

# Maryland Register

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Volume 41 • Issue 22 • Pages 1303—1350

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before October 10, 2014, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of October 10, 2014.

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



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

## CITATION TO THE MARYLAND REGISTER

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

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

## CODE OF MARYLAND REGULATIONS (COMAR)

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

## CITATION TO COMAR REGULATIONS

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

## DOCUMENTS INCORPORATED BY REFERENCE

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

## HOW TO RESEARCH REGULATIONS

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

## SUBSCRIPTION INFORMATION

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

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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## PERSONS WITH DISABILITIES

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## COMAR Online

The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://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](http://www.dsd.state.md.us).

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

## Availability of Monthly List of Maryland Documents

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

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

## CLOSING DATES AND ISSUE DATES through JULY 24, 2015

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

\* 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      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](http://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.

### 03 COMPTROLLER OF THE TREASURY

03.02.05.04 • 41:18 Md. R. 1012 (9-5-14)  
 03.02.05.10 • 41:18 Md. R. 1013 (9-5-14)  
 03.02.05.12 • 41:18 Md. R. 1013 (9-5-14)  
 03.06.01.44 • 40:26 Md. R. 2167 (12-27-13)

### 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.02.01.02,.02-1,.03,.04 • 41:20 Md. R. 1118 (10-3-14) (ibr)  
 05.02.07.04,.05 • 41:20 Md. R. 1119 (10-3-14) (ibr)  
 05.05.01.01—.34 • 41:20 Md. R. 1120 (10-3-14)  
 05.05.02.02,.04,.06,.08,.11,.14,.17 • 41:20 Md. R. 1120 (10-3-14)  
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 .18—.22 • 41:20 Md. R. 1135 (10-3-14)  
 05.13.01.03,.05—.08,.16—.19 • 41:20 Md. R. 1141 (10-3-14)

### 07 DEPARTMENT OF HUMAN RESOURCES

07.03.07.02,.03,.09,.12 • 41:18 Md. R. 1014 (9-5-14)

### 08 DEPARTMENT OF NATURAL RESOURCES

08.01.03.01—.07,.10—.12 • 41:20 Md. R. 1143 (10-3-14)  
 08.02.04.03 • 41:20 Md. R. 1147 (10-3-14)  
 08.02.11.01,.04,.06 • 41:21 Md. R. 1264 (10-17-14)  
 08.02.21.03 • 41:21 Md. R. 1266 (10-17-14)  
 08.03.03.01 • 41:19 Md. R. 1083 (9-19-14)  
 08.03.04.02 • 41:21 Md. R. 1268 (10-17-14)  
 08.03.09.11 • 41:21 Md. R. 1268 (10-17-14)  
 08.18.32.01—.03 • 41:21 Md. R. 1269 (10-17-14)  
 08.18.34.01,.02 • 41:21 Md. R. 1269 (10-17-14)

### 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

09.03.12.01,.02 • 41:19 Md. R. 1084 (9-19-14)  
 09.08.03.03 • 41:3 Md. R. 210 (2-7-14)  
 09.10.01.07 • 41:16 Md. R. 951 (8-8-14)  
 09.10.01.49 • 41:18 Md. R. 1020 (9-5-14)  
 09.11.02.02 • 41:19 Md. R. 1085 (9-19-14)  
 09.12.81.01-1,.02-1 • 41:7 Md. R. 425 (4-4-14)  
 09.13.06.02—.10,.12 • 41:21 Md. R. 1270 (10-17-14)  
 09.19.01.01 • 41:14 Md. R. 809 (7-11-14)  
 09.19.02.01,.03,.04 • 41:14 Md. R. 810 (7-11-14)  
 09.19.12.02 • 41:14 Md. R. 812 (7-11-14)  
 09.21.02.03 • 41:19 Md. R. 1085 (9-19-14)  
 09.28.04.01—.11 • 41:14 Md. R. 813 (7-11-14)  
 09.34.06.14 • 41:18 Md. R. 1021 (9-5-14)

### 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

#### Subtitles 01—08 (1st volume)

10.01.18.01—.08 • 41:22 Md. R. 1322 (10-31-14)

#### Subtitle 09 (2nd volume)

10.09.02.07 • 41:20 Md. R. 1148 (10-3-14) (ibr)  
 10.09.10.07,.07-1,.17 • 41:15 Md. R. 907 (7-25-14)  
 10.09.33.04 • 41:15 Md. R. 908 (7-25-14)  
 10.09.49.01—.07,.11,.12 • 41:20 Md. R. 1148 (10-3-14)  
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 10.09.70.01—.10 • 41:20 Md. R. 1153 (10-3-14)  
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 10.09.91.01—.09 • 41:20 Md. R. 1162 (10-3-14)

**Subtitles 10 — 22 (3rd Volume)**

10.11.02.01—.09 • 41:22 Md. R. 1325 (10-31-14)  
 10.12.03.01—.12 • 41:19 Md. R. 1086 (9-19-14)  
 10.13.01.02—.06 • 41:11 Md. R. 614 (5-30-14)  
 10.19.07.01—.03 • 41:22 Md. R. 1328 (10-31-14)  
 10.21.25.09 • 41:14 Md. R. 833 (7-11-14)  
 10.22.14.03,.05—.11 • 41:21 Md. R. 1272 (10-17-14)

**Subtitles 23 — 36 (4th Volume)**

10.27.19.01,.02 • 41:14 Md. R. 833 (7-11-14)  
 10.27.27.02 • 41:18 Md. R. 1022 (9-5-14)  
 10.29.03.04 • 41:18 Md. R. 1022 (9-5-14)  
 10.32.06.04,.07 • 41:20 Md. R. 1164 (10-3-14)  
 10.32.10.04,.05,.05-1,.05-2 • 41:20 Md. R. 1166 (10-3-14)  
 10.35.01.01,.02,.08,.14,.19—.21 • 41:15 Md. R. 909 (7-25-14)

**Subtitles 37—61 (5th Volume)**

10.38.12.01—.04 • 41:19 Md. R. 1090 (9-19-14)  
 10.39.07.01,.02 • 41:14 Md. R. 833 (7-11-14)  
 10.44.34.01—.05 • 41:9 Md. R. 531 (5-2-14)  
 10.47.04.05 • 41:17 Md. R. 976 (8-22-14)  
 10.53.05.01—.04 • 41:14 Md. R. 833 (7-11-14)  
 10.61.01.03,.05,.06 • 41:18 Md. R. 1023 (9-5-14)

**11 DEPARTMENT OF TRANSPORTATION**

**Subtitles 01—10**

11.03.01.01-1,.12 • 41:20 Md. R. 1168 (10-3-14) (ibr)  
 11.03.01.13 • 40:26 Md. R. 2195 (12-27-13)  
 11.05.02.02 • 41:20 Md. R. 1168 (10-3-14)  
 11.05.03.02—.05,.07—.09,.12,.14 • 41:20 Md. R. 1168 (10-3-14)  
 11.05.07.03 • 41:20 Md. R. 1168 (10-3-14)

**Subtitles 11—22 (MVA)**

11.15.33.05 • 41:17 Md. R. 978 (8-22-14)  
 11.17.14.11 • 41:17 Md. R. 979 (8-22-14)

**12 DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES**

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 12.04.01.07 • 41:18 Md. R. 1024 (9-5-14)  
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 12.04.05.02 • 41:19 Md. R. 1091 (9-19-14)  
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 12.15.01.15,.19 • 41:12 Md. R. 693 (6-13-14)  
 12.15.06.01—.04 • 41:12 Md. R. 693 (6-13-14)

**13A STATE BOARD OF EDUCATION**

13A.01.02.06 • 41:20 Md. R. 1172 (10-3-14)  
 13A.04.09.01 • 41:21 Md. R. 1275 (10-17-14)  
 13A.12.01.01—.13 • 41:11 Md. R. 624 (5-30-14)  
 13A.12.03.02,.08 • 41:22 Md. R. 1329 (10-31-14)

**13B MARYLAND HIGHER EDUCATION COMMISSION**

13B.02.01.03,.04-1 • 41:12 Md. R. 703 (6-13-14)  
 13B.05.01.06,.11 • 41:14 Md. R. 838 (7-11-14)

**14 INDEPENDENT AGENCIES**

14.25.01.01 • 41:21 Md. R. 1276 (10-17-14)  
 14.25.02.01,.04,.08,.11,.13,.15,.18 • 41:21 Md. R. 1276 (10-17-14)  
 14.25.03.01—.05 • 41:21 Md. R. 1276 (10-17-14)  
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 14.36.01.01—.16 • 41:18 Md. R. 1031 (9-5-14)  
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 14.36.03.01—.06 • 41:18 Md. R. 1031 (9-5-14)  
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**15 DEPARTMENT OF AGRICULTURE**

15.20.04.11 • 40:21 Md. R. 1840 (10-18-13)  
 15.20.07.02 • 40:21 Md. R. 1840 (10-18-13) (ibr)  
 15.20.08.05 • 40:21 Md. R. 1840 (10-18-13)  
 15.20.11.01—.10 • 41:21 Md. R. 1280 (10-17-14)

**17 DEPARTMENT OF BUDGET AND MANAGEMENT**

17.04.11.04 • 41:18 Md. R. 1036 (9-5-14)

**19A STATE ETHICS COMMISSION**

19A.01.03.11 • 41:22 Md. R. 1330 (10-31-14)  
 19A.03.01.03,.04 • 41:22 Md. R. 1330 (10-31-14)  
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 19A.05.04.01,.02 • 41:22 Md. R. 1332 (10-31-14)  
 19A.07.01.03,.04 • 41:22 Md. R. 1333 (10-31-14)  
 19A.07.01.18 • 41:22 Md. R. 1334 (10-31-14)

**21 STATE PROCUREMENT REGULATIONS**

21.11.01.06 • 41:18 Md. R. 1037 (9-5-14)  
 21.11.14.04 • 41:14 Md. R. 857 (7-11-14)

**23 BOARD OF PUBLIC WORKS**

23.03.02.29 • 41:17 Md. R. 979 (8-22-14)

**24 DEPARTMENT OF BUSINESS AND ECONOMIC  
DEVELOPMENT**

24.05.26.03 • 41:20 Md. R. 1173 (10-3-14)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 01—07 (Part 1)**

26.03.13.04 • 41:22 Md. R. 1334 (10-31-14)  
 26.04.04.01—.39 • 41:18 Md. R. 1037 (9-5-14) (ibr)  
 26.04.05.01—.03 • 40:25 Md. R. 2105 (12-13-13)  
 26.04.11.01—.16 • 41:1 Md. R. 47 (1-10-14)

## PENDING PROPOSALS

1310

### Subtitles 08—12 (Part 2)

**26.08.02.09** • 41:10 Md. R. 575 (5-16-14)  
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**26.12.01.01** • 41:22 Md. R. 1337 (10-31-14) (ibr)  
**26.12.02.03** • 41:22 Md. R. 1337 (10-31-14)

### Subtitles 13—18 (Part 3)

**26.14.02.02, .02-1, .02-2, .02-3, .02-4, .02-5** • 41:22 Md. R. 1337 (10-31-14) (ibr)  
**26.17.06.01, .04—, .09** • 40:22 Md. R. 1887 (11-1-13) (ibr)  
41:19 Md. R. 1092 (9-19-14) (ibr)

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

**27.01.01.01** • 41:21 Md. R. 1286 (10-17-14)  
**27.02.01.01** • 41:21 Md. R. 1286 (10-17-14)  
**27.02.05.01—.03-3** • 41:21 Md. R. 1286 (10-17-14)

## 31 MARYLAND INSURANCE ADMINISTRATION

**31.03.05.01—.15** • 41:3 Md. R. 256 (2-7-14)  
**31.08.14.01, .02** • 40:20 Md. R. 1729 (10-4-13)

## 33 STATE BOARD OF ELECTIONS

**33.13.15.01—.07** • 41:17 Md. R. 984 (8-22-14)  
**33.13.16.01, .02** • 41:17 Md. R. 985 (8-22-14)  
**33.13.17.01—.05** • 41:22 Md. R. 1340 (10-31-14)  
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## 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

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**36.06.04.01—.04** • 41:12 Md. R. 723 (6-13-14)  
**36.06.05.01—.06** • 41:12 Md. R. 723 (6-13-14)  
**36.06.06.01** • 41:12 Md. R. 723 (6-13-14)





# The Attorney General

## OPINIONS

### *9 Opinions of the Attorney General 3 (2014)*

#### Corrections

Robert L. Green, Chairman

Maryland Commission on Correctional Standards

January 28, 2014

#### Topics discussed:

In 2003, Congress enacted the Prison Rape Elimination Act, 42 U.S.C. §§ 15601-15609 (“PREA” or “the Act”), to address the problem of sexual assault in the nation’s prisons. Broadly stated, the Act creates a mechanism for the adoption of national standards for the housing and care of inmates, and, as relevant here, conditions a state’s eligibility for five percent of its federal prison-related funding on the state’s ability to certify that the correctional facilities “under the operational control of the state’s executive branch” have adopted, and are in full compliance with, those standards. 42 U.S.C. § 15607(e)(2)(A) (requiring certification); 28 C.F.R. § 115.501(b) (describing extent of certification obligation). The opinion request asks whether local facilities are “under the operational control of the state’s executive branch” such that they must comply with PREA standards for the State to maintain full federal funding.

PREA and its standards, although applicable to all correctional facilities within the State, are not mandatory in the sense that the failure to comply with PREA constitutes a violation of federal law that would expose the facility to penalties or injunctive relief under the Act. The decision by State-operated correctional facilities not to adopt PREA standards, however, will result in the loss of five percent of the State’s prison-related federal funding. To maintain the State’s eligibility for full federal funding, the Governor must certify that all facilities under the “operational control” of the state’s executive branch comply with PREA. In the absence of statutory and regulatory provisions that define the term “operational control,” federal guidance ultimately leaves it to the “governor’s discretion” to determine whether a local correctional facility is under executive control for purposes of the State’s PREA certification. We conclude that the Governor, after considering the factors suggested in that guidance, as well as other factors that we believe bear on the issue, would have grounds on which to conclude that local correctional facilities are not under the “operational control” of the executive branch. The applicability of the PREA certification requirement to a particular local correctional facility must be determined in light of any agreements between the State and the local jurisdiction, which might provide the State with the necessary “operational control.”

Although we conclude that local correctional facilities generally need not comply with PREA standards for the State to certify its compliance with the same, we note that a local facility’s decision not to implement the PREA standards may result in other adverse consequences not reflected within PREA. Such consequences include potential ineligibility for contracts to house federal inmates at local facilities, loss of accreditation, and increased potential for liability in tort stemming from the application of a more rigorous standard of care.

### *9 Opinions of the Attorney General 31 (2014)*

#### Alcoholic Beverages

The Honorable James N. Mathias, Jr.

Senate of Maryland

The Honorable James C. Church, President

Board of County Commissioners

March 14, 2014

#### Topics discussed:

The opinion request asked whether the Worcester County Department of Liquor Control (“DLC”) should be treated as a retailer or as a wholesaler when it purchases alcohol from a licensed Maryland wholesaler. The request stems from the fact that the DLC can act as either a retailer or a wholesaler in such transactions. Like a retailer, the DLC purchases alcohol for sale to consumers in its own retail stores—called “dispensaries”—and, like a wholesaler, it distributes alcohol to bars, restaurants, and other privately-owned retailers. Until 2013, Maryland’s excise tax laws treated the DLC like a retailer when it bought from a wholesaler in that the alcohol the DLC purchased had to be “tax-paid,” *i.e.*, the wholesaler had to pay the excise tax on the alcohol before selling it to the DLC, as is the case for retailers generally. Based on these tax provisions, the wholesalers that supply much of the DLC’s stock treat it exclusively as a retailer and charge it the same price as they charge other retailers. Materials included with the request indicate that this situation undermines the DLC’s ability to supply alcohol to Maryland retailers, and its own dispensaries, at prices that are competitive with nearby Delaware retailers.

The request involves two related questions: First, when purchasing alcohol from a wholesaler, must the DLC (like other retailers) always buy products on which the Maryland excise tax has already been paid? And second, is the DLC a “retailer” or “wholesaler” for purposes of Article 2B § 12-102(a), which prohibits wholesalers from “discriminat[ing] . . . in price, discounts or the quality of merchandise sold between . . . one wholesaler and another wholesaler or between one retailer and another retailer”? In our opinion, the answer to both questions depends on whether, in a particular situation, the DLC is distributing alcohol to retailers or selling it directly to consumers in its dispensaries. As to the first question, legislation enacted in 2013 clarifies that the alcohol the DLC purchases must be “tax paid” when acquired for re-sale to consumers, but must be “non-tax-paid” when acquired for re-sale to bars, restaurants, and other licensed retailers. With respect to the second question, a wholesaler must charge the DLC the “wholesale price” it charges other wholesalers (to the extent it sells to other wholesalers) when the DLC acquires the alcohol for re-sale to retailers, but must charge the DLC a “retail price” when the DLC acquires the alcohol for re-sale to consumers in its dispensaries.

In summary, we conclude that when the Worcester DLC purchases alcohol from a wholesaler, it should be treated as a wholesaler for tax purposes *and* under the anti-discrimination provision of § 12-102(a) if it is acting as a wholesaler by re-selling the alcohol to other retailers. Conversely, the DLC is a retailer for both of these purposes when it purchases alcohol from a wholesaler for sale in its own retail dispensaries.

**9 Opinions of the Attorney General 50 (2014)****Public Safety****Larry L. Klimovitz, Executive Director****July 18, 2014****Topics discussed:**

On behalf of the Baltimore Metropolitan Council, you have asked a series of questions about the ability of Maryland law enforcement agencies to provide escorts for large-scale motorcycle charity rides and to enforce Maryland traffic laws while doing so. These charity rides typically involve large numbers of bikers traveling long distances across multiple jurisdictions within the State, and the organizers of these events have sometimes requested police escorts to facilitate the safe flow of traffic around the riders. These requests have given rise to a number of concerns among local governments. First, when you posed your questions, it was unclear whether police officers had the authority to speed, pass through red lights, and otherwise disregard the rules of the road while conducting escort duty. Second, because State law limits the authority of local police officers to act outside of their jurisdictions, several counties have expressed concern that their officers might not be able to participate in escort duty for charity rides that leave their home jurisdictions. Finally, these counties have also asked whether the State Highway Administration (“SHA”) and local jurisdictions may require the organizers of charity rides and other special events on Maryland roads to obtain insurance to cover the events.

More specifically, you have asked our opinion on the following three questions:

- (1) What authority, if any, does a law enforcement agency have to escort motorcycle charity rides in an “emergency status,” allowing them to disregard the normal rules of an “open” road?
- (2) Does Maryland law regarding the extra-jurisdictional authority of police officers prevent law enforcement agencies from assisting one another with events requiring escorts or traffic control? If so, would a specifically drafted mutual aid agreement between area jurisdictions provide the necessary authority?
- (3) When the SHA or a local jurisdiction issues a permit for a special event that takes place on a public roadway, can it require that the organizer provide proof of liability insurance to cover the organizer as well as the government authorities involved in managing the event?

