and drivers' license number to the items included in sociological data; amend Regulation .11 by deleting A—D and adding text that states where a complaint for review of a denial is to be filed and the authority for that action; and adding new Regulation .16.

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 Thomas Vondersmith, Administrator, Department of State Police, 1201 Reisterstown Road, Pikesville, MD 21208, or call 410-653-4253, or email to thomas.vondersmith@maryland.gov, or fax to 410-653-4250. Comments will be accepted through June 13, 2016. A public hearing has not been scheduled.

.01 General.

This chapter sets out procedures for filing requests with the Department of State Police for the inspection and copying of records under [State Government Article, §§10-611—10-630**]** *General Provisions Article, Title 4, Annotated Code of Maryland.* It is the policy of the Department to facilitate public access to the records of the Department, when access is allowed by law, by minimizing costs and time delays to persons requesting information.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Act" means **[**State Government Article, 10-611─10-630**]** *General Provisions Article, Title 4*, Annotated Code of Maryland.

(2)—(8) (text unchanged)

(9) "Sociological data" means any of the following information concerning a person about whom a record is maintained by the Department of State Police:

(a) (text unchanged)

(b) Date of birth;

(c) Driver's license number;

[(b)**]** *(d)* — **[**(h)**]** *(j)* (text unchanged)

(10)—(11) (text unchanged)

.11 Review of the Denial.

[A. If a written request is denied by the custodian for a reason other than that the record is temporarily unavailable, the applicant may, within 30 days after receipt of the notice of the denial, request an administrative hearing.

B. If the applicant requests a hearing, the hearing shall be conducted by a hearing officer designated by the Office of Administrative Hearings in accordance with COMAR 29.01.01. The Secretary shall issue the final decision of the Department.

C. If the hearing results in a total or partial denial of the written request, the applicant may file an appropriate action in the circuit court under State Government Article, §10-623, Annotated Code of Maryland.

D. If the applicant chooses not to request a hearing under §A of this regulation, the applicant may file an action for judicial enforcement under State Government Article, §10-623, Annotated Code of Maryland, without exhausting that administrative remedy.]

An applicant whose request is denied, or who is not provided with a copy, printout, or photograph of a public record as requested, may file a complaint with the circuit court under General Provisions Article, §4-362, Annotated Code of Maryland.

.16 Sociological Information.

The Department shall deny inspection of the part of a public record that contains sociological information.

WILLIAM M. PALLOZZI
Secretary of State Police

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.

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: May 25, 2016, 2 — 5 p.m.
Place: 500 N. Calvert St., 3rd Fl. Boardroom, Baltimore, MD
Contact: Patrick Pannella (410) 230-6223

[16-10-14]

BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

Subject: Public Hearing
Date and Time: July 8, 2016, 9:30 a.m. — 12 p.m.; Additional Dates: September 9, October 14, and December 9, 2016
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: Gwendolyn Joyner (410) 764-5996

[16-10-11]

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE

Subject: Reduction of Bond Authorization Announcement
Add'l. Info: Pursuant to Section 8-128 of the State Finance and Procurement Article, which provides that if within, 2 years after the date of an authorization of State debt, no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

(1) The enabling act provides otherwise; or

(2) In an emergency, the Board unanimously grants a temporary exception for a period of one year.

Therefore, with Board of Public Works approval of item, #16 MARYLAND DEPARTMENT OF THE ENVIRONMENT dated April 27, 2016, we submit for publication the following cancellation of bond authorization(s) in accordance with the above referenced articles:

Supplemental Assistance Program: Ch. 424, Acts of 2013; $15,052; authorized the funds to provide assistance to grant and loan recipients to meet the local share of construction costs.

Supplemental Assistance Program: Ch. 463, Acts of 2014; $30,795; Of these funds, $550,000 shall be used to provide a grant to the Town of Federalsburg for the design and construction of improvements to the Town of Federalsburg Railroad Avenue Combined Sewer Overflow Removal and Water Main Replacement Project.