Your first two questions were addressed by the General Assembly in legislation enacted during the 2013 session. *See* 2013 Md. Laws, ch. 66. That legislation answers your first question; it authorizes police officers to provide escorts when needed to “[f]acilitat[e] the safe movement of vehicles or pedestrians,” which would encompass large-scale motorcycle charity rides. When doing so, police officers may operate in “emergency status” and disregard the normal rules of an open road. As to your second question, the same legislation also authorizes local police officers to escort vehicles through other jurisdictions and take certain actions, such as blocking and directing traffic, necessary to perform this extra-jurisdictional escort duty. The new law does not, however, generally authorize an officer to enforce the traffic laws, make arrests, or issue citations for the violation of traffic laws outside of the officer’s jurisdiction.

As to your third question, we conclude that SHA and local governments may impose insurance requirements for special events on roads under their control, but the State agencies and localities must be aware that such insurance requirements, to the extent that they apply to activities involving the exercise of free speech rights,

are suspect under the First Amendment. Although such requirements are not clearly unconstitutional, jurisdictions should be cognizant of the potential First Amendment implications for those requirements and, when crafting their policies, should consider including certain exceptions that will reduce the risk of curtailing free expression.

**9 Opinions of the Attorney General 88 (2014)****Education****Michael J. Martirano, Superintendent****St. Mary’s County Public Schools****August 20, 2014****Topics discussed:**

Counsel to the Board of Education of St. Mary’s County (“County Board”), on your behalf and on behalf of the County Board, asked whether a 1970 school-integration regulation promulgated by the State Board of Education (“State Board”) remains a valid, enforceable requirement of State law. The regulation at issue—which we will refer to as the “Integration Rule”—applies to the “hiring, placement, and promotion of all personnel” and directs county boards to develop and implement plans and procedures “for the attainment of racial balance, at the various levels of the public school system, reflective of the population of their respective jurisdictions” and to submit those documents to the Maryland State Department of Education (“MSDE”) by January 1, 1971. COMAR 13A.07.05.01. The regulation also directs MSDE to “require and review reports from local boards on the implementation of this regulation.”

It is our understanding that the County Board’s opinion request was prompted by a complaint that the St. Mary’s County Branch of the National Association for the Advancement of Colored People (“NAACP”) filed with the County Board alleging that the County Board was not currently in compliance with the racial balancing requirements in the regulation. After the County Board and Superintendent requested this Opinion, the NAACP submitted comments on the continuing viability and applicability of the regulation. And, on our request, MSDE conducted a search of its records to find information that might shed light on the intent of the State Board, which adopted the rule by resolution in the summer of 1970.

At the outset, we note that the Integration Rule, in plain terms, requires the County Board to take two sets of actions: (1) to submit its “plans and procedures” for attaining racial balance by January 1, 1971, and (2) to implement those plans and procedures. Your question does not relate to the first requirement. Although none of the entities involved in this process has been able to locate the plan the County Board submitted more than forty years ago, no one suggests that the County Board failed to *submit* the required plan. The real question here is the continuing viability of the second requirement, the obligation to *implement* the plan. We see that question as a general one, not focused on any particular measure that the County Board might have included in its 1971 plan. We therefore will address only the broad question that you have posed: whether the Integration Rule required the County Board to adopt, and requires the County Board to implement, employment policies that would be vulnerable to challenge under the current law on the use of racial classifications in employment.

We conclude that, although the text of the Integration Rule is ambiguous as to what achieving “racial balance” might mean, the State Board’s statements about the types of employment practices needed to achieve equity in a particular local school system—made just two weeks before it adopted the Integration Rule—indicate that the rule was not intended to remedy past discrimination through the establishment of an employment quota for any racial group. Although our conclusion on this point differs somewhat from that set

forth in the only published decision to mention the rule, *see Vaughns v. Board of Educ. of Prince George's County*, 742 F. Supp. 1275 (D. Md. 1990), we believe the historical record that we have been able to uncover demonstrates that the rule looks forward, not backward. The State Board intended the rule to require local boards of education to adopt and report on nondiscriminatory and inclusive employment policies—including efforts to recruit, retain, and promote qualified minority teachers, administrators, and other staff—that would promote diversity, foster cultural understanding, and set the conditions for a lasting integration of Maryland's public schools.

It is further our opinion that the Integration Rule, so construed, is valid under current law. Therefore, a local school board plan that in 1971 set continuing policies of nondiscriminatory and inclusive employment may still be implemented to achieve the purposes of the Integration Rule, and MSDE may still require reports; the rule remains on the books as an MSDE regulation. As we will explain below, however, MSDE has since developed more detailed approaches to promoting minority employment to pursue the promises of *Brown v. Board of Education* within the framework of the Supreme Court's more recent pronouncements on the permissible use of racial classifications in the fields of employment and education. We defer to MSDE and the State Board on the matter of what actions, if any, its current diversity and equal employment opportunity policies require of local boards.

#### **9 Opinions of the Attorney General 134 (2014)**

##### **Office of Profit**

**The Honorable Isiah Leggett**

**County Executive**

**August 25, 2014**

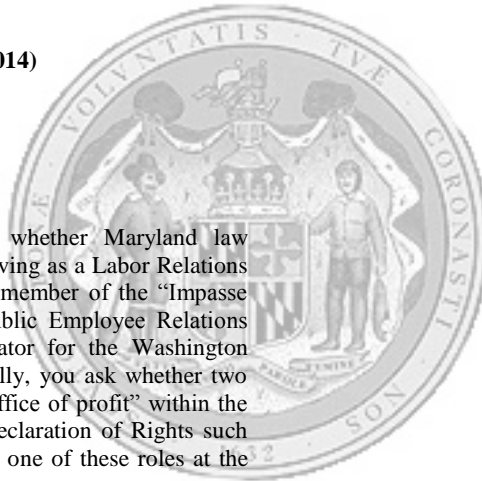
**Topics discussed:**

You have requested our opinion on whether Maryland law precludes a person from simultaneously serving as a Labor Relations Administrator for Montgomery County, a member of the "Impasse Panel" of the Prince George's County Public Employee Relations Board, and a Labor Relations Administrator for the Washington Suburban Sanitary Commission. Specifically, you ask whether two or more of these positions constitute an "office of profit" within the meaning of Article 35 of the Maryland Declaration of Rights such that a person could not serve in more than one of these roles at the same time.

In our opinion, a member of the Impasse Panel of the Prince George's County Public Employee Relations Board does not hold an office of profit. The Labor Relations Administrator for Montgomery County, however, does hold an office of profit, as does the Labor Relations Administrator for the Washington Suburban Sanitary Commission. Accordingly, a person could serve on the Impasse Panel and as a Labor Relations Administrator, but could not concurrently serve as a Labor Relations Administrator for both Montgomery County and the Washington Suburban Sanitary Commission.

\*The full text of these opinions can be found at <http://www.oag.state.md.us/Opinions/index.htm>.

[14-22-32]



# Open Meetings Compliance Board

## SUMMARY OF OPINIONS ISSUED FROM JULY 1 — SEPTEMBER 30, 2014\*

### **9 Official Opinions of the Compliance Board 125 (2014)**

**Morgan State University Board of Regents Executive Committee (Eric White, Complainant)**

**May 19, 2014**

**Topics discussed:** Use of website as sole method of giving notice of meeting called on short notice

### **9 Official Opinions of the Compliance Board 127 (2014)**

**Town Council of the Town of Chevy Chase (Miriam Schoenbaum, Complainant)**

**July 23, 2014**

**Topics discussed:** Public body's announcement of violation found by Compliance Board in previous opinion; applicability of "legal advice" and "potential litigation" exceptions to meeting that was closed for discussions with counsel and lobbyists about advocating the position that the public body had previously reached publicly; sealed minutes requirement

### **9 Official Opinions of the Compliance Board 132 (2014)**

**Maryland Health Benefit Exchange (Craig O' Donnell, Complainant)**

**July 30, 2014**

**Topics discussed:** Sufficiency of written statement prepared before closing the meeting; requirement that closing statement reflect all of the statutory bases for closing the session; scope of "personnel" and "procurement" exceptions; adequacy of closed-session summary phrased in ways not clear to the general public

### **9 Official Opinions of the Compliance Board 141 (2014)**

**City of Crisfield, (David R. Marquis, Complainant)**

**August 6, 2014**

**Topics discussed:** Pre-requisites to closing a meeting (public vote to close; preparation of written statement); sufficiency of notice when the need to close part of the meeting was not anticipated until shortly beforehand

### **9 Official Opinions of the Compliance Board 146 (2014)**

**City of Gaithersburg (Merceda D. Gooding, Complainant)**

**August 11, 2014**

**Topics discussed:** Adequacy of notice given by three methods; adequacy of adoption of minutes; lack of authority to address alleged violations of other laws

### **9 Official Opinions of the Compliance Board 149 (2014)**

**Montgomery County Board of Education (Danuta Wilson, Complainant)**

**August 15, 2014**

**Topics discussed:** Whether committee created by school board president was a "public body" subject to the Act; whether quorum of the school board held a meeting subject to the Act

### **9 Official Opinions of the Compliance Board 151 (2014)**

**Mayor and Common Council of the City of Westminster (Craig O' Donnell, Complainant)**

**August 18, 2014**

**Topics discussed:** Requirement that events of closed session be disclosed in minutes of next open session; applicability of "administrative function" exclusion to discussion about the staging of work under an existing contract; status of standing committees created by resolution as public bodies subject to the Act; lack of requirement in the Act that public bodies continue to post cancellation notices past the date of the canceled meeting

### **9 Official Opinions of the Compliance Board 156 (2014)**

**September 10, 2014**

**Montgomery County Commission on Common Ownership Communities (Gordon Klang, Complainant)**

**Topics discussed:** Sufficiency of notice that meeting will be closed when need for closing not reasonably anticipated until shortly before the meeting; scope of "legal advice" exception; requirement that minutes of closed sessions be kept

### **9 Official Opinions of the Compliance Board 160 (2014)**

**Maryland Health Benefit Exchange (Craig O' Donnell, Complainant)**

**September 18, 2014**

**Topics discussed:** Methods of adopting closed-session minutes; scope of procurement, "other law," and real property exceptions; requirement that summary of closed session be adopted as part of minutes of next open session

### **9 Official Opinions of the Compliance Board 165 (2014)**

**Chevy Chase Town Council (Jacob Bardin, Complainant)**

**September 29, 2014**

**Topics discussed:** Applicability of "legal advice" and "potential litigation" exceptions to meeting that was closed for discussions with counsel and lobbyists about advocating the position that the public body had previously reached publicly. *See 9 OMCB Opinions 127 (July 23, 2014).*

### **9 Official Opinions of the Compliance Board 167 (2014)**

**Chestertown Mayor and Town Council (Craig O' Donnell, Complainant)**

**September 29, 2014**

**Topics discussed:** Adequacy of written statement prepared before closing the meeting; inapplicability of "legal advice" exception to a meeting not attended by legal counsel; applicability of "personnel exception" to discussion about the manager of a facility but not to staffing needs and other matters relating to the facility; requirement that closed-session discussions must fall within the topics and statutory exceptions claimed beforehand on the closing statement.

\*The full text of these opinions can be found at <http://www.oag.state.md.us/Opengov/Openmeetings/index.htm>. A summary of the opinions issued in Fiscal Year 2014 is attached to the Compliance Board's Annual Report, which is posted at [http://www.oag.state.md.us/Opengov/Openmeetings/22Annual\\_Report\\_FY2014.pdf](http://www.oag.state.md.us/Opengov/Openmeetings/22Annual_Report_FY2014.pdf).

[14-22-31]

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by a Per Curiam Order dated October 3, 2014, **MICHAEL FRANCIS BARNETT**, 12709 Water Fowl Way, Upper Marlboro, Maryland 20774, has been disbarred, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

\* \* \* \* \*

This is to certify that by a Per Curiam Order of the dated October 3, 2014, **MICHAEL CRAIG WORSHAM**, 1916 Cosner Road, Forest Hill, Maryland 21050, has been disbarred, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

\* \* \* \* \*

This is to certify that by a Per Curiam Order of the dated October 3, 2014, **TALIEB NILAJA WILLS**, 5800 Manchester Place, NW, Washington, DC 20011, has been disbarred, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

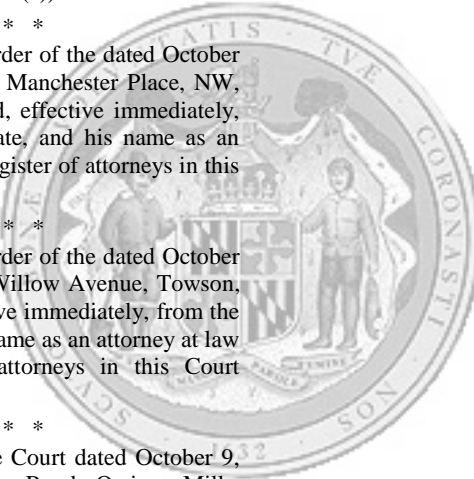
\* \* \* \* \*

This is to certify that by a Per Curiam Order of the dated October 3, 2014, **MICHAEL CARL HODES**, 16 Willow Avenue, Towson, Maryland 21286, has been disbarred, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

\* \* \* \* \*

This is to certify that by an Order of the Court dated October 9, 2014, **SALEH A. STEVENS**, 3209 Caves Road, Owings Mills, Maryland 21117, has been disbarred by consent, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(2)).

[14-22-49]



# Regulatory Review and Evaluation

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

## Title 15 DEPARTMENT OF AGRICULTURE

### Notice of Opportunity for Public Inspection and Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130 — 10-139, Annotated Code of Maryland, the Department of Agriculture is currently reviewing and evaluating all regulations codified under the following subtitles of COMAR Title 15:

#### Subtitles 01 — 08

- Subtitle 01 Office of the Secretary
- Subtitle 02 Board of Review
- Subtitle 03 Weights and Measures
- Subtitle 04 Maryland Egg Law
- Subtitle 05 Pesticide Use Control
- Subtitle 06 Plant Pest Control
- Subtitle 07 Apiary Inspection
- Subtitle 08 Turf and Seed

The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions.

Pursuant to its work plan, MDA will evaluate the need to retain, amend, or repeal regulations based on whether the regulations are:

- Still necessary to the public interest;
- Drafted in a clear and understandable manner;
- Still supported by statutory authority and judicial opinions and consistent with federal regulations and other State regulations;
- Still effective in accomplishing the intended purpose of the regulations; and
- Obsolete, duplicative, or otherwise appropriate for amendment or repeal.

The Department of Agriculture would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on these regulations. All parties interested in participating in this process may submit comments by mail to Tonia Martin, Regulations Coordinator, Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, by fax to (410) 841-5914, or by email to [tonia.martin@maryland.gov](mailto:tonia.martin@maryland.gov).

Comments must be received no later than December 31, 2014. Parties may contact the Department at (410) 841-5883 with questions regarding this process.

[14-22-35]

## Title 18 STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

### Opportunity for Public Comment

In accordance with the Regulatory Review and Evaluation Act (§§10-130 through 10-139 of the State Government Article), the State Department of Assessments and Taxation (SDAT) is currently reviewing and evaluating certain nonexempt chapters of **Subtitles 01 — 17** under **COMAR Title 18**.

The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal any obsolete or duplicative provisions. Pursuant to its work plan, SDAT will evaluate the need to retain, amend, or repeal the regulations based on whether the regulations are:

- still necessary to the public interest;
- drafted in a clear and understandable manner;
- still supported by statutory authority and judicial opinions and consistent with federal regulations and other State regulations;
- still effective in accomplishing the intended purpose of the regulations;
- obsolete, duplicative, or otherwise appropriate for amendment or repeal.

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

Comments must be received by January 5, 2015.

Comments should be directed to Jeffrey G. Comen, Assistant Attorney General, and transmitted by mail to 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, by fax to 410-333-5148, or by email to [jeffrey.comen@maryland.gov](mailto:jeffrey.comen@maryland.gov).

[14-22-46]

# **Title 31**

## **MARYLAND INSURANCE ADMINISTRATION**

### **Subtitle 06 TAXES AND FEES**

#### **Opportunity for Public Comment**

##### Review of COMAR 31.06

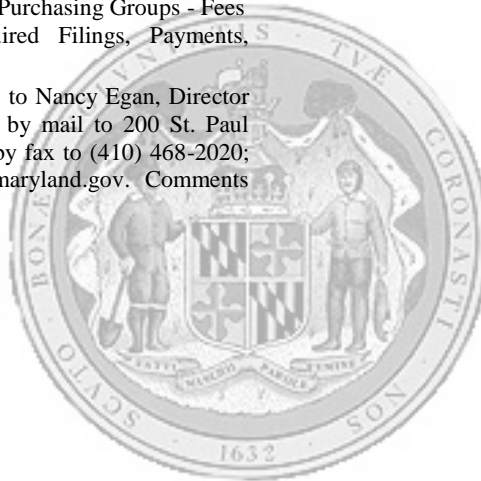
In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Maryland Insurance Administration (MIA) is reviewing and evaluating certain regulations codified within Subtitle 06 of Title 31 of the Code of Maryland Regulations, entitled Taxes and Fees. The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions.

Regulations being reviewed include:

- 31.06.01 Allocation and Taxation of Premiums
- 31.06.02 Retaliatory Tax
- 31.06.03 Risk Retention Groups and Purchasing Groups - Fees
- 31.06.04 Premium Tax – Required Filings, Payments, Penalties, and Interest

Interested parties may submit comments to Nancy Egan, Director of Government Relations, and transmitted by mail to 200 St. Paul Place, Suite 2700, Baltimore, MD 21202; by fax to (410) 468-2020; or by email to [InsuranceRegReview.mia@maryland.gov](mailto:InsuranceRegReview.mia@maryland.gov). Comments must be received by December 30, 2014.

[14-22-33]



# 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 08 DEPARTMENT OF NATURAL RESOURCES

### Subtitle 02 FISHERIES SERVICE

#### 08.02.04 Oysters

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

#### Notice of Final Action

[14-255-F]

On October 21, 2014, the Secretary of Natural Resources adopted amendments to Regulation .12 under **COMAR 08.02.04 Oysters**. This action, which was proposed for adoption in 41:18 Md. R. 1016—1020 (September 5, 2014), has been adopted as proposed.

**Effective Date: November 10, 2014.**

JOSEPH P. GILL  
Secretary of Natural Resources

## Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

#### 08.18.30 Wicomico River

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

#### Notice of Final Action

[14-233-F]

On October 7, 2014, the Maryland Department of Natural Resources adopted amendments to Regulations .01—.04 under **COMAR 08.18.30 Wicomico River**. This action, which was proposed for adoption in 41:16 Md. R. 950—951 (August 8, 2014), has been adopted as proposed.

**Effective Date: November 10, 2014.**

JOSEPH P. GILL  
Secretary of Natural Resources

## Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

### Subtitle 02 FISHERIES SERVICE

#### 08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure

Authority: Natural Resources Article, §§4-206, 4-701, and 4-1201, Annotated Code of Maryland

#### Notice of Final Action

[14-248-F]

On October 21, 2014, the Secretary of Natural Resources adopted new Regulation .10 under **COMAR 08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure**. This action, which was proposed for adoption in 41:17 Md. R. 974—976 (August 22, 2014), has been adopted as proposed.