Re Rentuma
Fiscal Specialist
Administration and Finance
Contact: Re Rentuma (410) 260-7909

[16-10-18]

CORRECTIONAL TRAINING COMMISSION

Subject: Public Meeting
Date and Time: May 18, 2016, 10 a.m. — 12 p.m.
Place: Public Safety and Education Training Center, 6852 4th St., Sykesville, MD
Contact: William J. McMahon (410) 875-3600

[16-10-17]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Hearing on Regulations
Date and Time: June 2, 2016, 10 a.m. — 12 p.m.; Additional Dates: July 14, August 4, September 1, October 6, November 3, and December 1, 2016
Place: Maryland Insurance Administration, 200 St. Paul Pl., 22nd Fl., Francis Scott Key Conf. Rm., Baltimore, MD
Add'l. Info: Pursuant to the passage and anticipated enactment of HB1318/SB929, Health Benefit Plans — Network Access Standards and Provider Network Directories, Insurance Commissioner Al Redmer will hold several upcoming public hearings to consult with stakeholders on the creation and adoption of new COMAR regulations, as required under this legislation. According to the legislation, these regulations must establish quantitative and, if appropriate, nonquantitative criteria to evaluate network sufficiency for certain health benefit plans, and must set standards for the availability of providers to meet the needs of enrollees for dental plan organizations, insurers, and nonprofit health service plans that provide coverage for dental services.

If you plan to attend this meeting either in person or via teleconference, please RSVP to Lisa Larson at lisa.larson@maryland.gov by May 31. An agenda will be posted prior to the hearing on the MIA website, located at http://insurance.maryland.gov, and will be circulated to each individual that RSVPs with an email address in advance.

Parties who wish to submit written comments should email comments to Lisa.Larson@maryland.gov no later than May 25, 2016. Parties who wish to give oral comments at a hearing can sign up to do so in person on the day of each hearing.
Contact: Lisa Larson (410) 468-2007

[16-10-13]

STATE ADVISORY BOARD FOR JUVENILE SERVICES

Subject: Public Meeting
Date and Time: May 24, 2016, 2 — 4 p.m.
Place: 49 Old Solomons Island Rd., #300, Annapolis, MD
Contact: Ryan Metzgar (410) 230-3488

[16-10-24]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: May 26, 2016, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Marie A. Torosino (410) 230-8790

[16-10-19]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: May 19, 2016, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460

[16-10-01]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: June 16, 2016, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
[16-10-02]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review
Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Chesapeake Treatment Center d/b/a New Directions and The Right Moves — Docket No. 15-24-2371 — Conversion of 8 of the existing 29 AJSO (adjudicated juvenile sex offenders) RTC beds at the facility to use as a highly specialized program for transition-age youth (18 through 20). These non-AJSO RTC beds would be dedicated to transitional youth in the custody of the Maryland Department of Juvenile Services for whom placement in another Maryland RTC facility has not been possible, or for whom clinically suitable services are not available in another Maryland facility; Proposed Cost: $80,000.

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

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.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business on June 13, 2016. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Matter/Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.
Contact: Ruby Potter (410) 764-3276
[16-10-22]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review
Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Kaiser Permanente South Baltimore County Medical Center — Matter No. 15-03-2372 — Addition of 1 operating room to an existing 2 operating room ambulatory surgery center located at 1701 Twin Spring Road, Halethorpe; Proposed Cost: $1,474,617.

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

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.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business June 13, 2016. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Matter/Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.
Contact: Ruby Potter (410) 764-3276
[16-10-23]

MARYLAND PUBLIC TELEVISION

Subject: Public Meeting
Date and Time: June 16, 2016, 5 — 8 p.m.
Place: Maryland Historical Society, Baltimore, MD
Contact: Laura Taylor (410) 581-4141
[16-10-20]

BOARD OF EXAMINERS IN OPTOMETRY

Subject: Public Meeting
Date and Time: May 25, 2016, 9:30 a.m. — 12 p.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 105, Baltimore, MD
Add'l. Info: Health Occupations Article, Title 11, Annotated Code of Maryland, and COMAR 10.28, amendments, additions, and revisions maybe discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session.
Contact: Patricia G. Bennett (410) 764-4710
[16-10-06]