**Effective Date: November 10, 2014.**

JOSEPH P. GILL  
Secretary of Natural Resources

#### 08.18.31 Elk River

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

#### Notice of Final Action

[14-232-F]

On October 7, 2014, the Maryland Department of Natural Resources adopted amendments to Regulations .01 — .03 under **COMAR 08.18.31 Elk River**. This action, which was proposed for adoption in 41:16 Md. R. 951 (August 8, 2014), has been adopted as proposed.

**Effective Date: November 10, 2014.**

JOSEPH P. GILL  
Secretary of Natural Resources



# **Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

## **Subtitle 21 BOARD OF ARCHITECTS**

### **09.21.05 Continuing Professional Competency Requirements**

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

#### **Notice of Final Action**

[14-129-F]

On September 24, 2014, the Board of Architects adopted amendments to Regulation .08 under **COMAR 09.21.05 Continuing Professional Competency Requirements**. This action, which was proposed for adoption in 41:10 Md. R. 571—572 (May 16, 2014), has been adopted as proposed.

**Effective Date: November 10, 2014.**

DIANE CHO  
Chair  
STATE BOARD OF ARCHITECTS

# **Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

## **Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS**

### **10.29.17 Crematories — Permit, Licensing, and Fees**

Authority: Health Occupations Article, §§7-101, 7-102, 7-205, 7-316, Annotated Code of Maryland

#### **Notice of Final Action**

[14-242-F]

On October 20, 2014, the Secretary of Health and Mental Hygiene adopted an amendment to Regulation .02 under **COMAR 10.29.17 Crematories — Permit, Licensing, and Fees**. This action, which was proposed for adoption in 41:17 Md. R. 976 (August 22, 2014), has been adopted as proposed.

**Effective Date: November 10, 2014.**

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

# **Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)**

## **10.54.02 Local Agency**

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

#### **Notice of Final Action**

[14-241-F]

On October 8, 2014, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .18 under **COMAR 10.54.02 Local Agency**. This action, which was proposed for adoption in 41:17 Md. R. 977—978 (August 22, 2014), has been adopted as proposed.

**Effective Date: November 10, 2014.**

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

# **Title 14 INDEPENDENT AGENCIES**

## **Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY**

### **14.22.02 Criminal Offenses and Seriousness Categories**

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

#### **Notice of Final Action**

[14-263-F]

On October 21, 2014, the Maryland State Commission on Criminal Sentencing Policy adopted amendments to Regulations .01 and .02 under **COMAR 14.22.02 Criminal Offenses and Seriousness Categories**. This action, which was proposed for adoption in 41:18 Md. R. 1026—1031 (September 5, 2014), has been adopted as proposed.

**Effective Date: December 1, 2014.**

DAVID SOULE  
Executive Director

## **Title 22**

# **STATE RETIREMENT AND PENSION SYSTEM**

### **Subtitle 07 COMPLIANCE WITH THE INTERNAL REVENUE CODE**

#### **22.07.02 Code Compliance**

Authority: State Personnel and Pensions Article §§21-110 and 21-603,  
Annotated Code of Maryland

##### **Notice of Final Action**

[14-235-F]

On October 21, 2014, the Board of Trustees for the State Retirement and Pension System adopted amendments to Regulation .04 under **COMAR 22.07.02 Code Compliance**. This action, which was proposed for adoption in 41:16 Md. R. 955 (August 8, 2014), has been adopted as proposed.

**Effective Date: November 10, 2014.**

R. DEAN KENDERDINE  
Executive Director

## **Title 31**

# **MARYLAND INSURANCE ADMINISTRATION**

### **Subtitle 05 ASSETS, LIABILITIES, RESERVES, AND INVESTMENTS OF INSURERS**

#### **31.05.04 Valuation Standards for Individual Annuity and Pure Endowment Contracts**

Authority: Insurance Article, §2-109 and Title 5, Subtitle 3, Annotated Code  
of Maryland

##### **Notice of Final Action**

[14-237-F]

On October 7, 2014, the Insurance Commissioner adopted amendments to Regulations .01, .02, and .05 and new Regulations .06—.08 under **COMAR 31.05.04 Valuation Standards for Individual Annuity and Pure Endowment Contracts**. This action, which was proposed for adoption in 41:17 Md. R. 980—983 (August 22, 2014), has been adopted as proposed.

**Effective Date: January 1, 2015.**

THERESE M. GOLDSMITH  
Insurance Commissioner



# Withdrawal of Regulations

## **Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

### **Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

#### **09.13.05 Fees**

Authority: Business Occupations and Professions Article, §§15-208 and 15-209; Business Regulation Article, §§2-106, 2-106.1, and 2-106.2; Annotated Code of Maryland

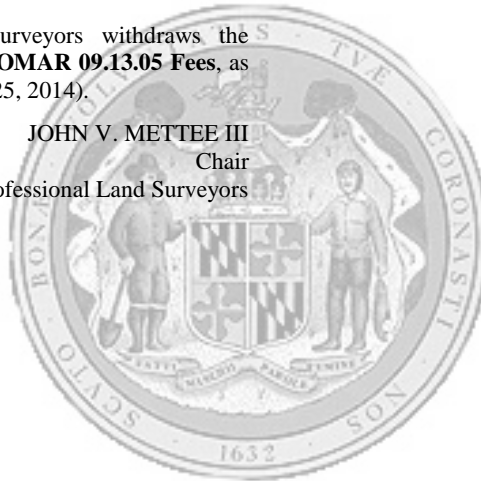
#### **Notice of Withdrawal**

[14-225-W]

The Board for Professional Land Surveyors withdraws the proposal to amend Regulation .03 under **COMAR 09.13.05 Fees**, as published in 41:15 Md. R. 906—907 (July 25, 2014).

JOHN V. METTEE III  
Chair

State Board for Professional Land Surveyors



# 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 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 01 PROCEDURES

#### 10.01.18 Sexual Abuse Awareness and Prevention Training

Authority: Health-General Article, §2-104, Annotated Code of Maryland

#### Notice of Proposed Action

[14-313-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01—.08 under a new chapter, **COMAR 10.01.18 Sexual Abuse Awareness and Prevention Training**.

#### Statement of Purpose

The purpose of this action is to outline the sexual abuse awareness and prevention training and reporting requirements that a covered program shall fulfill to be licensed or approved by the Department.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The Behavioral Health Administration does not foresee an economic impact on the State or local governments, but does anticipate an economic impact on covered programs for costs associated with implementing the regulations. That impact is indeterminable.

#### II. Types of Economic Impact.

Revenue (R+/R-)	
Expenditure (E+/E-)	Magnitude

A. On issuing agency: NONE

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+)	Magnitude
Cost (-)	

D. On regulated industries or trade groups: (-) Indeterminable

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

D. The Behavioral Health Administration is planning to create and offer, at no cost, an online training module for covered programs. Any additional or supplemental training provided by covered programs will have a cost associated with it, both directly and indirectly. The actual cost of the training module will have a direct cost associated with it, whether it is in the purchase cost of a group training module, or on a per-individual basis. The indirect costs associated with providing training, such as the hours required for staff to complete the training module and any back-up staff needed to back-fill the position while in training. Since training costs can vary due to several factors, including the size of a program, the cost is indeterminable.

#### Economic Impact on Small Businesses

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

Covered programs that operate as small businesses would incur an economic impact if they provide a training module that has a cost associated with it. Since training costs can vary due to several factors, including the size of a program, the cost is indeterminable.

### Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

By requiring the training specified by this chapter, it is anticipated that individuals with disabilities will be provided with information regarding sexual abuse awareness and prevention as well as mandatory reporting requirements, which should help certain individuals to advocate on their own behalf.

### Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

### .01 Scope.

This chapter:

A. Prohibits inappropriate sexual behavior in covered programs; and

B. Adopts awareness and prevention training and reporting requirements regarding inappropriate sexual behavior that a covered program shall fulfill in order to be licensed by the Department or any of its Administrations, or approved by the Department or any of its Administrations to receive funding to provide services in Maryland.

### .02 Definitions.

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

B. Terms Defined.

(1) Abusive Sexual Act.

(a) "Abusive sexual act" means any sexual act, as defined in §B(8) of this regulation, that is made or threatened to be made without consent of the individual who is the recipient of the action.

(b) "Abusive sexual act" includes sexual harassment, sexual assault, and any other sexual action prohibited by State or federal law.

(2) "Covered program" means any of the following facilities and programs:

(a) State facility — psychiatric, licensed under COMAR 10.07.01;

(b) Forensic residential centers (FRCs), licensed under COMAR 10.07.13;

(c) Intermediate care facilities for individuals with intellectual disabilities, licensed under COMAR 10.07.20;

(d) State-operated residential treatment centers for emotionally disturbed children and adolescents, licensed under COMAR 10.07.04;

(e) Vocational and day services programs, licensed by the Developmental Disability Administration (DDA) under COMAR 10.22.07;

(f) Psychiatric rehabilitation programs for adults, licensed by the Behavioral Health Administration (BHA) under COMAR 10.21.21;

(g) Residential rehabilitation programs licensed by BHA under COMAR 10.21.22;

(h) Mental health vocational programs licensed by BHA under COMAR 10.21.28; and

(i) Psychiatric rehabilitation programs for minors licensed by BHA under COMAR 10.21.29.

(3) "Inappropriate sexual behavior" means:

(a) Any sexual act, as defined in §B(9) of this regulation, between any staff member and any individual receiving services from the covered program; and

(b) Any abusive sexual act, as defined in §B(1) of this regulation, between any individual served by the covered program and any other individual, including another individual served by the program.

(4) "Internal complaint process" means a written policy and procedure for a covered program's handling and investigation of reports of inappropriate sexual behavior, as defined in §B(3) of this regulation, and appropriate actions in response to verified incidents of inappropriate sexual behavior, occurring within the covered program.

(5) "Licensed" means being licensed by the Department or approved by the Department to receive funding to provide services in Maryland.

(6) "Peer training" means awareness and prevention training regarding inappropriate sexual behavior that is provided by a peer of the individual receiving services.

(7) "Program director" means the individual who is responsible for the daily operations of a covered program as outlined in the chapter under the appropriate subtitle that delineates the requirements for a specific program.

(8) "Sexual act" means any of the following, if it is performed for the purpose of arousing sexual thoughts or feelings, or sexual dominance or power, and not for purposes related to the provision of care:

(a) Intentional physical contact, either directly or through clothing, between the genitals, finger or fingers, hand or hands, or mouth of one individual and the genitals, groin, inner thigh, buttocks, anus, breast, or mouth of another;

(b) Intentional physical contact between the tongue or mouth of one individual and any part of the body of another individual;

(c) Attempt to make physical contact between the genitals, finger or fingers, hand or hands, or mouth of one individual and the genitals, groin, inner thigh, buttocks, anus, breast, or mouth of another individual;

(d) Attempt to make physical contact between the tongue or mouth of one individual and any part of the body of another individual;

(e) The following nonphysical contacts:

(i) The intentional exposure by an individual to another of the individual's naked genitals, groin, inner thigh, buttocks, anus, or breast;

(ii) The intentional exposure by an individual to another of photographs of an individual's naked genitals, groin, inner thigh, buttocks, anus, or breast;

(iii) The intentional observation by an individual of another individual's naked genitals, groin, inner thigh, buttocks, anus, or breast;

(iv) Verbal or written description of, questions or suggestions regarding, or requests for any of the physical contacts described in §B(8)(a) and (b) of this regulation;

(v) Photographing, drawing, transmitting an image of, or recording the naked body or body parts of another individual;

(vi) Intentionally exposing an individual to photographs, pictures, drawings, diagrams, or other graphic depictions of naked body or body parts of an individual; and

(vii) Intentionally causing another individual to make or attempt any of the physical contacts described in §B(8)(a) and (b) of this regulation; and

(f) Other intentional acts directed to another individual and performed for the purpose of arousing sexual thoughts or feelings and not for purposes related to the provision of care.

(9) "Staff member" means any individual employed by a covered program, whether contractually or permanently, and any individual who volunteers with, is a contractor for or consultant to,

works as an intern or resident for, or otherwise is engaged by, the covered program at any facility or location in which services are provided to individuals.

**.03 Covered Program Policies.**

A. A covered program shall ensure that the covered program has adopted and enforces policies that:

- (1) Are approved in the course of licensing the program;
- (2) Prohibit inappropriate sexual behavior that occurs:
  - (a) Anywhere, between a staff member and an individual served by the covered program; and
  - (b) On the premises of the covered program or at any off-premises activity sponsored by the covered program, between:
    - (i) Individuals served by the covered program; or
    - (ii) An individual served by the covered program and another individual;
- (3) Require reporting of inappropriate sexual behavior, regardless of where it occurs; and
- (4) Provide for training of staff members and individuals receiving services on the:
  - (a) Meaning of "inappropriate sexual behavior"; and
  - (b) Policies required by this chapter, including all reporting requirements.

B. Staff training conducted in accordance with this chapter shall be:

- (1) Completed during new employee orientation;
- (2) Updated on an annual basis; and
- (3) Documented in the staff members' personnel training files.

C. Training conducted in accordance with this chapter for individuals receiving services shall be:

- (1) Offered in language and terms, and using methods, appropriate to the ability of the individual being served to understand;
- (2) Provided to an individual served by a covered program in two stages, as follows:
  - (a) Key facts regarding identifying inappropriate sexual behavior and how to report it shall be provided within 5 days after initiation of services to the individual; and
  - (b) Comprehensive training as set out in this regulation shall be provided to the individual as soon as practical but no later than 6 months after initiation of services to the individual;
- (3) Updated on an annual basis; and
- (4) Documented in the individual's plan.

**.04 Training Requirements.**

A. A covered program shall include awareness and prevention training on inappropriate sexual behavior as part of the established orientation process for:

- (1) Program staff, including volunteers and students; and
- (2) Individuals receiving services.

B. The inappropriate sexual behavior awareness and prevention training module may be provided by the covered program or its contractor.

C. The inappropriate sexual behavior awareness and prevention training module shall:

- (1) Be pre-approved by the Director of the Developmental Disabilities Administration, or of the Director of the Behavioral Health Administration, or their designees, as applicable;
- (2) Include, but not be limited to:
  - (a) An overview of inappropriate sexual behavior, including:
    - (i) Types and definitions of inappropriate sexual behavior; and
    - (ii) Trauma of inappropriate sexual behavior and its long-range effects;

(b) Types and characteristics of inappropriate sexual behavior, including:

- (i) Signs and symptoms of inappropriate sexual behavior;
- (ii) Mandated reporting procedures regarding inappropriate sexual behavior; and
- (iv) Confidentiality of information as it applies to inappropriate sexual behavior;
- (c) Individuals' rights and responsibilities with regard to inappropriate sexual behavior;
- (d) Crisis intervention, as appropriate;
- (e) Referral resources and methods; and
- (f) An element of peer training, unless disapproved by an individual's treatment team for reasons that are documented in the individual's treatment plan; and
- (3) Be tailored to the individual's abilities.

**.05 Mandatory Reporting.**

A. A covered program shall comply with the reporting requirements of:

- (1) COMAR 07.02.16.04;
- (2) COMAR 07.02.07.04; and
- (3) This chapter.

B. Any staff member who observes, receives a complaint regarding, or otherwise has reason to believe that an individual has been subjected to, inappropriate sexual behavior shall file a report with the program director promptly, but in no circumstances more than 1 working day, after becoming aware of the situation.

C. Upon the receipt of a report made under §B of this regulation, the program director shall:

- (1) Immediately ensure:
  - (a) The safety, security, privacy, and emotional support of the individual or individuals involved; and
  - (b) That any medically appropriate and necessary care is provided to the individual or individuals involved;
- (2) Report the incident within 1 working day after receiving the report to:
  - (a) The Behavioral Health Administration or the Developmental Disabilities Administration, or both, as applicable;
  - (b) The Office of Health Care Quality; and
  - (c) The State's Designated Protection and Advocacy System; and

(3) Report the incident immediately, and in no circumstances more than 1 working day, after receiving the report to the appropriate law enforcement authorities if the reported inappropriate sexual behavior violates or may violate the law.

D. The report made under §B(2) of this regulation shall be made using the form required by the Department.

E. Promptly after completing an investigation of a report or complaint of inappropriate sexual behavior, the Program Director shall report the results of the investigation to:

- (1) The Behavioral Health Administration or the Developmental Disabilities Administration, or both, as applicable;
- (2) The Office of Health Care Quality;
- (3) The State's Designated Protection and Advocacy System; and
- (4) If the results indicate a violation of criminal law, law enforcement authorities.

**.06 Internal Complaint Process.**

A. A covered program shall:

- (1) Adopt and maintain an internal complaint process as defined in this chapter;
- (2) Provide a copy of the covered program's written internal complaint process to each individual receiving services from the covered program:
  - (a) During the individual's orientation; and

(b) At any time upon an individual's request; and  
 (3) Prominently display, in accessible, centralized locations, the covered program's internal complaint process.

B. A covered program shall:

(1) Develop and maintain a form to use to report inappropriate sexual behavior; and

(2) Have available a staff member who is not involved in the alleged inappropriate sexual behavior to assist in completing the reporting form.

C. The internal complaint process shall:

(1) Provide procedures for making a complaint of inappropriate sexual behavior;

(2) Permit an individual alleging that the individual was subjected to inappropriate sexual behavior to use the covered program's grievance process to address the alleged incident;

(3) Include procedures for investigating a complaint of inappropriate sexual behavior;

(4) Require that the review and investigation of a complaint of inappropriate sexual behavior be initiated immediately by the covered program after the program manager's receipt of the complaint;

(5) Require that the investigation of a complaint of inappropriate sexual behavior be completed within 7 calendar days after the investigation is initiated;

(6) Allow participation by:

(a) Representatives of, and as designated by, the individual who allegedly was subjected to the inappropriate sexual behavior; and

(b) Any individual who is alleged to have committed the inappropriate sexual behavior;

(7) Allow information to be presented to support the position of:

(a) The individual who allegedly was subjected to the inappropriate sexual behavior; and

(b) Any individual who is alleged to have committed the inappropriate sexual behavior;

(8) Ensure the participation of the covered program staff members who have the authority to implement corrective action;

(9) Require that the substance of the complaint and any actions taken in response to the complaint be documented; and

(10) Require written notification of the covered program's determination to:

(a) The individual who allegedly was subjected to the inappropriate sexual behavior;

(b) Any individual who is alleged to have committed the inappropriate sexual behavior; and

(c) Appropriate covered program staff members or other individuals as necessary to take disciplinary or corrective action, or both.

D. Any staff member determined to have engaged in inappropriate sexual behavior shall be permitted to make use of the covered program's internal grievance process in any disciplinary action based upon the determination.

#### **.07 Confidentiality.**

State and federal confidentiality laws and regulations shall govern the redisclosure of information disclosed in all actions taken upon a report or complaint of inappropriate sexual behavior.

#### **.08 Effective Date.**

This chapter is effective January 1, 2015.

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

## **Subtitle 11 MATERNAL AND CHILD HEALTH**

### **10.11.02 [Program for Hearing-Impaired Infants] Early Hearing Detection and Intervention Program**

Authority: Health-General Article, §§13-601—[13-604] 13-605, Annotated Code of Maryland

#### **Notice of Proposed Action**

[14-321-P]

The Secretary of Health and Mental Hygiene proposes to repeal existing Regulations .01—.09 and adopt new Regulations .01—.09 under **COMAR 10.11.02 Early Hearing Detection and Intervention Program**.

#### **Statement of Purpose**

The purpose of this action is to update what is now considered to be archaic language and to bring this chapter into alignment with changes to the enabling statute. Certain procedures are being updated to reflect current practices, including screening and diagnostic practices as recommended in the latest Joint Committee on Infant Hearing position statement, and reporting procedures need to be upgraded. This upgrade includes a new requirement for audiologists to report results of hearing screening and diagnostic evaluations to the Program for Hearing Impaired Infants. Further, high-risk questionnaires are no longer used, and therefore language referring to the High Risk Questionnaire in Regulation .05 and references which follow, were deleted. Additionally, the regulations regarding the Advisory Council for Hearing Impaired Infants are being modernized.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

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

#### **Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

The proposed action has an impact on infants who miss or do not pass the birth hearing screen or are determined to have a risk factor for delayed onset or progressive hearing loss as outlined in the most current Joint Committee on Infant Hearing Position Statement. Early hearing detection and intervention is essential to ensuring that appropriate audiological, educational, and medical care is provided.

#### **Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

#### **.01 Purpose.**

The Early Hearing Detection and Intervention Program shall provide for the universal hearing screening of newborns and early identification and follow-up of newborns and infants who have, or are at risk for developing, a permanent hearing status that affects

speech-language skills. The Program shall identify newborns and infants who have a permanent hearing status that affects speech-language skills as early as possible.

**.02 Scope.**

This chapter requires the screening of all newborns and infants born in Maryland and follow-up for those who have, or are at risk for developing, a permanent hearing status that affects speech-language skills.

**.03 Definitions.**

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

**B. Terms Defined.**

(1) "Alternative birthing site" means any site of birth other than a hospital.

(2) "Appropriate services" mean any necessary audiological, medical, developmental, speech-language, psychosocial, educational, or intervention services required in the follow-up of newborns and infants who have or at risk for developing a permanent hearing status that affects speech-language skills.

(3) "At risk for developing a permanent hearing status that affects speech-language skills" means an infant identified as having any risk factor listed in Regulation .04 of this chapter.

(4) "Audiological assessment" means testing to determine status of the auditory mechanism.

(5) "Audiologist" means an individual licensed to practice audiology by the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists.

(6) "Birthing hospital" means a medical facility licensed by the Department which provides obstetrical services.

(7) "Department" means the Department of Health and Mental Hygiene.

(8) "Department database" means the computer data management system used to gather and maintain program data.

(9) "Early Hearing Detection and Intervention Advisory Council (Advisory Council)" means the 12-member advisory council appointed by the Secretary to provide advice and consultation to the Department concerning the Early Hearing Detection and Intervention Program.

(10) "Early intervention system" means the total effort in the State, for children from birth to 5 years of age, to meet the needs of eligible children and the children's families, including the efforts of the Maryland Early Hearing Detection and Intervention Program.

(11) "Hearing screening" means behavioral, electrophysiological, or other procedures used to identify newborns and infants in need of diagnostic audiological assessment.

(12) "Hearing status" means the state of an individual's ability to perceive sound, based on audiological assessment.

(13) "Infant" means a Maryland resident who is younger than 1 year old.

(14) "Infant with a permanent change in hearing status that affects speech-language skills" means an infant who has a loss that is a dysfunction of the auditory system or any nontransient hearing status of any type or degree which is sufficient to interfere with the acquisition and development of speech-language skills with or without the use of sound amplification.

(15) "Local education agency" means a public board of education and public school system legally constituted to administer and direct education and programs of education in the public elementary or secondary schools, including early childhood from birth through the end of high school or their equivalent, in Baltimore City and the 23 counties in Maryland.

(16) "Local health department" means the official public health agency of the local political subdivision affiliated with the Department.

(17) "Maryland Infants and Toddlers Program" means the program within the Maryland State Department of Education's Division of Special Education/Early Intervention Services that provides early intervention services for children under Part C of the Individuals with Disabilities Education Act.

(18) "Newborn" means a child up to 29 days old who is born in the State.

(19) "Parent" means a biological or adoptive parent, a legal guardian, another individual responsible for a child's welfare, or a person appointed as the surrogate parent as defined in COMAR 13A.05.01.

(20) "Primary care provider" means a licensed practitioner who is the primary coordinator of care for the individual, whose responsibility it is to provide accessible, continuous, comprehensive, and coordinated health care services.

(21) "Program" means the Early Hearing Detection and Intervention Program established by the Secretary that provides for the universal screening of newborns and early identification and follow-up of newborns and infants who have, or are at risk for developing, a permanent hearing status that affects speech-language skills.

(22) "Referral" means directing the newborn or infant at risk for developing a permanent hearing status that affects speech-language skills and the newborn or infant's parent or guardian to a professional for diagnostic audiological assessment or other appropriate services, or both.

(23) "Risk factors" means indicators that are associated with permanent congenital, delayed-onset, or progression to a hearing status that affects speech-language skills in childhood.

(24) "Secretary" means the Secretary of Health and Mental Hygiene.

(25) "Telephone resource line" means toll-free telephone access to the Program inside Maryland through live voice or recorded message including coverage for individuals who have a permanent hearing status that affects speech-language skills.

(26) "TTY" means a telecommunication device for individuals with disabilities.

**.04 High Risk Factors.**

Any of the following high risk factors are considered relevant in determining the possibility of a newborn or infant developing a permanent hearing status that affects speech-language skills under this chapter:

A. Caregiver concern regarding hearing, speech, language, or developmental delay;

B. Family history of a permanent hearing status that affects speech-language skills occurring during childhood;

C. Medical risk factors:

(1) Neonatal intensive care for more than 5 days;

(2) Extracorporeal membrane oxygenation;

(3) Assisted ventilation;

(4) Hyperbilirubinemia that requires exchange transfusion of the blood;

(5) Exposure to ototoxic medications, such as gentimycin and tobramycin; and

(6) Exposure to loop diuretic medications, such as furosemide and lasix;

D. In utero infections, such as cytomegalovirus, herpes, rubella, syphilis, and toxoplasmosis;

E. Craniofacial anomalies;

F. Physical findings associated with a permanent hearing status that affects speech-language skills;

G. Diagnosis of a syndrome associated with a congenital or progressive change in hearing status that affects speech-language skills;



H. Neurodegenerative disorders, including:

- (1) Hunter syndrome; and
- (2) Sensory motor neuropathies, such as Friedrich's Ataxia and Charcot-Marie-Tooth disease;

I. Culture-positive postnatal infections associated with a permanent change in hearing status that affects speech-language skills, including bacterial and viral meningitis;

J. Head trauma, including basal skull and temporal bone fracture, that require hospitalization; and

K. Chemotherapy.

**.05 Model System.**

The Department shall establish and maintain a model system to provide for the implementation of an early identification program and follow-up of newborns and infants who have or are at risk for developing a permanent hearing status that affects speech-language skills and includes the following components:

- A. Educational materials;
- B. Telephone resource line with TTY capabilities;
- C. Department database to gather and maintain program data;
- D. A service referral directory;
- E. In-service training of hospitals, local health departments, and local education agencies;
- F. Referral to appropriate agency or professional for services;
- G. Program monitoring and review;
- H. Confidentiality of records and information in accordance with Health-General Article, §§4-101 and 4-301 — 4-309, Annotated Code of Maryland; and

I. Continuum of follow-up which includes:

- (1) Contacting the primary care provider in writing or by telephone to verify the status of the infant;
- (2) Contacting parents or guardians in writing or by telephone to facilitate referral for diagnostic audiological assessment and referral for appropriate services; and
- (3) Interfacing with the single point of entry for the early intervention system.

**.06 Early Hearing Detection and Intervention Advisory Council.**

The Advisory Council shall:

A. Advise the Department on:

(1) The implementation of an early identification program and follow-up of newborns and infants who have, or are at risk for developing, a permanent hearing status that affects speech-language skills;

(2) Setting of standards for the Program including procedures for hearing screening;

(3) Monitoring and reviewing of the Program; and

(4) Provision of quality assurance for the Program;

B. Provide consultation to the Department in the development of the Program;

C. Make recommendations for operation of the Program;

D. Provide consultation to the Department in the maintenance of an educational program for families, professionals, and the public integrated with the Maryland Infants and Toddlers Program and local early intervention systems, including existing State and local education agency programs;

E. Review any materials the Department may distribute to the public concerning newborns and infants who have a permanent hearing status that affects speech-language skills;

F. Meet annually with the Secretary or the Secretary's designee; and

G. Provide consultation to the Department in the adoption of rules and regulations necessary to implement the Program.

**.07 Procedures for Birthing Hospitals and Alternative Birthing Sites.**

For each infant delivered at the facility or site, birthing hospital staff and, in the cases of alternative birthing sites, the licensed professional attending the birth shall:

A. Within 48 hours of delivery, enter demographic and birth event data into the Department database;

B. Within 48 hours of discharge from care in the Department database:

(1) Document:

- (a) The hearing screening test results; and
- (b) Any known risk factors; and

(2) Identify and document:

- (a) The infant's primary care provider; and
- (b) Any referrals made; and

C. Provide to the family:

(1) Written documentation of the birth hearing screening results;

(2) Any identified risk factors; and

(3) Instructions for any recommended follow-up.

**.08 Procedures for Audiologists and Licensed Professionals Conducting Audiological Screening or Evaluations.**

A. An audiologist or a licensed professional who performs a hearing screening or audiological diagnostic evaluation on a child younger than 5 years old due to the presence of a risk factor as listed in Regulation .04 of this chapter or in follow-up to the birth hearing screening of a newborn or infant who did not receive or did not pass the birth hearing screening shall:

(1) Within 2 business days:

(a) Report the results of the screening or audiological diagnostic evaluation to the Program in the Department database;

(b) Document recommendations and referrals provided in the Department database; and

(c) Confirm or update the demographic information of the child or infant in the Department database; and

(2) Within 7 business days, notify the appropriate early intervention program at the Maryland State Department of Education of any child younger than 5 years old confirmed to have or strongly suspected of having a permanent hearing status of any type or degree as described in §B of this regulation which is sufficient to interfere with the acquisition and development of speech-language skills with or without the use of sound amplification.

B. A child younger than 5 years old is strongly suspected of having a permanent hearing status if evidence or clinical judgment exists which indicates that there is a high probability of a permanent hearing status of any type or degree which is sufficient to interfere with the acquisition and development of speech-language skills.

**.09 Department Procedures.**

A. The Program shall:

(1) Implement the model system;

(2) Perform duties and responsibilities in accordance with the advice and consultation of the Advisory Council;

(3) Exercise independent judgment in the day-to-day operations of the Program;

(4) Develop Program processes in consultation with the Advisory Council;

(5) Conduct in-service training on Program procedures;

(6) Maintain a Department database to monitor infants at risk for developing a hearing status that affects speech-language skills;

(7) Track infants identified as at risk for developing a permanent hearing status that affects speech-language skills for a period of 5 years;

(8) Maintain a service directory within the Department database;

(9) *Assure operation of the telephone resource line;*

(10) *Facilitate referral for diagnostic audiological assessment and early intervention for infants who are at risk for developing a permanent hearing status that affects speech-language skills;*

(11) *Maintain records of the audiological assessment reports for infants at risk for developing a permanent hearing status that affects speech-language skills; and*

(12) *Interface with the single point of entry of the early intervention system.*

*B. The Secretary shall establish guidelines for the operation of the Advisory Council.*

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

## Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES

### 10.19.07 Prohibition of Child Care Products Containing TCEP or TDCPP

Authority: Health-General Article, §24-306, Annotated Code of Maryland

#### Notice of Proposed Action

[14-322-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01—.03 under **COMAR 10.19.07 Prohibition of Child Care Products Containing TCEP or TDCPP**.

#### Statement of Purpose

The purpose of this action is to prohibit the import, sale, or offering for sale of any child care product that contains TDCPP; and to make minor grammatical changes to align these regulations with State statute.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** This proposal will have no impact on State and local governments. However, it may have an impact on retailers that import, sell, or offer for sale child care products containing the flame-retardant chemical TDCPP because this regulation will prohibit those actions, potentially decreasing revenue.

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

F. Direct and indirect

effects on public:

(+)

Indeterminable

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

A. and D. If violations occur, civil penalties may be collected; however the exact amount is indeterminable.

E. There may be a minimal negative economic impact on industries that import, sell, or offer for sale child care products containing the flame-retardant chemical TDCPP because this regulation will prohibit those actions, potentially decreasing revenue. The child care products industry is voluntarily phasing out the chemical TDCPP; therefore, it is not expected that these regulations will have a significant impact on any regulated industry.

F. This proposal would have a positive effect on the public because it will eliminate the potential and actual exposure of children to a fire-retardant chemical with potential adverse health consequences. At the same time, it should not increase the risk of fire-related injuries.

#### 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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499; TTY:800-735-2258, or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

#### .01 Scope.

A. This chapter establishes regulations that prohibit the import, sale, or offering for sale of child care products containing [the flame-retardant chemical]:

(1) TCEP, also known as [TRIS (2-chloroethyl) phosphate] (*tris (2-chloroethyl) phosphate*); or

(2) TDCPP, also known as (*tris (1, 3-dichloro-2-propyl) phosphate*).

B. (text unchanged)

#### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Child care [article] *product*" means a consumer product intended for use by a child under the age of 3 years, including a:

(a)—(f) (text unchanged)

(2) (text unchanged)

(3) "TCEP" means an industrial chemical also known as [TRIS (2-Chloroethyl) Phosphate] (*tris (2-chloroethyl) phosphate*).

(4) "TDCPP" means an industrial chemical also known as (*tris (1, 3-dichloro-2-propyl) phosphate*).

#### .03 Prohibition of TCEP or TDCPP in Child Care [Articles] Products.

A. [On or after October 1, 2013, a] A person may not import, [knowingly] sell, or offer for sale [in commerce a] any child care [article] *product* containing more than 1/10 of 1 percent of TCEP by mass.

*B. On or after October 1, 2014, a person may not import, sell, or offer for sale any child care product containing more than 1/10 of 1 percent of TDCPP by mass.*

[B.] C. The Secretary may suspend implementation of this chapter if the Secretary determines that the fire safety benefits of TCEP or TDCPP are greater than the known health risks associated with TCEP or TDCPP.

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

# **Title 13A STATE BOARD OF EDUCATION**

## **Subtitle 12 CERTIFICATION**

### **13A.12.03 Specialists**

Authority: Education Article, §§2-205, 2-303(g), 6-101—6-104, and 6-701—6-706; Health Occupations Article, §2-301; Annotated Code of Maryland

#### **Notice of Proposed Action**

[14-323-P]

The Professional Standards and Teacher Education Board proposes to amend Regulations .02 and .08 under **COMAR 13A.12.03 Specialists**. This action was considered at the June 5, 2014, meeting of the Professional Standards and Teacher Education Board.

#### **Statement of Purpose**

The purpose of this action is to allow more flexibility for local school systems in hiring school counselors and psychologists.

#### **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 Jean Satterfield, Assistant State Superintendent, Division of Educator Effectiveness, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0385 (TTY 410-333-6442), or email to [jean.satterfield@maryland.gov](mailto:jean.satterfield@maryland.gov), or fax to 410-333-8963. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

#### **Open Meeting**

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on January 8, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

#### **.02 School Counselor.**

The requirements for certification as a school counselor are:

A. Option I. The applicant shall [have] *submit*:

(1)—(3) (text unchanged)

B. Option II. The applicant shall [have] *submit*:

(1) (text unchanged)

(2) 2 years of satisfactory performance as a teacher or school counselor, or 500 clock hours in a supervised practicum in school counseling or *school guidance and counseling*.

C. Option III. The applicant shall [have] *submit* a master's degree in school counseling or school guidance and counseling from a program approved by the Council for Accreditation of Counseling and Related Educational Programs (CACREP).

D. Option IV. The applicant shall [have] *submit*:

(1) (text unchanged)

(2) 2 years of satisfactory performance as a teacher or school counselor or *500 clock hours in a supervised practicum in school counseling or school guidance and counseling*.

E. Option V. The applicant shall *submit*:

(1) [Have a] A master's degree from an IHE; and

(2) [Present a] A valid, professional certificate from another state and verification of at least 27 months of satisfactory performance as a school counselor during the past 7 years on the basis of which application is being made for a comparable Maryland certificate.

#### **.08 School Psychologist.**

A. (text unchanged)

B. Education. The education requirements for certification as a school psychologist are that the applicant shall meet one of the following:

(1) Option I:

(a) [Have an advanced graduate specialist's, or doctoral] *Submit a master's or higher degree in school psychology from a [National Association of School Psychologists, NCATE, American Psychological Association, or State Department of Education] State-approved program; and*

(b) [Meet qualifying] *Qualifying scores on the State-approved test for school psychologist[:].*

(2) Option II:

(a) [Have a master's, advanced graduate specialist's, or doctoral degree in either psychology, education, or human development from an IHE; and] *Submit a master's or higher degree and complete a State-approved program in school psychology, culminating a minimum of a 1,200-hour internship in school psychology; and*

[(b) Have completed 60 semester hours of graduate courses at an IHE (30 of which must be from one institution) to include course work in each of the following areas of study:]

(table proposed for repeal)

[(c)] (b) [Meet] *Submit* qualifying scores on the State-approved test for school psychologist[:]; or].

(3) Option III: [Have] *Submit* a valid Nationally Certified School Psychologist certificate issued by the National School Psychology Certification Board.

(4) Option IV:

(a) *Submit a master's or higher degree from an IHE; and*

(b) *Submit a valid professional certificate in school psychology from another state and verification of at least 27 months of satisfactory performance as a school psychologist during the past 7 years on the basis of which application is being made for a comparable Maryland certificate.*

[C. Experience. The experience requirements for certification as a school psychologist are that the applicant shall meet one of the following:

(1) Option I:

(a) 1,200 clock hours internship experience while enrolled in a school psychology program that is approved by and under the direction of an IHE.

(b) The internship shall cover a broad and balanced variety of experiences in the following areas:

- (i) Assessment, such as classroom observation, rating scale procedures, standardized testing, and individualized testing;
- (ii) Indirect intervention, such as consultation;
- (iii) Direct intervention, such as counseling, modification of behavior;
- (iii) Direct intervention, such as counseling, modification of behavior;
- (iv) School/system support, such as establishing school needs, conducting in-service sessions and research;
- (v) Services to special and nonspecial education students in public or State-approved nonpublic school settings; and
- (vi) Services to students in special settings such as public or State-approved special education schools, clinics, or hospitals.

(2) Option II: Two years of successful experience providing psychological services to children in an educational setting under the direction of an individual certified as a school psychologist. The experience shall include the areas listed in §C(1)(b) of this regulation.]

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

## Title 19A STATE ETHICS COMMISSION

### Subtitle 01 PROCEDURES

#### 19A.01.03 Enforcement Procedures

Authority: [State Government] *General Provisions* Article, [§§15-206, 15-401 — 15-408, and 15-901 — 15-904] §§5-206, 5-401 — 5-408, and 5-901 — 5-904, Annotated Code of Maryland

##### Notice of Proposed Action

[14-317-P]

The State Ethics Commission proposes to amend Regulation .11 under **COMAR 19A.01.03 Enforcement Procedures**.

##### Statement of Purpose

The purpose of this action is to correct statutory references required as a result of legislation that moved the Public Ethics Law from State Government Article to General Provisions Article, Annotated Code of Maryland.