BOARD OF EXAMINERS IN OPTOMETRY

Subject: Public Meeting on Regulations
Date and Time: May 25, 2016, 12 — 2 p.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 105, Baltimore, MD
Add'l. Info: The Regulatory Review Committee will discuss and review COMAR 10.28.08 Partial Waiver, 10.28.09 Advertising, 10.28.10 Optometrist Accountability, and 10.28.11 Use of Diagnostic Pharmaceutical Agents.
Contact: Patricia G. Bennett (410) 764-5994
[16-10-07]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: June 9, 2016, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[16-10-08]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: July 14, 2016, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[16-10-09]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: September 8, 2016, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4885
[16-10-10]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting
Date and Time: May 18, 2016, 10 a.m. — 12 p.m.
Place: Office of Health Care Quality, Spring Grove Campus, Bland Bryant Bldg., Catonsville, MD
Add'l. Info: A map and directions may be found at http://dhmh.maryland.gov/ohcq/docs/Map%20of%20Campus.pdf.
Contact: Paul Ballard (410) 767-6918
[16-10-15]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: June 22, 2016, 9 a.m. — 4 p.m.
Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Chris Nagle (410) 537-4466
[16-10-03]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: June 9, 2016, 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
[16-10-05]

GOVERNOR'S WORKFORCE INVESTMENT BOARD

Subject: Public Meeting
Date and Time: June 1, 2016, 3:30 — 5:30 p.m.
Place: 7201 Corporate Center Dr., Hanover, MD
Add'l. Info: Governor's Workforce Investment Board Quarterly Meeting
Contact: Darla Henson (410) 767-2408
[16-10-04]

COMAR ORDER INFORMATION SHEET

Date _____ Subscriber I.D. _____

Name_____

Company_____

Address_____

City_____State_____Zip_____

Tel._____ Fax_____

Email: _____

_____ Check enclosed, made payable to "Division of State Documents"

_____ Visa/Master Card/American Express/Discover card payment:

Acct.#_____ **Exp**._____

Signature _____Tel:_____

Return form & payment to: Office of the Secretary of State, Division of State Documents ~
State House ~ Annapolis, MD 21401 ~ Tel: 410-260-3876 ~ 800-633-9657 ext. 3876 ~ Fax: 410-280-5647

~~~~~~

SPECIAL COMAR PUBLICATIONS

Publication / Handbook	Print Price	S & H	Quantity	Total
Control of Ionizing Radiation (through supplement 27)	$163	$12	_____	_____
Control of Ionizing Radiation Supplement 26 ONLY	$15	$0	_____	_____
Control of Ionizing Radiation Supplement 27 ONLY	$12	$0	_____	_____
Forest Conservation Law	$15	$5	_____	_____
Forest Conservation Technical Manual 3rd Edition, 1997	$20	$8	_____	_____
Preventive Maintenance Handbook (PM Handbook) (salmon cover)	$15	$5	_____	_____
Vehicle Inspection Handbook (Feb 2012)	$48	$9	_____	_____
			Total	_____

If quantity is more than one, shipping charges may vary, please call 410-260-3876 for pricing.

COMAR SUBSCRIPTION SCHEDULES

PDF QUARTERLY UPDATES	PRINT SEMI-ANNUAL UPDATES
After March 30th	After June 30th
After June 30th	After December 31st
After September 30th	
After December 31st	

PDF – A replacement title(s) in its entirety will be sent in electronic format.

PRINT – Entire chapters affected will be sent for replacement and insertion into COMAR title book(s).

Last updated 10/2015
~~~~~~