##### 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 Jennifer Allgair, General Counsel, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, MD 21401, or call 410-260-7770, or email to [jennifer.allgair@maryland.gov](mailto:jennifer.allgair@maryland.gov), or fax to 410-260-7746. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

#### .11 Commission Decision.

A. (text unchanged)

B. If, after a hearing, the Commission finds that a respondent has violated [State Government] *General Provisions* Article, Title [15] 5, Annotated Code of Maryland, the Commission shall issue a written report that:

(1) — (2) (text unchanged)

C. If the Commission finds that the respondent has not violated any of the provisions of [State Government] *General Provisions* Article, Title [15] 5, Annotated Code of Maryland, as alleged in the hearing notice, the Commission shall:

(1) — (2) (text unchanged)

D. Sanctions.

(1) If the Commission finds that the respondent has violated any of the provisions of [State Government] *General Provisions* Article, Title [15] 5, Annotated Code of Maryland, the Commission may take any action authorized in [State Government] *General Provisions* Article, [§15-405] §5-405 or Title [15] 5, Subtitle 9, Annotated Code of Maryland.

(2) In determining the sanctions to impose in a matter involving a finding of a violation of [State Government] *General Provisions* Article, Title [15] 5, Subtitle 7, Annotated Code of Maryland, the Commission may consider all relevant factors, including:

(a) — (g) (text unchanged)

E. If the Commission finds that the respondent has violated the financial disclosure or lobbying reporting provisions of [State Government] *General Provisions* Article, Title [15] 5, Subtitles 6 and 7, Annotated Code of Maryland, the Commission shall impose late fees as set forth in [State Government] *General Provisions* Article, [§15-405] §5-405, Annotated Code of Maryland.

F. — G. (text unchanged)

H. The Commission may seek judicial enforcement of any order issued pursuant to this regulation, or any other relief as provided in [State Government] *General Provisions* Article, Title [15] 5, Subtitles 2, 3, 4, and 9, Annotated Code of Maryland.

MICHAEL LORD  
Executive Director  
State Ethics Commission

### Subtitle 03 FINANCIAL DISCLOSURE

#### Notice of Proposed Action

[14-318-P]

The State Ethics Commission proposes to:

(1) Amend Regulations .03 and .04 under **COMAR 19A.03.01 Disclosure Required by Members of Boards and Commissions**;

(2) Amend the **Authority Line** under **COMAR 19A.03.02 Disclosure by Faculty Members at State Institutions of Higher Education**;

(3) Amend Regulation .01 under **COMAR 19A.03.03 Disclosure by Public Officials, State Officials, and Candidates to Be State Officials**; and

(4) Adopt new Regulations .01 — .04 under a new chapter, **COMAR 19A.03.04 Electronic Filing**.

#### Statement of Purpose

The purpose of this action is to require individuals who are required to file financial disclosure statement to file those statements using the Ethics Commission's electronic filing system. The proposed regulations provide exemptions under certain circumstances and authorize the Executive Director of the Commission to grant an exemption under certain circumstances. In addition, the proposed regulations correct statutory cross-references.

**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 Jennifer Allgair, General Counsel, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, MD 21401, or call 410-260-7770, or email to jennifer.allgair@maryland.gov, or fax to 410-260-7746. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

**19A.03.01 Disclosure Required by Members of Boards and Commissions**

Authority: [State Government] *General Provisions* Article, [§§15-206] §§5-206 and [15-208] 5-208 and Title [15] 5, Subtitle 6, Annotated Code of Maryland

**.03 Exemptions.**

A. A board or commission may request in writing that the [Ethics] Commission grant the board or commission an exemption from the requirement that members of the board or commission file financial disclosure statements with the [Ethics] Commission.

B. The [Ethics] Commission may grant a board or commission an exemption requested under §A of this regulation if:

(1) — (2) (text unchanged)

C. (text unchanged)

D. The records of the [Ethics] Commission related to an exemption are public documents.

**.04 Financial Disclosure Requirements.**

A. An individual shall file a financial disclosure statement on a form or using the electronic filing system provided by the [Ethics] Commission.

B. Contents of Financial Disclosure Statements.

(1) (text unchanged)

(2) An individual shall disclose the information specified in [State Government] *General Provisions* Article, [§15-607(b)] §5-607(b), Annotated Code of Maryland, for an interest the individual holds in real property that:

(a) — (g) (text unchanged)

(3) An individual shall disclose the information specified in [State Government] *General Provisions* Article, [§15-607(c)] §5-607(c), Annotated Code of Maryland, for an interest the individual holds in a corporation, partnership, limited liability partnership, or limited liability company if the interest:

(a) — (b) (text unchanged)

(4) An individual shall disclose the information specified in [State Government] *General Provisions* Article, [§15-607(d)] §5-607(d), Annotated Code of Maryland, for an interest the individual holds in a business entity if the interest is not disclosed under §B(3) of this regulation and the interest:

(a) — (b) (text unchanged)

(5) Gifts.

(a) Except as provided in §B(5)(b) of this regulation, an individual shall disclose the information specified in [State Government] *General Provisions* Article, [§15-607(e)] §5-607(e), Annotated Code of Maryland, for a gift in excess of \$50 in value and

for any series of gifts totaling over \$100 in value in the reporting period from any person doing business with, regulated by, or registered as a lobbyist before the individual's board or commission.

(b) (text unchanged)

(6) An individual shall disclose the information specified in [State Government] *General Provisions* Article, [§15-607(f)] §5-607(f), Annotated Code of Maryland, for any office, directorship, or salaried employment with any entity that does business with the individual's board or commission that was held by the individual or a member of the individual's immediate family during the reporting period.

(7) An individual shall disclose the information specified in [State Government] *General Provisions* Article, [§15-607(g)] §5-607(g), Annotated Code of Maryland, for a debt the individual owed at any point in the reporting period to any person or entity that does business with the individual's board or commission or is under the authority of the individual's board or commission.

(8) — (10) (text unchanged)

C. (text unchanged)

**19A.03.02 Disclosure by Faculty Members at State Institutions of Higher Education**

Authority: [State Government] *General Provisions* Article, [§15-102(aa)(1)(iii)] §5-103, Annotated Code of Maryland

**19A.03.03 Disclosure by Public Officials, State Officials, and Candidates to Be State Officials**

Authority: [State Government] *General Provisions* Article, [§§15-102, 15-206, 15-601, and 15-602] §§5-101, 5-206, 5-601, and 5-602, Annotated Code of Maryland

**.01 Applicability.**

A. This chapter applies to an official or a candidate to be a State official who is required to file a financial disclosure statement under [State Government] *General Provisions* Article, [§§15-601(a) and (e), 15-603, 15-604, or 15-605] §§5-601(a) and (e), 5-603, 5-604, or 5-605, Annotated Code of Maryland.

B. (text unchanged)

**19A.03.04 Electronic Filing**

Authority: *General Provisions* Article, §5-602, Annotated Code of Maryland

**.01 Application.**

*Except as otherwise provided in Regulation .02 of this chapter, an individual required to file a financial disclosure statement under this subtitle shall file the financial disclosure statement using the electronic filing system provided by the Commission.*

**.02 Exemptions.**

*An individual may file a financial disclosure statement required under this subtitle on a paper form provided by the Commission if:*

*A. The individual is identified as a financial disclosure filer prior to October 1, 2014;*

*B. The individual filed a financial disclosure statement prior to October 1, 2014; and*

*C. The individual's most recent financial disclosure statement filed with the Commission was filed using a paper form approved by the Commission.*

**.03 Hardship Exemptions.**

*The Executive Director of the Commission may grant an exemption from the requirement of Regulation .01 of this chapter if*

the individual applies for an exemption using a form provided by the Commission and:

A. The individual has a disability that prevents the individual from filing using the electronic filing system;

B. The individual does not have access to the technology necessary to use the electronic filing system; or

C. The individual is unable to use the electronic filing system due to other hardship.

#### **.04 Candidate Exemptions.**

A. An incumbent candidate for State office shall be governed by the provisions of Regulation .02 of this chapter with respect to eligibility for an exemption from filing a financial disclosure statement using the electronic filing system.

B. Nonincumbent candidates for State office may file a financial disclosure statement using a paper form approved by the Commission provided upon request by the Commission or the State Board of Elections.

C. An individual who qualifies for an exemption under §A or B of this regulation may elect to file a financial disclosure statement using the Commission's electronic filing system.

MICHAEL LORD  
Executive Director  
State Ethics Commission

#### **Notice of Proposed Action**

[14-315-P]

The State Ethics Commission proposes to:

(1) Amend Regulation .04 under **COMAR 19A.04.03 Review Procedures**;

(2) Amend Regulation .02 and adopt new Regulation .03 under **COMAR 19A.05.03 Review Procedures**; and

(3) Adopt new Regulations .01 and .02 under a new chapter, **COMAR 19A.05.04 Model Regulations**.

#### **Statement of Purpose**

The purpose of this action is to implement Ch. 20, Acts of 2014. The regulations authorize the Ethics Commission to issue a public notice that a county, municipal corporation, or board of education has failed to comply with the requirement to adopt an ethics law, regulation, or policy that meets certain standards. The regulations also require the State Ethics Commission to adopt model ethics regulations for boards of education. Finally, the proposed regulations correct statutory references.

#### **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 Jennifer Allgair, General Counsel, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, MD 21401, or call 410-260-7770, or email to jennifer.allgair@maryland.gov, or fax to 410-260-7746. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

## **Subtitle 04 LOCAL GOVERNMENT ETHICS LAW**

### **19A.04.03 Review Procedures**

Authority: [State Government] *General Provisions* Article, [§§15-206,] §§5-206 and [15-209,] 5-209 and Title [15] 5, Subtitle 8, Annotated Code of Maryland

#### **.04 Enforcement.**

A. The Commission and its staff [will] *shall* make reasonable efforts to assist counties and municipalities in developing local laws that reflect the intent of the Public Ethics Law and take account of local circumstances and needs in avoiding conflicts of interest within that jurisdiction.

B. Nonconformance Remedies.

(1) If the Commission determines that a county or municipality has not complied with and has not made good faith efforts toward compliance with the requirements of the Public Ethics Law, the Commission may issue a public notice:

(a) Concerning the failure of compliance by the local jurisdiction; and

(b) Listing the specific areas of noncompliance in the proposed or enacted local ethics law.

[(1)] (2) If the Commission determines that a county or municipality [does not conform to] *has not complied with* the requirements of the Public Ethics Law, the Commission may seek appropriate relief in a court exercising equity jurisdiction in the county or city having proper venue for the purposes of requiring compliance with the Public Ethics Law.

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

## **Subtitle 05 BOARD OF EDUCATION ETHICS REGULATIONS**

### **19A.05.03 Review Procedures**

Authority: [State Government] *General Provisions* Article, [§§15-811—15-815] §§5-811 — 5-819, Annotated Code of Maryland

#### **.02 Commission Review of Board of Education Regulations.**

A. (text unchanged)

B. The Commission shall review all enacted regulations and amendments and shall determine if the regulations or amendments meet the requirements of this subtitle and [State Government] *General Provisions* Article, Title [15] 5, Subtitle 8, Part [II] *III*, Annotated Code of Maryland.

C. In determining whether a board of education's regulations or amendments meet the statutory requirements for members of school boards and for being similar to the Public Ethics Law, the Commission shall apply the criteria of COMAR 19A.05.02 and [State Government] *General Provisions* Article, Title [15] 5, Subtitle 8, Part [II] *III*, Annotated Code of Maryland.

D. Disapproval by Commission.

(1) The Commission may disapprove a regulation or amendment adopted by a board of education:

(a) (text unchanged)

(b) Only if the Commission finds that the regulation or amendment is not in substantial compliance with this subtitle or [State Government] *General Provisions* Article, Title [15] 5, Subtitle 8, Part [II] *III*, Annotated Code of Maryland.

(2) If the Commission determines that a board of education's regulations or amendments do not meet the requirements of this subtitle or [State Government] *General Provisions* Article, Title [15] 5, Subtitle 8, Part [II] *III*, Annotated Code of Maryland, the

Commission promptly shall notify the board of education of the determination, and Commission staff shall assist the board of education in developing regulations that comply with these requirements.

E. (text unchanged)

F. Regulations and amendments adopted under this subtitle and [State Government] *General Provisions* Article, [Title 15] *Title 5*, Subtitle 8, Part [III] *III*, Annotated Code of Maryland, become effective 60 days after submission to the Commission unless the Commission disapproves the regulations as provided in §D of this regulation.

### **.03 Enforcement.**

A. *The Commission and its staff shall make reasonable efforts to assist a board of education in developing ethics regulations that reflect the intent of the Public Ethics Law and take account of local circumstances and needs in avoiding conflicts of interest within that jurisdiction.*

B. *Nonconformance Remedies.*

(1) *If the Commission determines that a board of education has not complied with and has not made good faith efforts toward compliance with the requirements of the Public Ethics Law, the Commission may issue a public notice:*

(a) *Concerning the failure of compliance by the board of education; and*

(b) *Listing the specific areas of noncompliance in the board of education's proposed or adopted ethics regulations.*

(2) *If the Commission determines that a board of education has not complied with the requirements of the Public Ethics Law, the Commission may:*

(a) *Issue an order providing that officials and employees of the board of education are subject to the ethics laws of the county in which the board of education is located; and*

(b) *Seek appropriate relief in a court exercising equity jurisdiction in the county or city having proper venue for the purposes of requiring compliance with the Public Ethics Law.*

(3) *A court may grant any available equitable relief, including imposition of model regulations developed by the Commission on the board of education.*

## **19A.05.04 Model Regulations**

Authority: *General Provisions* Article, §§5-205 and 5-206 and *Title 5*, Subtitle 8, Annotated Code of Maryland

### **.01 Model Regulations.**

*The model board of education ethics regulations in Appendices A and B to this subtitle are established as alternative model provisions developed by the Commission under General Provisions Article, §5-205, Annotated Code of Maryland.*

### **.02 Effect of Models.**

A. *Status.*

(1) *The model board of education ethics regulations in Appendices A and B to this subtitle are informational and examples only.*

(2) *The Commission shall determine whether a board of education's ethics regulations comply with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, based on the criteria and guidelines set forth in COMAR 19A.05.02 and the Public Ethics Law.*

B. *Compliance with Public Ethics Law Requirements.*

(1) *The model regulations in Appendices A and B comply with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland.*

(2) *The model conflict of interest and financial disclosure provisions for members of the school board in Appendices A and B are equivalent to the requirements of General Provisions Article, Title 5, Subtitles 5 and 6, Annotated Code of Maryland.*

C. *Applicability.*

(1) *The model regulations in Appendix A may be viewed as a guide for boards of education located in larger counties.*

(2) *The model regulations in Appendix B may be viewed as a guide for boards of education located in smaller counties.*

MICHAEL LORD  
Executive Director  
State Ethics Commission

## **Subtitle 07 LOBBYING**

### **19A.07.01 General**

Authority: [State Government] *General Provisions* Article, [§15-206] §5-206 and *Title [15] 5*, Subtitle 7, Annotated Code of Maryland

#### **Notice of Proposed Action**

[14-314-P]

The State Ethics Commission proposes to amend Regulations **.03** and **.04** under **COMAR 19A.07.01 General**.

#### **Statement of Purpose**

The purpose of this action is to implement Ch.19, Acts of 2014, which established a certification requirement for regulated lobbyists that states that they are authorized to lobby on behalf of an entity. The legislation repealed a requirement that a physical authorization form signed by the entity that engages the lobbyist be submitted to complete the registration process. Finally, the legislation authorized completion of the registration requirement electronically.

#### **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 Jennifer Allgair, General Counsel, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, MD 21401, or call 410-260-7770, or email to [jennifer.allgair@maryland.gov](mailto:jennifer.allgair@maryland.gov), or fax to 410-260-7746. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

### **.03 Authority to Lobby.**

A. [A person that engages a regulated lobbyist for the purpose of lobbying shall provide a signed authorization for the regulated lobbyist to act, which, if the person is a corporation, shall be signed by an authorized officer or agent, other than the regulated lobbyist] *A regulated lobbyist engaged by an entity for the purpose of lobbying shall certify under oath or affirmation that the regulated lobbyist is authorized to engage in lobbying for the entity.*

B. *The certification of authorization to act under §A of this regulation shall include:*

(1) *The full legal name and business address of the [person and of the regulated lobbyist] entity;*



[(2) Subject to subsequent modification, the period during which the regulated lobbyist is authorized to act; and

(3) With as much specificity as possible, the proposals or subjects on which the regulated lobbyist proposes to act.]

(2) *The name, contact information and the official title of the representative of the entity who authorized the regulated lobbyist to engage in lobbying for the entity;*

(3) *The full legal name and business address of the regulated lobbyist;*

(4) *Subject to subsequent modification, the period during which the regulated lobbyist is authorized to act; and*

(5) *The proposal or subject on which the regulated lobbyist represents the entity.*

#### **.04 Registration with Commission.**

A. Each regulated lobbyist shall register with the Ethics Commission:

(1) (text unchanged)

(2) On a form or using the electronic registration system provided by the Ethics Commission.

B. Each registration [form] shall include, if applicable:

(1) — (6) (text unchanged)

C. If applicable, each registration shall include the [authorization] certification required by Regulation .03 of this chapter.

D. (text unchanged)

E. Registration [Form].

(1) Each registration [form] shall be accompanied by a fee in the amount established by [State Government] *General Provisions* Article, [§15-703(e)] §5-703, Annotated Code of Maryland.

(2) (text unchanged)

F. — G. (text unchanged)

#### **Opportunity for Public Comment**

Comments may be sent to Jennifer Allgair, General Counsel, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, MD 21401, or call 410-260-7770, or email to [jennifer.allgair@maryland.gov](mailto:jennifer.allgair@maryland.gov), or fax to 410-260-7746. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

#### **.18 Ethics Training Requirements.**

A. *This regulation applies to an individual regulated lobbyist described in Regulation .02A of this chapter.*

B. *An individual regulated lobbyist shall complete the lobbyist training course required by General Provisions Article, §5-205(e), Annotated Code of Maryland:*

(1) *Within 6 months of the individual regulated lobbyist's initial registration with the Ethics Commission; or*

(2) *If the initial registration is terminated in accordance with General Provisions Article, §5-704(f), Annotated Code of Maryland, earlier than 6 months after the date of registration, before any subsequent registration with the Ethics Commission.*

C. *On completion of the initial training course under §B of this regulation, an individual regulated lobbyist shall complete the training course required under General Provisions Article, §5-205(e), Annotated Code of Maryland, within the 2-year period following the date of the most recently completed training course.*

MICHAEL LORD  
Executive Director  
State Ethics Commission

MICHAEL LORD  
Executive Director  
State Ethics Commission

## **Title 26 DEPARTMENT OF THE ENVIRONMENT**

### **Subtitle 03 WATER SUPPLY, SEWERAGE, SOLID WASTE, AND POLLUTION CONTROL PLANNING AND FUNDING**

#### **26.03.13 Bay Restoration Fund Implementation**

Authority: Environment Article, §9-1605.2, Annotated Code of Maryland;  
*Chs. 80 and 379, Acts of 2014*

#### **Notice of Proposed Action**

[14-319-P]

The Secretary of the Environment proposes to amend Regulation .04 under **COMAR 26.03.13 Bay Restoration Fund Implementation.**

#### **Statement of Purpose**

The purpose of this action is to amend the existing regulations based on the statutory changes to Environment Article, §9-1605.2, Annotated Code of Maryland, during the 2014 legislative session in Chs. 80 (H.B. 11) and 379 (H.B. 12), Acts of 2014.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

### **Subtitle 07 LOBBYING**

#### **19A.07.01 General**

Authority: [State Government] *General Provisions* Article, [§15-206 and Title 15, Subtitle 7] §§5-205(e), 5-206 and 5-704.1, Annotated Code of Maryland

#### **Notice of Proposed Action**

[14-316-P]

The State Ethics Commission proposes to adopt new Regulation .18 under **COMAR 19A.07.01 General.**

#### **Statement of Purpose**

The purpose of this action is to implement Ch. 21, Acts of 2014. Specifically, the proposed regulation requires individual regulated lobbyists to complete certain training courses within certain time periods.