COMAR IN PDF — ORDER FORM

Titles	Agency Name	Price[1]	Subscription[2]	Quantity	Total
Complete set of COMAR in PDF format		$1,000	$500	_____	_____
Title 01	Executive Department	$35	$24	_____	_____
Title 02	Office of the Attorney General	$22	$13	_____	_____
Title 03	Comptroller of the Treasury	$30	$20	_____	_____
Title 04	General Services	$16	$10	_____	_____
Title 05	Housing and Community Development	$78	$50	_____	_____
Title 07	Human Resources	$80	$53	_____	_____
Title 08	Natural Resources	$78	$51	_____	_____
Title 09	Labor, Licensing and Regulation	$89	$60	_____	_____
Title 10	Health & Mental Hygiene (All parts) **	$272	$180	_____	_____
Title 10	Part 1 **	$48	$32	_____	_____
Title 10	Part 2 **	$75	$50	_____	_____
Title 10	Part 3 **	$75	$50	_____	_____
Title 10	Part 4 **	$50	$35	_____	_____
Title 10	Part 5 **	$69	$50	_____	_____
Title 11	Transportation (All parts) **	$106	$75	_____	_____
Title 11	Part 1 (Transportation) **	$42	$25	_____	_____
Title 11	Part 2 (MVA)**	$74	$50	_____	_____
Title 12	Public Safety and Correctional Services	$67	$43	_____	_____
Title 13A	Board of Education	$63	$42	_____	_____
Title 13B	Higher Education Commission	$25	$15	_____	_____
Title 14	Independent Agencies	$80	$53	_____	_____
Title 15	Agriculture	$48	$30	_____	_____
Title 16	Juvenile Service	$23	$15	_____	_____
Title 17	Budget and Management	$28	$16	_____	_____
Title 18	Assessments and Taxation	$20	$12	_____	_____
Title 19A	State Ethics Commission	$24	$14	_____	_____
Title 20	Public Service Commission	$49	$32	_____	_____
Title 21	State Procurement Regulations	$48	$30	_____	_____
Title 22	State Retirement and Pension System	$22	$13	_____	_____
Title 23	Board of Public Works	$18	$11	_____	_____
Title 24	Commerce	$34	$20	_____	_____
Title 25	State Treasurer	$16	$9	_____	_____
Title 26	Environment (All parts) **	$189	$125	_____	_____
Title 26	Part 1 **	$54	$35	_____	_____
Title 26	Part 2 **	$83	$52	_____	_____
Title 26	Part 3 **	$57	$38	_____	_____
Title 26	Part 4 **	$37	$24	_____	_____
Title 27	Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays	$18	$10	_____	_____
Title 28	Office of Administrative Hearings	$16	$9	_____	_____
Title 29	State Police	$30	$18	_____	_____
Title 30	MD Institute for Emergency Medical Services Systems	$25	$17	_____	_____
Title 31	Maryland Insurance Administration	$68	$45	_____	_____
Title 32	Aging	$25	$15	_____	_____
Title 33	State Board of Elections	$42	$25	_____	_____
Title 34	Planning	$31	$18	_____	_____
Title 35	Veterans Affairs	$16	$9	_____	_____
Title 36	Maryland State Lottery and Gaming Control Agency	$48	$30	_____	_____
	Binders (not included in PDF price)	$15	+ S & H	_____	_____
				Total:	_____

Prices are for single-user license only ~ Multi-user licenses are available. Please call 410-260-3876 for pricing information.

[1] Price is per copy of each Title.

[2] Annual Subscription - Receive updated COMAR Title(s) quarterly. ~ Subscription quantities MUST match Title quantities.

** See the following page for description of contents.

COMAR IN PRINT — ORDER FORM (8 ½ x 11 format)

Titles	Agency Name	Price[1]	Subscription[2]	Quantity	Total
Complete set of COMAR in Print (includes binders)		$1,425	$700	_____	_____
Title 01	Executive Department	$47	$30	_____	_____
Title 02	Office of the Attorney General	$31	$20	_____	_____
Title 03	Comptroller of the Treasury	$41	$25	_____	_____
Title 04	General Services	$23	$12	_____	_____
Title 05	Housing and Community Development	$103	$70	_____	_____
Title 07	Human Resources	$104	$70	_____	_____
Title 08	Natural Resources	$102	$70	_____	_____
Title 09	Labor, Licensing and Regulation	$116	$75	_____	_____
Title 10	Health & Mental Hygiene (All Parts)**	$350	$230	_____	_____
Title 10	Part 1 **	$65	$40	_____	_____
Title 10	Part 2 **	$99	$70	_____	_____
Title 10	Part 3 **	$99	$70	_____	_____
Title 10	Part 4 **	$69	$42	_____	_____
Title 10	Part 5 **	$91	$62	_____	_____
Title 11	Transportation (All parts) **	$137	$85	_____	_____
Title 11	Part 1 (Transportation)**	$55	$35	_____	_____
Title 11	Part 2 (MVA) **	$102	$70	_____	_____
Title 12	Public Safety and Correctional Services	$86	$55	_____	_____
Title 13A	Board of Education	$83	$60	_____	_____
Title 13B	Higher Education Commission	$34	$20	_____	_____
Title 14	Independent Agencies	$103	$70	_____	_____
Title 15	Agriculture	$63	$40	_____	_____
Title 16	Juvenile Service	$32	$20	_____	_____
Title 17	Budget and Management	$38	$25	_____	_____
Title 18	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	Commerce	$47	$25	_____	_____
Title 25	State Treasurer	$23	$12	_____	_____
Title 26	Environment (All parts) **	$241	$160	_____	_____
Title 26	Part 1 **	$72	$42	_____	_____
Title 26	Part 2 **	$109	$72	_____	_____
Title 26	Part 3 **	$76	$50	_____	_____
Title 26	Part 4 **	$51	$30	_____	_____
Title 27	Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays	$26	$15	_____	_____
Title 28	Office of Administrative Hearings	$23	$12	_____	_____
Title 29	State Police	$40	$22	_____	_____
Title 30	MD Institute for Emergency Medical Services Systems	$34	$20	_____	_____
Title 31	Maryland Insurance Administration	$90	$62	_____	_____
Title 32	Aging	$34	$18	_____	_____
Title 33	State Board of Elections	$57	$35	_____	_____
Title 34	Planning	$42	$25	_____	_____
Title 35	Veterans Affairs	$23	$12	_____	_____
Title 36	Maryland State Lottery and Gaming Control Agency	$65	$43	_____	_____
	Additional Binder	$15	+ S & H	_____	_____
	Shipping & Handling Total: _____			**Order Total:**	_____