#### **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.



**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed amendment will provide funding to local government environmental health departments.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(R+)	Up to 1.5 million/year
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	NONE	
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.)

C. Up to 10 percent (estimated \$1,500,000) of the Bay Restoration Fund (septic) fees deposited to the Department may be used to provide additional administrative assistance to local government environmental health departments to implement regulations related to septic systems.

**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 Jag Khuman, Director, Water Quality Financing Administration, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230, or call 410-537-3891, or email to jag.khuman@maryland.gov, or fax to 410-537-3968. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

**.04 Onsite Sewage Disposal System Fund.**

A. Bay Restoration Fund fees deposited into the Onsite Sewage Disposal System Fund shall be used:

(1) To provide grants or loans up to 100 percent for:

(a) — (b) (text unchanged)

(c) The cost of replacing multiple onsite sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards, and the cost may not exceed the sum of the cost difference between conventional onsite sewage disposal systems and new onsite sewage disposal systems that use the best available technology for removing nitrogen; and

(d) The cost of connecting a property using an onsite sewage disposal systems to an existing wastewater treatment plant that meets either enhanced nutrient removal or biological nutrient removal

standards.[, and the] This cost may not exceed the sum of the cost of onsite sewage disposal systems that include best available technology for removing nitrogen. This cost may include payment of principal, but not interest, of debt issued by a local government for such connection.

(2) (text unchanged)

(3) [The] For the Department's operating expenses, including technical assistance, to administer the Bay Restoration Onsite Sewage Disposal System Fund not to exceed 8 percent of fees deposited into the Onsite Sewage Disposal System Fund.

(4) For expenses of a local public entity, not to exceed 10 percent of the fees deposited into the onsite sewage disposal system fund, to administer, enforce, and implement regulations adopted by the Department and delegated to the local public entity, for the reduction of nitrogen using best available technology at onsite sewage disposal systems.

B. — D. (text unchanged)

E. Procedures for Review, Public Notice and Public Hearing for Projects Not Located in the Priority Funding Area.

(1) Departmental Review. The applicant shall submit a complete application to include the following:

(a) Information about the public health issues that the project addresses including a description of the current condition of the onsite sewage disposal system based on factors such as type of soil, lot size, water table, bacteria samples, and dye tests;

(b) The anticipated mitigation that the project will provide to the identified public health issues;

(c) Information regarding any potential new development resulting from the project;

(d) Measures to be taken to mitigate the potential impacts of new growth resulting from the project;

(e) Evidence that demonstrates the total net nitrogen reduction resulting from the project as well as any additional nitrogen loading that may result from potential new growth, including:

(i) Methods used to calculate the total nitrogen reductions and additional nitrogen loading; and

(ii) Assumptions relied upon to calculate the total nitrogen reductions and additional nitrogen loading; and

(f) Language amending the Water and Sewer Plan in draft or final form to identify the problem area and provide proof of available sewer service capacity, including identity of all necessary service agreements, proposed service area boundary changes, and any text and data changes needed to document new sewerage services.

(2) Notice of Application and Public Hearing. Upon receiving an application for funding, the Department shall coordinate with the Maryland Department of Planning prior to granting preliminary approval and shall:

(a) Provide a 30-day public notice on its website homepage summarizing:

(i) The public health issues being addressed by the project;

(ii) New in-fill growth resulting from the project;

(iii) Mitigation measures to lessen the impact of new growth that could result from the project;

(iv) Net nitrogen reductions resulting from the project that shall consider the impact of additional nitrogen loading from potential new growth; and

(v) A deadline for receiving written comments;

(b) Provide a copy of the public notice to any interested party that has requested such notice; and

(c) Provide an opportunity for a public hearing, if requested within 30 days of the public notice.

- (3) *If a public hearing is held regarding an application:*
- (a) *The applicant shall attend the hearing and present information concerning the application;*
- (b) *Written comments shall be accepted if they are received by the Department on or before the deadline specified by the Department; and*
- (c) *Oral comments may be made at the public hearing.*
- (4) *Determination of Preliminary Approval. The Department shall, in coordination with the Maryland Department of Planning, make its determination of preliminary approval:*
- (a) *Based on the information received with the application, along with any written comments received or any oral public comments received at the hearing that raise issues of law or material facts regarding an application for funding, but only if the issues are pertinent to purposes of the onsite sewage disposal system fund; or*
- (b) *If no public hearing is requested, based on the information received with the application and from written comments that raise issues of law or material facts regarding an application for funding, but only if the issues are pertinent to purposes of the onsite sewage disposal system fund.*
- (5) *Funding Approval. Upon granting an applicant preliminary approval for funding, the Department shall submit the application for a Priority Funding Area exception to the Smart Growth Coordinating Committee or to such body as may be designated by the State to consider applications for Priority Funding Area exceptions, for final approval or disapproval. The Smart Growth Coordinating Committee shall formally notify the Department of its decision.*
- (6) *Grant Conditions: Upon final approval of a priority funding area exception by the Smart Growth Coordinating Committee or such other body as may be designated by the State to consider applications for Priority Funding Area exceptions, the Department shall notify the applicant of the approval and shall enter into a grant agreement with the applicant that shall include terms and conditions of such final approval, including:*
- (a) *A denial of access for any future connections not included in the project's proposed service area;*
- (b) *Limits on potential new developments that could result from the project;*
- (c) *A requirement to amend the county water and sewer plan;*
- (d) *Provisions to ensure that the funding for the project will not unduly impede access to funding for upgrading other individual onsite sewage disposal systems within the jurisdiction; and*
- (e) *A certification from the county's environmental health director that the project is consistent with a public health area of concern and shall be subsequently added to the county's water and sewer plan.*

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

## Subtitle 12 RADIATION MANAGEMENT

### Notice of Proposed Action

[14-320-P-I]

The Secretary of the Environment proposes to amend:

- (1) Regulation .01 under **COMAR 26.12.01 Radiation Protection**; and
- (2) Regulation .03 under **COMAR 26.12.02 Inspection and Certification**.

### Statement of Purpose

The purpose of this action is to update COMAR 26.12.01.01, Incorporation by Reference, to include (a) one U.S. Nuclear Regulatory Commission regulation regarding requirements for distribution of byproduct material, (b) requirements for personnel monitoring and training for registered radiation machine service providers, (c) requirements for disposal of radioactive material sources unused for 3 years, and (d) miscellaneous corrections. Additionally, this action will update COMAR 26.12.02.03, Licensing of Inspectors, to remove an incorrect reference to the State Government Article.

### Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

### Estimate of Economic Impact

The proposed action has no economic impact.

### Economic Impact on Small Businesses

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

### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Michael D. Kurman, Regulations Coordinator, Radiological Health Program, Air and Radiation Management Administration, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 750, Baltimore, Maryland 21230, or email to [michael.kurman@maryland.gov](mailto:michael.kurman@maryland.gov), or call 410-537-3208, or fax to 410-537-3198. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

The proposed regulation may be viewed on the MDE website at <http://www.mde.state.md.us/programs/Air/RadiologicalHealth/RegulationsforControlofIonizingRadiation/Pages/Programs/AirPrograms/RadiologicalHealth/Regulations/index.aspx>, or at official depository libraries throughout the State. A listing of these depository libraries is available at <http://www.dsd.state.md.us/Depositories.aspx> or call 410-974-2486 or 800-633-9657.

### Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Regulations for the Control of Ionizing Radiation (1994) Supplement 25 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 41:1 Md. R. 9 (January 10, 2014), and is available online at [www.dsd.state.md.us](http://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.

## 26.12.01 Radiation Protection

Authority: Environment Article, §§8-106, 8-301, and 8-304, Annotated Code of Maryland

### .01 Incorporation by Reference.

All provisions of the "Regulations for the Control of Ionizing Radiation (1994)" as amended by Supplement 1 through Supplement [24] 25 are incorporated by reference.

## 26.12.02 Inspection and Certification

Authority: Environment Article, §§8-104(a), 8-106, 8-301, 8-304, and 8-306, Annotated Code of Maryland

### .03 Licensing of Inspectors.

A. (text unchanged)

B. Denial of Application.

(1) The Department shall deny an application for a license to inspect radiation machines if the applicant:

(a) (text unchanged)

(b) Has a financial arrangement with any business entity offering commercial sales or servicing of radiation machines[, and that arrangement could lead to a conflict of interest as provided in State Government Article, Title 15, Subtitle 5, Annotated Code of Maryland].

(2)—(3) (text unchanged)

C. Suspension or Revocation of License. The Department may deny a renewal application or suspend or revoke a license if it determines that the inspector:

(1) Has a financial arrangement with any business entity offering commercial sales or servicing of radiation machines[, and that the arrangement could lead to a conflict of interest as provided in State Government Article, Title 15, Subtitle 5, Annotated Code of Maryland];

(2)—(7) (text unchanged)

D.—E. (text unchanged)

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

## Subtitle 14 HAZARDOUS SUBSTANCE RESPONSE PLAN

### 26.14.02 Investigating, Evaluating, and Responding to Hazardous Substance Releases

Authority: Environment Article, §§4-405(a)(7), 7-208(e)(10), [and] 7-208(f), and 7-222(d), Annotated Code of Maryland

#### Notice of Proposed Action

[14-324-P-I]

The Secretary of the Environment proposes to repeal existing Regulation .02 and adopt new Regulations .02, .02-1, .02-2, .02-3, .02-4, and .02-5 under COMAR 26.14.02 Investigating, Evaluating, and Responding to Hazardous Substance Releases.

#### Statement of Purpose

The purpose of this action is to require that a responsible person who is in possession of a sample result or other environmental assessment that indicates the presence of a released hazardous substance or substances in the environment at or above a threshold established by the Department to report the finding promptly to the Department. The proposed action would implement the requirements of Environment Article §7-222(d), Annotated Code of Maryland.

Since the 1980's, federal law has required that any person in charge of a facility from which there is a release in excess of certain quantities immediately notify the National Response Center. There are properties, however, that were contaminated earlier or to which hazardous substances in smaller amounts were released over a period of time. In the course of environmental assessments or other activities, such contamination is sometimes detected. The major provisions of this action establish threshold reporting standards and require a responsible person to report to the Department the presence of a hazardous substance in the environment at or above those threshold levels. The purpose of the reporting is to identify the locations of potential hazardous substance sites in the State so that appropriate safeguards are in place and adequate cleanup is conducted to protect public health and the environment when historical contamination is discovered.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** Although the proposal will have some economic impact, it is not expected to be significant. The proposal requires that responsible persons comply with the release reporting requirements. In those instances where a release or threat of a release of a hazardous substance into the environment has been determined to occur, the responsible person will incur an unknown fiscal burden to investigate and potentially remediate a release of a hazardous substance. The extent of this fiscal burden would be dependent upon the nature and extent of contamination.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) Review of notifications	(E+)	Undeterminable
(2) Cost recovery for review of notifications	(R+)	Undeterminable
B. On other State agencies:	(E+)	Minimal
C. On local governments:	(E+)	Minimal
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Minimal
E. On other industries or trade groups:	(-)	Minimal
F. Direct and indirect effects on public:	(+)	Undeterminable

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

A(1). The action will increase the workload of the Controlled Hazardous Substance Enforcement Division because it will likely receive an increased volume of notifications of hazardous substance releases, but a defensible estimate of the number of notifications that may be received and their complexity is not available.

A(2). The Department can seek reimbursement for time spent reviewing the notifications, but cost recovery will probably not be sought for small expenditures. A defensible estimate the number of notifications that may be received and their complexity is not available, so the amount of revenue received cannot be estimated.

B. and C. Under current law, the definition of “responsible person” does not include a State or local government except in the case of gross negligence or willful misconduct. These situations are likely to be rare. Accordingly, these regulations are anticipated to have minimal impact on State or local operations or finances.

D. The cost of reporting information already in the possession of a responsible person is expected to be minimal, whether the responsible person is a regulated industry, another industry, a business or a person. The proposed regulations do not require that potentially responsible persons search their records to determine if they possess information that must be reported. MDE intends to exercise enforcement discretion in the event that notification is filed late because the responsible person was unaware for a time that he possessed the information. Subsequent to notification, responsible persons could incur costs to investigate and potentially remediate the contamination. The range of costs associated with such activities depends on the nature and extent of contamination. Although this liability exists under current law, requiring notification to MDE could result in earlier expenditures. This action is not anticipated to have a significant impact on operations or finances of industry or trade groups.

E. The cost of reporting information already in the possession of a responsible person is expected to be minimal, whether the responsible person is a regulated industry, another industry, a business or a person. The proposed regulations do not require that potentially responsible persons search their records to determine if they possess information that must be reported. MDE intends to exercise enforcement discretion in the event that notification is filed late because the responsible person was unaware for a time that he possessed the information. Subsequent to notification, responsible persons could incur costs to investigate and potentially remediate the contamination. The range of costs associated with such activities depends on the nature and extent of contamination. Although this liability exists under current law, requiring notification to MDE could result in earlier expenditures. This action is not anticipated to have a significant impact on operations or finances of industry or trade groups.

F. The proposed action is not expected to have any direct or indirect economic impacts on the public. Public health risks may be reduced if contaminated sites are discovered and addressed earlier because of the notification.

#### **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 Mr. James Carroll, Manager, Land Restoration Program, Maryland Department of the Environment, 1800 Washington Blvd., Suite 625, Baltimore, MD 21230-1719, or call 410-537-3437, or email to james.carroll@maryland.gov, or fax to 410-537-3472. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

#### **Editor’s Note on Incorporation by Reference**

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Hazardous Substance Notification Standards Guidance for the Hazardous Substance Reporting Notification Regulations (Maryland Department of the Environment, June, 2014), 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 41:1 Md. R. 9 (January 10, 2014), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

#### **.02 Definitions.**

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

##### **B. Terms Defined.**

- (1) “Department” means the Department of the Environment.
- (2) “Disposal” has the meaning stated in COMAR 26.13.01.03B(15).
- (3) “Hazardous substance” has the meaning stated in Environment Article, §7-201, Annotated Code of Maryland.
- (4) “Possess” with respect to a sample result or other environmental assessment means to have knowledge of, or custody of, the result or assessment.
- (5) “Release” has the meaning stated in Environment Article, §7-201, Annotated Code of Maryland.
- (6) “Responsible person” has the meaning stated in Environment Article, §7-201, Annotated Code of Maryland.
- (7) “Unpermitted” with respect to disposal means not authorized by a valid permit at the time of disposal.

#### **.02-1 Incorporation by Reference.**

*In this chapter, the document “Hazardous Substance Notification Standards Guidance for the Hazardous Substance Reporting Notification Regulations” (Maryland Department of the Environment, June, 2014), is incorporated by reference.*

#### **.02-2 Site Discovery and Reporting.**

A. *The Department may use any reasonable method to discover that there has been a release, or that there is the potential for a release, of a hazardous substance at a site, including the following:*

- (1) *A report made by any of the following:*
  - (a) A site owner;
  - (b) A person working at a site; or
  - (c) A user of a site;
- (2) *A report, a complaint or other information submitted by a person of:*
  - (a) An observed or suspected release or discharge of a hazardous substance; or
  - (b) Health-related effects known or suspected to be associated with a site; or
- (3) *An observation, investigation, or inspection by the Department of the site.*

##### **B. Required Reporting.**

- (1) *The reporting required under this regulation is in addition to any reporting required by a permit or that is required under other local, State or federal statutory or regulatory requirements. Reporting under this regulation does not constitute, or substitute for, compliance with any other reporting requirement.*
- (2) *Except for releases identified in §C of this regulation, a responsible person shall report immediately the indication of a*

release of a hazardous substance in accordance with the reporting procedure described in Regulation .02-3 of this chapter if:

(a) A contaminant at or above the threshold level identified in Regulation .02-4 of this chapter is identified in:

- (i) Surface or subsurface soils;
- (ii) A private water supply well;
- (iii) Site groundwater;
- (iv) Surface water;
- (v) A seep; or
- (vi) Sediment;

(b) Any of the following is detected:

- (i) A hazardous substance underground as free-product, either as a light nonaqueous phase or a dense nonaqueous phase;
- (ii) An amount of hazardous substance in the environment in excess of a reportable quantity under 40 CFR §302.4;
- (iii) Waste material that was disposed of without a permit and that would be classified as a hazardous waste under federal or State law if removed; or
- (iv) An abandoned container, tank, or engineered structure that contains more than trace residual amounts of a hazardous substance; or

(c) The site is one where unpermitted disposal of industrial waste occurred.

(3) Immediate reporting. For purposes of the reporting requirement under §B(2) of this regulation only, "immediately" shall mean as soon as practicable, but in any event before the later of the following deadlines:

(a) 30 days after the effective date of these regulations;

(b) 30 days after the discovery of a sample result or environmental assessment collected or performed before October 1, 2009 that indicates the release of a hazardous substance into the environment at or above the notification standards; or

(c) 15 days after discovery by the responsible person that the criteria requiring reporting have been met.

C. Exemptions. The following releases are exempt from the reporting requirement of §B of this regulation:

(1) Application of pesticides and fertilizers used for their intended purposes and applied in accordance with label instructions;

(2) Lawful and nonnegligent use of a hazardous substance by an individual for personal or domestic purposes;

(3) A release previously reported to the Department in fulfillment of reporting requirements in this title, another law or regulation, or a permit;

(4) A release previously reported to the United States Environmental Protection Agency (EPA) in accordance with requirements of Section 103(a) or (c) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9603(a) and (c);

(5) A release of oil that is subject to regulation under Environment Article, Title 4, Subtitle 4, Annotated Code of Maryland;

(6) A release that is being addressed, or has been addressed by the Department or EPA on-scene coordinator, remedial project manager, or project manager who is acting on behalf of or with the approval of the Department or EPA;

(7) A release authorized by federal or Maryland permits or approvals;

(8) A permitted release in a public water system regulated by the Department; and

(9) A permitted release into a publicly owned treatment works.

### **.02-3 Release Reporting Procedures.**

A. A person required to report the indication of a release of a hazardous substance under Regulation .02-2B of this chapter shall:

(1) Provide the Department with the information listed in §B of this regulation on a form made available by the Department for that purpose;

(2) Append to the form any required information that cannot be accommodated on the form; and

(3) Submit the report to the Department by the deadline specified in Regulation .02-2B(3) of this chapter.