[1] Price is per copy of each Title and includes binders.

[2] Annual Subscription - Receive updated information semi-annually ~ Subscription quantities MUST match Title quantities.

** See the following page for description of contents

Note: *COMAR prices are subject to change. Check the date on the lower right hand corner of this form. If the form is more than three months old, call the COMAR Subscription Manager (410-260-3876) to confirm prices.* ***Fees are not refundable****.*

Shipping/Handling

Publication Total	Shipping
$ 0-50	$15
$ 51-150	$20
$ 151-300	$25
$ 301-400	$35

$400 + please call Subscription Department.

State agencies using courier, may omit S&H

Last updated 10/2015

CODE OF MARYLAND REGULATIONS

Titles 10, 11, and 26 are available in Parts, listed below with Subtitles, and may be purchased separately.

Title 10 Department of Health and Mental Hygiene

Part 1

01 Procedures
02 Division of Reimbursements
03 Health Statistics
04 Fiscal
05 Freestanding Ambulatory Care Facilities
06 Diseases
07 Hospitals
08 Health Facilities Grants

Part 2

09 Medical Care Programs

Part 3

10 Laboratories
11 Maternal and Child Health
12 Adult Health
13 Drugs
14 Cancer Control
15 Food
16 Housing
17 Swimming Pools and Spas
18 Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS)
19 Dangerous Devices and Substances
20 Kidney Disease Program
21 Mental Hygiene Regulations
22 Developmental Disabilities

Part 4

23 Advance Directive Registry
24 Maryland Health Care Commission
25 Maryland Health Care Commission
26 Board of Acupuncture
27 Board of Nursing
28 Board of Examiners in Optometry
29 Board of Morticians and Funeral Directors
30 Maryland Commission on Kidney Disease
31 Health Occupation Boards
32 Board of Physicians
33 Board of Examiners of Nursing Home Administrators
34 Board of Pharmacy
35 Postmortem Examiners Commission
36 Board of Examiners of Psychologists

Part 5

37 Health Services Cost Review Commission
38 Board of Physical Therapy Examiners
39 Board of Nursing – Certified Nursing Assistants
40 Board of Podiatric Medical Examiners
41 Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists
42 Board of Social Work Examiners
43 Board of Chiropractic and Massage Therapy Examiners
44 Board of Dental Examiners
45 Maryland Community Health Resources Commission
46 Board of Occupational Therapy Practice
47 Alcohol and Drug Abuse Administration
48 Child Abuse and Neglect Medical Reimbursement Program
49 State Anatomy Board
50 Tissue Banks
51 Forensic Laboratories
52 Preventive Medicine
53 Board of Nursing – Electrology Practice Committee
54 Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
55 State Board of Spinal Cord Injury Research
56 Board of Dietetic Practice
57 Board for Certification of Residential Child Care Program Professionals
58 Board of Professional Counselors and Therapists
59 Catastrophic Health Emergencies
60 Board of Environmental Health Specialists
61 Health Enterprise Zone Initiative
62 Natalie Laprade Medical Marijuana Commission
63 Community-Based Behavioral Health Programs and Services

Title 11 Department of Transportation

Part 1

01 Office of the Secretary
02 Transportation Service Human Resources System
03 Maryland Aviation Administration
04 State Highway Administration
05 Maryland Port Administration
06 Mass Transit Administration
07 Maryland Transportation Authority
08 State Railroad Administration
09 Vacant
10 Vacant

Part 2

11 Motor Vehicle Administration – Administrative Procedures
12 MVA – Licensing of Businesses and Occupations
13 MVA – Vehicle Equipment
14 MVA – Vehicle Inspections
15 MVA – Vehicle Registration
16 MVA – Vehicle Operations
17 MVA – Driver Licensing and Identification Documents
18 MVA – Financial Responsibility Requirements
19 MVA – School Vehicles
20 MVA – Motorcycle Safety Program
21 MVA – Commercial Motor Vehicles
22 MVA – Preventive Maintenance Program
23 MVA – Drivers' Schools, Instructors & Driver Education Program

Title 26 Department of the Environment

Part 1

01 General Provisions
02 Occupational, Industrial, and Residential Hazards
03 Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding
04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
05 Board of Well Drillers
06 Waterworks and Waste Systems Operators
07 Board of Environmental Sanitarians

Part 2

08 Water Pollution
09 Maryland CO_2 Budget Trading Program
10 Oil Pollution and Tank Management
11 Air Quality
12 Radiation Management

Part 3

13 Disposal of Controlled Hazardous Substances
14 Hazardous Substance Response Plan
15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
16 Lead
17 Water Management
18 Susquehanna River Basin Commission

Part 4

19 Oil and Gas Resources
20 Surface Coal Mining and Reclamation under Federally Approved Program
21 Mining
22 Coastal Facilities Review
23 Nontidal Wetlands
24 Tidal Wetlands
25 Ballast Water Management
26 Community Right-to-Know Fund
27 Hazardous Material Security

Last Updated 12/2015

Date: ___________________

Subscriber Id.# ___________

Maryland Register

Archive Order Form

The Division of State Documents has created pdf files of all the Maryland Register issues since 1974. The issues from 1974—2003 are scanned images of the actual Register in pdf format and, as such, are not searchable, while the issues beginning with 2004 are *searchable text* in pdf format files.

❖ Single issues of the Maryland Register from 1974—present

_____ $10 Per issue of the Register from 1974—present via emailed pdf file.
Please specify **Issue(s)**: ______________________________________

_____ $15 Per issue of the Maryland Register from 1974—present via mailed hard-copy
Please specify **Issue(s)**: ______________________________________

❖ An archival library of all Maryland Register issues from 1974—2015:

_____ $375 2 DVDs (1974 — 2015)

_____ $50 One year of the Maryland Register from 1974—2003 (unsearchable):
Please specify **Year(s):** ______________________________

❖ _____ $100 A single year of issues from 2004 forward will be available in January of the year following their publication. These will be searchable files, on CD.

Please specify year(s) between 2004 through 2015: ________________________

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

❖ Please order by *faxing* the completed form to:
Fax: 410-280-5647

❖ By *mailing* it to:
Division of State Documents
State House
Annapolis, MD 21401

❖ By *emailing it* to:
dlsubscriptions_sos@Maryland.gov

❖ By *calling*: 410-260-3876

Business/Agency: ____

Name: ____

Billing Address: ____

____

City, State, Zip ____

Tel: ______________________Fax:________________________

Recipient's Email:____

~~~~~~

(Please circle payment choice and complete the order form)

Money Order or Check # ___________ ***Amount: $__________ or***

VISA, MasterCard, American Express, Discover ~ Amount: $____________

Card # ____ Card Exp. Date: ____________

Signature: ____ Phone: ________________________

Last updated 4/2016
~~~~~~

Date: ___________________

Subscriber Id.# ___________

Maryland Register

<u>**Print and E-Version Order Form**</u>

The Maryland Register is a biweekly publication containing proposed, emergency, and final administrative regulations as well as other State government information. The Register serves as the temporary supplement to the Code of Maryland Regulations (COMAR). 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.

See separate Order Form for the Maryland Register Archive Issues from 1974 — 2015.

- _____ $225 A single year of the Maryland Register in Print ~ 1st Class Mail Delivery.
- _____ $ 15 1 Binder for half a year of Maryland Register issues in Print.
- _____ $ 25 2 Binders for a full year of Maryland Register issues in Print.
- _____ $190 A **single-user** annual e-Subscription, which provides a searchable pdf text file of each issue, emailed directly to <u>one recipient's</u> email address.
- _____ $130 *Per* **additional user,** *per account subscription*. Call 410-260-3876 for details.