B. The responsible person shall include the following information in the report to the extent it is known or can be determined:

(1) The location of the site where the hazardous substance is present, including the:

(a) Address;

(b) Latitude and longitude;

(c) Location of the site noted on a United States Geological Survey (USGS) topographic map or other map of equivalent detail acceptable to the Department; and

(d) Property tax account identification number;

(2) The mailing address and telephone number of the responsible person and his representative;

(3) The current zoning classification of the property;

(4) A list of hazardous substances identified in the sample result or other environmental assessment possessed by the responsible person;

(5) For each detection of a hazardous substance at or above the notification level, the environmental medium in which it was detected and all analytical results or other environmental assessment for that hazardous substance;

(6) The name and address of the property owner and site operator;

(7) A summary of historic and current operational activities at the property;

(8) Information on the proximity of human receptors to the release;

(9) A summary of actions taken to investigate and remediate any contamination that has resulted from the release that triggered the reporting requirement;

(10) The location and address of any property or area known or suspected to be affected by the release;

(11) Environmental media affected by the release, including:

(a) Surface soil;

(b) Subsurface soil;

(c) Sediments;

(d) Groundwater;

(e) Surface water; and

(f) Indoor air;

(12) The extent to which environmental media have been affected; and

(13) Any other information requested by the Department.

### **.02-4 Hazardous Substance Reporting Thresholds.**

A. This regulation establishes reporting thresholds for contaminants in environmental media. These thresholds do not necessarily indicate a risk to public health or the environment.

*B. For the purposes of determining whether reporting is required under Regulation .02-2B(2)(a) of this chapter, a person shall apply the reporting thresholds in the Hazardous Substance Notification Standards included in the document "Hazardous Substance Notification Standards: Guidance for the Hazardous Substance Reporting Notification Regulations," incorporated by reference in Regulation .02-1 of this chapter, as follows:*

*(1) For soil or sediment on the site, the reporting threshold for a hazardous substance is the:*

*(a) Residential soil reporting threshold, if the site is zoned for residential use or is not restricted from being used for residential use; and*

*(b) Nonresidential soil reporting threshold, if the site is not available for residential use because of zoning or other land use restrictions;*

*(2) For a private drinking water supply well on the site, the reporting threshold for a hazardous substance is the lower of the:*

*(a) Maximum contaminant level (MCL) for the hazardous substance, if any, identified in the Hazardous Substance Notification Standards; or*

*(b) Reporting threshold for water; and*

*(3) For water on the site other than drinking water supply wells, including groundwater, surface water, or a seep at the site, the reporting threshold is the reporting threshold for water.*

#### **.02-5 Naturally Occurring Levels of Hazardous Substances.**

*If a person submitting a notification to fulfill the reporting requirements of Regulation .02-2B of this chapter asserts that detection of levels at or above the applicable threshold of one or more hazardous substances is due to naturally occurring levels of those substances, that person shall indicate that assertion and explain the basis for it in an appendix to the reporting form.*

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

## **Title 33 STATE BOARD OF ELECTIONS**

### **Subtitle 13 CAMPAIGN FINANCING**

#### **33.13.17 Participating Organizations**

*Authority: Election Law Article, §2-102(b)(4), Annotated Code of Maryland*

##### **Notice of Proposed Action**

[14-325-P]

The State Board of Elections proposes to adopt new Regulations **.01 — .05** under a new chapter, **COMAR 33.13.17 Participating Organizations**. This action was considered by the State Board of Elections at its August 28, 2014, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

##### **Statement of Purpose**

The purpose of this action is to outline the registration and reporting requirements.

##### **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 Erin Perrone, Administrative Assistant, State Board of Elections, PO Box 6486, Annapolis, MD 21401-0486, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

##### **.01 Scope.**

*A. Applicability. This chapter applies to participating organizations influencing Maryland elections.*

*B. Effective Date. This chapter is effective as of January 1, 2015.*

##### **.02 Registration.**

*A. In General. The participating organization shall file a registration notice with the State Board within 48 hours of making a contribution, donation, or disbursement of \$6,000 or more cumulatively in an election cycle to:*

- (1) A political committee;*
- (2) A person making independent expenditures;*
- (3) A person making electioneering communications; or*
- (4) An out-of-State political committee for the purpose of influencing a Maryland election.*

##### *B. Notice Requirements.*

*(1) The registration notice shall consist of the following information:*

- (a) The identity of the participating organization;*
- (b) The business address of the participating organization;*
- (c) The name and mailing address of the individual designated as the treasurer or responsible officer authorized to file reports required under Election Law Article, §13-309.2, Annotated Code of Maryland;*
- (d) The election year or years in which the participating organization will be participating; and*
- (e) A statement on whether or not the participating organization will provide an active Internet address on its landing page for the entire election year that contains the information required by the State Board as to the participating organization's disbursements made and donations received, including the names and addresses of all donors who have donated within the last 6 months from the date of filing the registration notice with the State Board.*

*(2) If the participating organization:*

*(a) Has an active Internet address as described in §B(1)(e) of this regulation, it shall provide the Internet address on the registration notice and identify the Internet link on its landing page as "Campaign Finance Activity" and use at least 12-point font for all required information; or*

*(b) Does not have an active Internet address, the participating organization shall submit the reports required by Election Law Article, §13-309.2, Annotated Code of Maryland, including the names, addresses, and occupations of the five largest monetary donors to the participating organization within the last year from the date of filing the registration notice with the State Board.*

##### **.03 Required Contents for a Report.**

*A. Disbursements Made. For disbursements made, the report filed by a participating organization shall include:*

- (1) The date the expenditure was made;*

(2) *The transaction method, including any information on the transaction method required by the State Administrator;*

(3) *The name and address of the payee;*

(4) *If the expenditure was to reimburse a campaign worker, the name and address of the campaign worker and the name and address of the ultimate recipient of the expenditure;*

(5) *The amount of the expenditure;*

(6) *A description of the goods or services for which the expenditure was made, including whether the expenditure was for a paid campaign advertisement;*

(7) *If an independent expenditure:*

(a) *The identity of the candidate or ballot issue to which the campaign material relates; and*

(b) *Whether the independent expenditure supports or opposes the candidate or ballot issue;*

(8) *If an electioneering communication:*

(a) *The identity of the candidate or ballot issue to which the campaign material relates; and*

(b) *Whether the electioneering communication advocates support or opposition to a position or issue; and*

(9) *If the expenditure was to a person to engage in online advocacy on behalf of the political action committee, the name and Internet address of any social media identifier, online website, web log, blog, or microblog used by that person.*

**B. Donations Received.** *For donations received, the report filed by a participating organization shall include:*

(1) *The date the donation was received by the participating organization;*

(2) *The amount of the donation;*

(3) *The name of:*

(a) *The individual who made the donation; or*

(b) *The organization, business, corporation, limited liability company, partnership, union, or other legal entity that made the donation;*

(4) *The address of the donor, including:*

(a) *If the donor is an individual, the address where the individual resides or receives residential mail; or*

(b) *If the donor is an organization, business, corporation, limited liability company, partnership, union, or other legal entity, the address where it is registered or does business;*

(5) *The aggregate amount of donations received to date from the donor for the calendar year in which the report is filed;*

(6) *If an in-kind donation, a description of the in-kind donation; and*

(7) *The donor's occupation information as specified under §C of this regulation.*

**C. Occupation.** *When providing occupation information, the contributor should try to be as specific as circumstances permit; for example, where an individual does not work outside the home, descriptions such as "Retired," "Homemaker," "Unemployed," or "Student" should be used rather than "not applicable".*

**D. Applicability.** *The disclosure requirement on whether the campaign material supports or opposes a candidate or ballot issue shall be determined by the candidate, ballot issue, or issue that is prominently featured on the campaign material.*

#### **.04 Filing Method.**

**A. Filing Method.** *A disclosure report shall be filed electronically by means of the browser-based software provided by the State Administrator.*

**B. Additional Filing Requirements.**

(1) *The report shall include an attestation by the designated individual of the participating organization, under penalties of perjury and in a format approved by the State Administrator, that the contents of the electronic filing are a complete and accurate*

*statement of the expenditures made and donations received by the participating organization.*

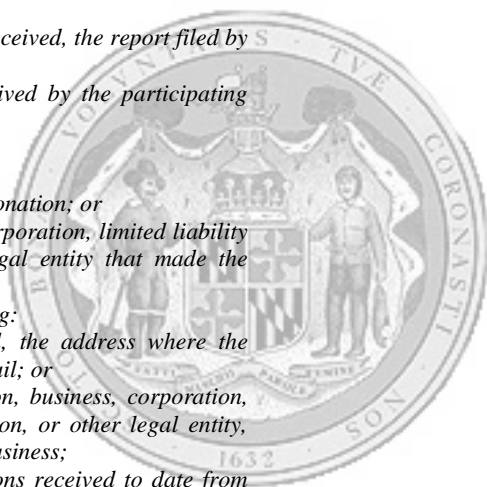
(2) *The State Board will not accept a report as filed unless it includes an electronic signature of the designated individual.*

#### **.05 Penalties.**

**A. Criminal.** *A participating organization that knowingly and willfully fails to file the registration notice or a report is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25,000, or imprisonment not exceeding 1 year, or both.*

**B. Civil.** *A participating organization that fails to file the registration notice or a report without knowing that such conduct is illegal shall pay a civil penalty not greater than \$5,000 in accordance with Election Law Article, §13-604, Annotated Code of Maryland.*

LINDA H. LAMONE  
State Administrator of Elections





# Special Documents

## DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: August 1 - September 30, 2014.

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Regulatory Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

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

#### Approvals By Rule Issued Under 18 CFR §806.22(f):

WPX Energy Appalachia, LLC, Pad ID: Knosky Pad Site, ABR-20090915.R1, Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.999 mgd; Approval Date: August 4, 2014.

Citrus Energy Corporation, Pad ID: Procter & Gamble Mehoopany Plant 2 1H, ABR-20091104.R1, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: August 4, 2014.

SWEPI LP, Pad ID: Courtney 129 1H-2H, ABR-20090729.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 4, 2014.

SWEPI LP, Pad ID: 212 1H, ABR-20090727.R1, Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 4, 2014.

SWEPI LP, Pad ID: 235A 1H, ABR-20090728.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 4, 2014.

SWEPI LP, Pad ID: Courtney H 255-1H, ABR-20090730.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 4, 2014.

SWEPI LP, Pad ID: Neal 134D, ABR-20090731.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 4, 2014.

SWEPI LP, Pad ID: Kipferl 261-1H, ABR-20090732.R1, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 4, 2014.

Talisman Energy USA Inc., Pad ID: DCNR 587 02 018, ABR-20100219.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: August 4, 2014.

Talisman Energy USA Inc., Pad ID: DCNR 587 02 008, ABR-20100220.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: August 4, 2014.

Talisman Energy USA Inc., Pad ID: Putnam 01 077, ABR-20100212.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: August 6, 2014.

Talisman Energy USA Inc., Pad ID: Lutz 01 015, ABR-20100213.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: August 6, 2014.

Talisman Energy USA Inc., Pad ID: Longnecker 03 008, ABR-20100223.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: August 6, 2014.

Talisman Energy USA Inc., Pad ID: Harvest Holdings 01 036, ABR-20100225.R1, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: August 6, 2014.

Talisman Energy USA Inc., Pad ID: Barrett 03 009, ABR-20100230.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: August 6, 2014.

Talisman Energy USA Inc., Pad ID: Boor 03 015, ABR-20100232.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: August 6, 2014.

Talisman Energy USA Inc., Pad ID: Putnam 01 076, ABR-20100233.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: August 6, 2014.

Chesapeake Appalachia, LLC, Pad ID: Hunter, ABR-201408001, Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 8, 2014.

Chesapeake Appalachia, LLC, Pad ID: Kent, ABR-20090726.R1, Towanda Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 12, 2014.

Chesapeake Appalachia, LLC, Pad ID: Hershberger, ABR-20090739.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 12, 2014.

Cabot Oil & Gas Corporation, Pad ID: LaRueC P3, ABR-20100138.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 12, 2014.

Cabot Oil & Gas Corporation, Pad ID: Baker P1, ABR-20100149.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 12, 2014.

Seneca Resources, Pad ID: CRV Pad C09-G, ABR-201408002, Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 12, 2014.

Chesapeake Appalachia, LLC, Pad ID: Fitzsimmons, ABR-20090809.R1, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 15, 2014.

Chesapeake Appalachia, LLC, Pad ID: Bacorn, ABR-201408003, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 15, 2014.

Cabot Oil & Gas Corporation, Pad ID: ChudleighW P2, ABR-20100137.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 15, 2014.



- Cabot Oil & Gas Corporation, Pad ID: CarlsonW P1, ABR-20100145.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 15, 2014.
- Cabot Oil & Gas Corporation, Pad ID: ColwellA P1, ABR-201408004, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: August 18, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Farr, ABR-20090907.R1, Towanda Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 18, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Sharer, ABR-20090913.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 18, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Welles 2, ABR-20090940.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 18, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Martin, ABR-20090906.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 19, 2014.
- Southwestern Energy Production Company, Pad ID: NR-23-FOUR BUCKS-PAD, ABR-201408005, Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: August 19, 2014.
- Chief Oil & Gas, LLC, Pad ID: Kupscznk Drilling Pad #1, ABR-20100224.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: August 19, 2014.
- Chief Oil & Gas, LLC, Pad ID: PA Woodlands Drilling Pad, ABR-201408006, Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: August 19, 2014.
- Chief Oil & Gas, LLC, Pad ID: Stone Drilling Pad #1, ABR-20100228.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: August 19, 2014.
- SWEPI LP, Pad ID: Thomas 503R, ABR-201408007, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 25, 2014.
- SWEPI LP, Pad ID: Pazzaglia 506, ABR-201408008, Rutland Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 25, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Hunsinger, ABR-20090905.R1, Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: August 25, 2014.
- SWEPI LP, Pad ID: Becker 404, ABR-20090909.R1, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 25, 2014.
- SWEPI LP, Pad ID: Knight 271-1H, ABR-20090912.R1, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 25, 2014.
- SWEPI LP, Pad ID: Empson 235-1H, ABR-20090914.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 25, 2014.
- SWEPI LP, Pad ID: Bowers 408, ABR-20090919.R1, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 25, 2014.
- SWEPI LP, Pad ID: Cole 236, ABR-20090936.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 25, 2014.
- Cabot Oil & Gas Corporation, Pad ID: FontanaC P1, ABR-201408009, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: August 26, 2014.
- Cabot Oil & Gas Corporation, Pad ID: DysonW P1, ABR-201408010, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: August 26, 2014.
- Cabot Oil & Gas Corporation, Pad ID: LernerG P1, ABR-201408011, Ararat Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: August 27, 2014.
- SWEPI, LP, Pad ID: Smith 253 1H, ABR-20090825.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 7, 2014.
- SWEPI, LP, Pad ID: Sampson 147 1H-3H, ABR-20090824.R1, Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 8, 2014.
- SWEPI, LP, Pad ID: Wheeler 268-1H, ABR-20090829.R1, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 8, 2014.
- SWEPI, LP, Pad ID: White 262-1H, ABR-20090910.R1, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 8, 2014.
- SWEPI, LP, Pad ID: Stefanowich 269-1H, ABR-20090911.R1, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 8, 2014.
- SWEPI, LP, Pad ID: Sherman 234-1H, ABR-20090935.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 8, 2014.
- Chief Oil & Gas LLC, Pad ID: Phelps B Drilling Pad, ABR-201409001, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: September 9, 2014.
- Cabot Oil & Gas Corporation, Pad ID: Diaz Family P1, ABR-201409002, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: September 11, 2014.
- Chief Oil & Gas LLC, Pad ID: Sechrist Drilling Pad #1, ABR-20100337.R1, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: September 12, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Gowan, ABR-20091001.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 22, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Doss, ABR-20091109.R1, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 22, 2014.
- Chesapeake Appalachia, LLC, Pad ID: CSI, ABR-20091112.R1, Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 22, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Jayne, ABR-20091201.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 22, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Roger, ABR-20091209.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 22, 2014.
- Samson Exploration, LLC, Pad ID: Pardee & Curtin Lumber Co. C-10H, ABR-20090901.R1, Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.500 mgd; Approval Date: September 22, 2014.
- Samson Exploration, LLC, Pad ID: Pardee & Curtin Lumber Co. C-09H, ABR-20091103.R1, Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.500 mgd; Approval Date: September 22, 2014.
- Southwestern Energy Production Company, Pad ID: RU-51-WHITEHEAD-PAD, ABR-201409003, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 22, 2014.

SWEPI, LP, Pad ID: Benson 130D, ABR-20091012.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 29, 2014.

Talisman Energy USA Inc., Pad ID: Morgan 01 074, ABR-20100302.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 29, 2014.

Talisman Energy USA Inc., Pad ID: DCNR 587 02 013, ABR-20100308.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 29, 2014.

Talisman Energy USA Inc., Pad ID: DCNR 587 02 014, ABR-20100309.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 29, 2014.

Talisman Energy USA Inc., Pad ID: Moretz 03 036, ABR-20100347.R1, Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 29, 2014.

Talisman Energy USA Inc., Pad ID: DCNR 587 02 005, ABR-20100354.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 29, 2014.

Talisman Energy USA Inc., Pad ID: DCNR 587 02 006, ABR-20100355.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 29, 2014.

Cabot Oil & Gas Corporation, Pad ID: BerryD P1, ABR-20100215.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: September 29, 2014.

Chief Oil & Gas LLC, Pad ID: Kingsley Drilling Pad #1, ABR-20100336.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: September 29, 2014.

Chief Oil & Gas LLC, Pad ID: Duane Jennings Drilling Pad #1, ABR-20100334.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: September 29, 2014.

Chief Oil & Gas LLC, Pad ID: Kuziak B Drilling Pad, ABR-201409004, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: September 29, 2014.

Cabot Oil & Gas Corporation, Pad ID: StraussE P1, ABR-201409005, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: September 30, 2014.

Cabot Oil & Gas Corporation, Pad ID: RussoB P1, ABR-20100231.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: September 30, 2014.

Seneca Resources, Pad ID: Wolfinger Pad A, ABR-20108064.R1, Shippen Township, Cameron County; and City of St. Marys, Elk County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 30, 2014.

Seneca Resources, Pad ID: DNCR Tract 007 1V, ABR-20100613.R1, Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 30, 2014.

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

Dated: October 14, 2014.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

[14-22-42]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: June 1-July 31, 2014.

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Regulatory Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

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

#### Approvals By Rule Issued Under 18 CFR §806.22(e):

Mayapple Real Estate Holdings, Mayapple Golf Links, ABR-201406001, South Middletown Township, Cumberland County, Pa.; Consumptive Use of Up to 0.200 mgd; Approval Date: July 3, 2014.

#### Approvals By Rule Issued Under 18 CFR §806.22(f):

Southwestern Energy Production Company, Pad ID: NR-03-COLWELL WEST-PAD, ABR-201406002, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 4, 2014.

Southwestern Energy Production Company, Pad ID: NR-17-COLEMAN-PAD, ABR-201406003, Great Bend and Oakland Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 4, 2014.

Chief Oil & Gas LLC, Pad ID: Baumunk North B Drilling Pad, ABR-201406004, Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: June 4, 2014.

Chief Oil & Gas LLC, Pad ID: Wissler Drilling Pad, ABR-201406005, McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: June 4, 2014.

Chief Oil & Gas LLC, Pad ID: Clear Springs Dairy Drilling Pad #1, ABR-200091214.R1, Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 4, 2014.