<u>Note</u>: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

- Please order by *faxing* the completed form to:
  Fax: 410-280-5647
- By *mailing* it to:
  Division of State Documents
  State House
  Annapolis, MD 21401
- By *emailing it* to:
  dlsubscriptions_sos@Maryland.gov
- By *calling*: 410-260-3876

Business/Agency: ____

Name: ____

Billing Address: ____

____

City, State, Zip ____

Tel: ______________________Fax:________________________

Recipient's Email:____

~~~~~~

(Please circle payment choice and complete the order form)

Money Order or Check # ___________ ***Amount: $__________ or***

VISA, MasterCard, American Express, Discover ~ Amount: $____________

Card # ____ Card Exp. Date: ___________

Signature: ______________________________________ Phone: ______________________

<u>**Fees are not refundable**</u>.

Last updated 2/2016
~~~~~~

Date: _____

DHMH Pamphlets ORDER FORM

Name: _____

Firm Name: _____

Address: _____ P. O. Box: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____

Email: _____

Codification #	Pamphlet Title	Price / #
COMAR 10.05	Freestanding Ambulatory Care Facilities — Dec 2015 ..... *	$10 × ____
COMAR 10.07.01	Acute General Hospitals and Special Hospitals — March 2015	$10 × ____
COMAR 10.07.02	Comprehensive Care Facilities and Extended Care Facilities — May 2014	$15 × ____
COMAR 10.07.03	Health Care Staff Agencies — Dec 2015	$ 9 × ____
COMAR 10.07.05	Residential Service Agencies — March 2016	$11 × ____
COMAR 10.07.06	Hospital Patient Safety Program — Apr 2004	$ 8 × ____
COMAR 10.07.07	Nursing Referral Service Agencies — Dec 2006	$ 8 × ____
COMAR 10.07.09	Bill of Rights: Comp. Care Facil. & Extended Care Facilities — Aug 2009	$ 9 × ____
COMAR 10.07.10	Home Health Agencies — Aug 2002	$ 8 × ____
COMAR 10.07.11	Health Maintenance Organizations — Aug 2010	$10 × ____
COMAR 10.07.14	Assisted Living Programs — Aug 2013	$15 × ____
COMAR 10.07.21	Hospice Care Programs — Sep 1998	$ 9 × ____
COMAR 10.10	Laboratory Regulations — Dec 2015	$15 × ____
COMAR 10.12.04	Day Care for the Elderly and Adults with a Medical Disability — Dec 2015	$ 9 × ____
COMAR 10.15.03	Food Service Facilities — March 2016	$15 × ____
COMAR 10.21	Mental Hygiene Regulations — Dec 2014	$27 × ____
COMAR 10.22	Developmental Disabilities — Oct 2015	$20 × ____
COMAR 10.47	Alcohol And Drug Abuse Administration — Feb 2016	$15 × ____
COMAR 10.51	Forensic Laboratories — July 2015	$15 × ____
COMAR	Nurse Practice Act — Jan 2016 ... (If ordering multiple copies, please call for pricing) ...	$32 × ____
COMAR 10.62	Natalie Laprade Medical Cannabis Commission — Sep 2015	$15 × ____

TOTAL: $_____

* *Price of pamphlets **includes** shipping.*

Payment Method, _____ Check enclosed, made payable to: "**The Division of State Documents**"

Choose/Check one: _____ VISA / Master Card / American Express / Discover card payment:

Acct.# _____ **Exp. Date**: _____

Signature: _____ Tel: _____

Return form and payment to: Office of the Secretary of State
Division of State Documents ~ State House ~ Annapolis, MD 21401
Tel: 410-260-3876 ~ 800-633-9657 ~ Fax: 410-280-5647

Note: COMAR prices may change. Check the date on the lower right hand corner of this form. If the form is more than 3 months old, call the Subscription Manager 410-260-3876 to confirm prices.

Last Updated 3/2016

Office of the Secretary of State
Division of State Documents
State House
Annapolis, MD 21401

PUBLISHERS OF:

The Code of Maryland Regulations (COMAR)
The Maryland Register

For information, contact:
Telephone: 410.260.3876 or 800.633.9657
E-Mail address: dlsubscriptions_sos@maryland.gov
Website: www.dsd.state.md.us