Range Resources – Appalachia, LLC, Pad ID: Gulf USA 67H, ABR-201406006, Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 6, 2014.

Southwestern Energy Production Company, Pad ID: Chamberlin, ABR-201008088.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 9, 2014.

- Southwestern Energy Production Company, Pad ID: Strong Pad, ABR-201009085.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 9, 2014.
- Southwestern Energy Production Company, Pad ID: Ross Pad, ABR-201009086.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 9, 2014.
- Ultra Resources Inc., Pad ID: T Pierson Pad, ABR-20090903.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 10, 2014.
- Seneca Resources Corporation, Pad ID: CRV D08-Pad G, ABR-201406007, Norwich Township, McKean County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 13, 2014.
- Chief Oil & Gas LLC, Pad ID: Clark Drilling Pad, ABR-201406008, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: June 13, 2014.
- Anadarko E&P Onshore LLC, Pad ID: Lycoming H&FC Pad B, ABR-201009099.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 13, 2014.
- Range Resources – Appalachia, LLC, Pad ID: Laurel Hill 1, ABR-20100154.R1, Jackson Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 13, 2014.
- Chief Oil & Gas LLC, Pad ID: Czop Drilling Pad, ABR-201406009, Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: June 16, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Judd, ABR-20090534.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Benscoter, ABR-20090601.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Chancellor, ABR-20090532.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Clapper, ABR-20090533.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Evanchick, ABR-20090604.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Mowry, ABR-20090527.R1, Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
- Chesapeake Appalachia, LLC, Pad ID: May, ABR-20090528.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
- Chesapeake Appalachia, LLC, Pad ID: VanNoy, ABR-20090535.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Przybyszewski, ABR-20090555.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Strom, ABR-20090602.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Vargson, ABR-20090605.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
- Seneca Resources Corporation, Pad ID: CRV Pad C08-X, ABR-201406010, Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 26, 2014.
- Southwestern Energy Production Company, Pad ID: Ball, ABR-201007060.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 26, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Welles 1, ABR-20090610.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 26, 2014.
- Talisman Energy USA, Inc., Pad ID: Castle 01 047, ABR-20100128.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 26, 2014.
- Talisman Energy USA, Inc., Pad ID: Hoover G 017, ABR-20100108.R1, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 26, 2014.
- Talisman Energy USA, Inc., Pad ID: Foust J 1H, ABR-20100109.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 26, 2014.
- Talisman Energy USA, Inc., Pad ID: Lutz T1, ABR-20100110.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 26, 2014.
- Talisman Energy USA, Inc., Pad ID: Vanblarcom R 004, ABR-20100103.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
- Talisman Energy USA, Inc., Pad ID: Lutz T2, ABR-20100111.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
- Talisman Energy USA, Inc., Pad ID: TWL Assoc 01 016, ABR-20100129.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
- Talisman Energy USA, Inc., Pad ID: Thomas FT 2, ABR-20100113.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
- Talisman Energy USA, Inc., Pad ID: Thomas FT 1, ABR-20100112.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Deremer, ABR-201407001, Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: July 1, 2014.
- Chesapeake Appalachia, LLC, Pad ID: Windswept, ABR-201407002, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: July 1, 2014.
- Cabot Oil & Gas Corporation, Pad ID: WeissM P1, ABR-201407003, Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: July 1, 2014.
- Cabot Oil & Gas Corporation, Pad ID: ShieldsG P2, ABR-20091023.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: July 1, 2014.

Cabot Oil & Gas Corporation, Pad ID: HibbardAM P2, ABR-20091224.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: July 1, 2014.

Southwestern Energy Production Company, Pad ID: Behrend Pad, ABR-201010031.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: July 1, 2014.

Southwestern Energy Production Company, Pad ID: Reeve Pad, ABR-20100403.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 1, 2014.

Southwestern Energy Production Company, Pad ID: Belcher Pad, ABR-201011015.R1, Clifford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: July 1, 2014.

Cabot Oil & Gas Corporation, Pad ID: HibbardAM P1, ABR-20091223.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: July 2, 2014.

Southwestern Energy Production Company, Pad ID: Ferguson, ABR-20100201.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 2, 2014.

Southwestern Energy Production Company, Pad ID: Robinson, ABR-20100653.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 2, 2014.

Southwestern Energy Production Company, Pad ID: Greenzweig (GU C Pad), ABR-201407004, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 2, 2014.

Pennsylvania General Energy Company, LLC, Pad ID: Tract 729 well #2384, ABR-20090734.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 9, 2014.

Pennsylvania General Energy Company, LLC, Pad ID: State Forest Tract 293 well pad #1, ABR-20090735.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.900 mgd; Approval Date: July 9, 2014.

Chief Oil & Gas LLC, Pad ID: Walters Unit #1H, ABR-20100135.R1, West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: July 9, 2014.

Chief Oil & Gas LLC, Pad ID: Elliott Drilling Pad #1H, ABR-20100136.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: July 9, 2014.

Anadarko E&P Onshore, LLC, Pad ID: COP Tr 027C Pad A, ABR-201407005, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: July 11, 2014.

Anadarko E&P Onshore, LLC, Pad ID: COP Tr 027C Pad B, ABR-201407006, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: July 11, 2014.

Chief Oil & Gas LLC, Pad ID: SGL-12 A Drilling Pad, ABR-201407007, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: July 14, 2014.

Chesapeake Appalachia, LLC, Pad ID: White SUS, ABR-201407008, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: July 15, 2014.

Chesapeake Appalachia, LLC, Pad ID: McDonough, ABR-201407009, Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: July 14, 2014.

Southwestern Energy Production Company, Pad ID: NR-20-COLWELL-PAD, ABR-201407010, Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 14, 2014.

Cabot Oil & Gas Corporation, Pad ID: PowersN P2, ABR-201407011, Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: July 22, 2014.

Southwestern Energy Production Company, Pad ID: Price (PU BB Pad), ABR-201407012, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 22, 2014.

WPX Energy Appalachia, LLC, Pad ID: Micks Pad Site, ABR-20090938.R1, Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.999 mgd; Approval Date: July 23, 2014.

Chief Oil & Gas LLC, Pad ID: Bacon Drilling Pad #1, ABR-20100202.R1, Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: July 23, 2014.

Chief Oil & Gas LLC, Pad ID: Dacheux B Drilling Pad, ABR-201407013, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: July 23, 2014.

Chief Oil & Gas LLC, Pad ID: Reibson Drilling Pad, ABR-201407014, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: July 23, 2014.

Southwestern Energy Production Company, Pad ID: RU-72-FOLKVARD-PAD, ABR-201407016, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 28, 2014.

Range Resources – Appalachia, LLC, Pad ID: Cornwall 6H-8H, ABR-201407017, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: July 28, 2014.

Range Resources – Appalachia, LLC, Pad ID: Roupp, ABR-201407018, Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: July 28, 2014.

EOG Resources, Inc., Pad ID: LEE 1H, ABR-20091122.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.999 mgd; Approval Date: July 29, 2014.

EOG Resources, Inc., Pad ID: LEE 2H, ABR-20091123.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.999 mgd; Approval Date: July 29, 2014.

EOG Resources, Inc., Pad ID: LEE 3H, ABR-20091124.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.999 mgd; Approval Date: July 29, 2014.

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

Dated: October 8, 2014.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

[14-22-41]

# MARYLAND HEALTH CARE COMMISSION

## PROJECTED ADULT CARDIAC SURGERY CASES BY HEALTH PLANNING REGION, CY2013-CY2018

In accordance with COMAR 10.24.17.08, the Maryland Health Care Commission (MHCC) publishes the following notice of projected cardiac surgery cases by health planning region. These utilization projections will apply in the review of Certificate of Need (CON) applications acted on by MHCC during the period during which these projections are in effect. These published projections remain in effect until MHCC publishes updated projections.

**Projected Adult Cardiac Surgery Case Volume by Health Planning Region, CY 2013-18**

Region	Year					
	2013	2014	2015	2016	2017	2018
<b>Baltimore Upper Shore</b>	2,803	2,683	2,568	2,449	2,336	2,229
<b>Eastern Region</b>	732	720	710	700	691	684
<b>Washington Metropolitan</b>	1,807	1,741	1,676	1,606	1,539	1,476
<b>Western</b>	281	264	248	233	218	205
<b>Total for All Regions</b>	5,624	5,408	5,202	4,987	4,784	4,593

Sources: MHCC staff analysis of Health Services Cost Review Commission discharge abstract data for CY2007-CY2012 and District of Columbia discharge abstract data. Cardiac surgery discharges included in calculations are those records that indicate patient age of 15 years or older and include one or more of the following ICD-9 procedure codes 35.00-35.09; 35.10-35.51; 35.53-35.95; 35.97-35.99; 36.03; 36.10-36.19; 36.31; 36.91-36.99; 37.10-37.11; 37.32-37.33; and 37.37. The Maryland population data used in calculations is from the Maryland Department of Planning (July 2014). The District of Columbia population data is from the U.S. Census Bureau for years 2000 and 2010-2012. For years 2014 and 2019, MHCC purchased data from Nielsen, a commercial vendor, and interpolated the intervening years, assuming the same rate of change from year-to-year.

### Region Definitions

**Baltimore Upper Shore:** Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Harford, Howard, Kent, Queen Anne's, and Talbot Counties, and Baltimore City.

**Eastern:** Dorchester, Somerset, Wicomico, and Worcester Counties.

**Washington Metropolitan:** Calvert, Charles, Frederick, Montgomery, Prince George's, and St. Mary's Counties, and the District of Columbia.

**Western:** Allegany, Garrett, and Washington Counties.

[14-22-48]

# 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:** November 19, 2014, 2 — 4 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Patrick Pannella (410) 230-6223  
 [14-22-28]

### BOARD OF BARBERS

**Subject:** Public Meeting  
**Date and Time:** December 8, 2014, 9:30 a.m. — 4:30 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Sheryl Leach (410) 230-6195  
 [14-22-07]

### CHESAPEAKE BAY TRUST

**Subject:** Public Meeting  
**Date and Time:** November 12, 2014, 3 p.m.  
**Place:** YMCA Camp Letts Dining Hall, Edgewater, MD  
**Contact:** Heather Adams (410) 974-2941  
 [14-22-24]

### CHILDREN'S ENVIRONMENTAL HEALTH AND PROTECTION ADVISORY COUNCIL

**Subject:** Public Meeting  
**Date and Time:** November 6, 2014, 9 — 11 a.m.  
**Place:** MD Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD  
**Contact:** Rachel Hess-Mutinda (410) 767-2196  
 [14-22-50]

### MARYLAND COLLECTION AGENCY LICENSING BOARD

**Subject:** Public Meeting  
**Date and Time:** November 6, 2014, 10:30 a.m. — 12:30 p.m.  
**Place:** 500 N. Calvert St., Baltimore, MD  
**Contact:** Kelly Mack (410) 230-6079  
 [14-22-30]

### CONSUMER COUNCIL OF MARYLAND

**Subject:** Public Meeting  
**Date and Time:** November 7, 2014, 9:15 — 11 a.m.  
**Place:** 200 St. Paul Pl., 16th Fl., Baltimore, MD  
**Contact:** Stephanie A. Hodge (410) 576-6557  
 [14-22-34]

### BOARD OF COSMETOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** December 1, 2014, 10 a.m. — 4:30 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Sheryl Leach (410) 230-6195  
 [14-22-06]

### BOARD OF DIETETIC PRACTICE

**Subject:** Public Meeting  
**Date and Time:** November 20, 2014, 12:30 — 3:30 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Lenelle Cooper (410) 764-4733  
 [14-22-38]

### STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

**Subject:** Public Meeting  
**Date and Time:** November 6, 2014, 1 — 3 p.m.  
**Place:** 653 W. Pratt St., Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly on the 1st Thursday of each month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
 [14-22-09]

### EMERGENCY MEDICAL SERVICES BOARD

**Subject:** Public Meeting  
**Date and Time:** November 11, 2014, 9 — 11 a.m.; part of the meeting may include a closed session  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Board (EMS Board) meets

regularly on the 2nd Tuesday of each month.

**Contact:** Leandrea Gilliam (410) 706-4449  
 [14-22-08]

### MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

**Subject:** Public Meeting  
**Date and Time:** November 12, 2014, 10 a.m. — 12 p.m.  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The Protocol Review Committee (PRC) meets regularly on the 2nd Wednesday of every other month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
 [14-22-11]

### MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

**Subject:** Special Test Document  
**Date and Time:** November 21, 2014, 10 a.m. — 12 p.m.  
**Place:** 653 W. Pratt St., Rm. 508, Baltimore, MD  
**Add'l. Info:** The Provider Review Panel (PRP) meets regularly on the 3rd Friday of every other month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
 [14-22-10]

### DEPARTMENT OF THE ENVIRONMENT/TARSA

**Subject:** Maryland's 2015—2019 Nonpoint Source Management Plan  
**Add'l. Info:** Public Review Notice  
 The Maryland Department of the Environment announces that the draft "Maryland's 2015—2019 Nonpoint Source Management Plan" (Draft Plan) is available for public review and comment beginning today through December 1, 2014. The Draft Plan was developed to address two federal requirements:

(1) The federal Clean Water Act Section 319(b) requires preparation of a State nonpoint source management program for approval by the US Environmental Protection Agency (EPA). EPA most recently approved Maryland's program in 1999.

(2) EPA adopted new guidelines in 2013 that require States to update or revise their nonpoint source (NPS) management program at least every 5 years.

The Draft Plan is an umbrella document that references many diverse NPS management efforts that are led by State agencies and particular local watershed plans that are eligible for NPS implementation grant funds from the federal 319(h) Grant. The Draft Plan includes goals and milestones designed to serve as benchmarks for gauging progress toward NPS pollution reduction and water quality improvement. The Draft Plan is available at:

<http://www.mde.state.md.us/programs/Water/319NonPointSource/Pages/Programs/WaterPrograms/319NPS/index.aspx>.

**Contact:** Ken Shanks (410) 537-4216

[14-22-40]

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

**Subject:** Public Meeting

**Date and Time:** November 12, 2014, 10:30 a.m. — 12 p.m.

**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Robin Bailey (410) 230-6160

[14-22-13]

#### **DEPARTMENT OF INFORMATION TECHNOLOGY**

**Subject:** Public Meeting

**Date and Time:** November 7, 2014, 1 — 3 p.m.

**Place:** State House, Governor's Reception Rm., Annapolis, MD

**Contact:** Betsy Jackson (410) 260-6614

[14-22-47]

#### **MARYLAND INSURANCE ADMINISTRATION**

**Subject:** Public Hearing on Regulations

**Date and Time:** November 21, 2015, 9 a.m. — 12 p.m.

**Place:** MD Insurance Administration, 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD

**Add'l. Info:** The Insurance Commissioner will hold a hearing to gather information and receive comments on the draft proposed changes to COMAR 31.15.12 Valuation of Motor Vehicles. Interested parties are invited to attend the hearing and testify on the draft proposed changes to the regulations. Interested parties also may submit written comments at or before

the time of the hearing. A copy of the draft proposed regulations is available for review on the Maryland Insurance Administration's website at:

<http://www.mdinsurance.state.md.us/sa/docs/documents/news-center/legislative-information/auto-total-losses-draft-proposed-9-9-2014.pdf>.

Written comments and any questions regarding this matter should be directed to Sandra Castagna, Associate Commissioner for Property & Casualty and may be transmitted by mail to 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, by phone to 410-468-2341, by fax to 410-468-2306, or by email to [sandra.castagna@maryland.gov](mailto:sandra.castagna@maryland.gov).

**Contact:** Sandra Castagna (410) 468-2341

[14-22-39]

#### **FACILITIES ADVISORY BOARD — JUVENILE SERVICES**

**Subject:** Public Meeting

**Date and Time:** November 13, 2014, 4:30 — 6 p.m.

**Place:** Alfred D. Noyes Center, 9925 Blackwell Rd., Rockville, MD

**Add'l. Info:** Noyes Center Facility Advisory Board Meeting

**Contact:** Antoinette McLeod (301) 315-1610

[14-22-04]

#### **FACILITIES ADVISORY BOARD — JUVENILE SERVICES**

**Subject:** Public Meeting

**Date and Time:** November 18, 2014, 6 — 8 p.m.

**Place:** Western Maryland Children's Center, 18420 Roxbury Rd., Hagerstown, MD

**Contact:** Mark Bishop (301) 745-6071

[14-22-20]

#### **DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL**

**Subject:** Public Meeting

**Date and Time:** November 18, 2014, 9 a.m. — 12 p.m.

**Place:** Sheet Metal Workers' Local No. 100 Training Center, 4725 Silver Hill Rd., Suitland, MD

**Add'l. Info:** The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs, and other business which may come before the Council.

**Contact:** C. Edward Poarch II (410) 767-2246

[14-22-37]

#### **DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH)**

**Subject:** Public Meeting

**Date and Time:** November 12, 2014, 10 a.m. — 12 p.m.

**Place:** 10946 Golden West Dr., Ste. 160, Hunt Valley, MD

**Add'l. Info:** The MOSH Advisory Board will meet to discuss issues related to occupational safety and health, including proposed regulations on Hazardous Drugs.

**Contact:** Melissa Myer (410) 767-2182

[14-22-25]

#### **MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION**

**Subject:** Public Meeting

**Date and Time:** November 20, 2014, 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

[14-22-43]

#### **MARYLAND AMUSEMENT GAME ADVISORY COMMITTEE**

**Subject:** Public Meeting

**Date and Time:** November 10, 2014, 1 — 3 p.m.

**Place:** Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD

**Contact:** James Butler (410) 230-8781

[14-22-51]

#### **MARYLAND HEALTH CARE COMMISSION**

**Subject:** Public Meeting

**Date and Time:** November 20, 2014, 1 p.m.

**Place:** Maryland Health Care Commission, Conf. Rm. 100, 4160 Patterson Ave., Baltimore, MD

**Contact:** Valerie Wooding (410) 764-3460

[14-22-12]

#### **MARYLAND PUBLIC BROADCASTING COMMISSION**

**Subject:** Public Meeting

**Date and Time:** November 25, 2014, 8:30 a.m.

**Place:** Maryland Public Television, Owings Mills, MD

**Contact:** Sharon Abernathy (410) 581-4141

[14-22-01]



## GENERAL NOTICES

1350

### BOARD OF OCCUPATIONAL THERAPY PRACTICE

**Subject:** Public Meeting  
**Date and Time:** November 21, 2014, 8:30 a.m. — 2 p.m.  
**Place:** Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD  
**Add'l. Info:** Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.  
**Contact:** Marilyn Pinkney (410) 402-8556  
[14-22-02]

### BOARD OF PLUMBING

**Subject:** Public Meeting  
**Date and Time:** November 20, 2014, 10 a.m. — 12:30 p.m.  
**Place:** 500 N. Calvert St., Rm. 302, Baltimore, MD  
**Contact:** Robin Bailey (410) 230-6160  
[14-22-19]

### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** November 13, 2014, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[14-22-15]

### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** December 11, 2014, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[14-22-16]

### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** January 8, 2015, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[14-22-17]

### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** February 12, 2015, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[14-22-18]

### BOARD OF EXAMINERS OF PSYCHOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** November 14, 2014, 9 a.m. — 1 p.m.  
**Place:** 4201 Patterson Ave., Conf. Rm. 110, Baltimore, MD  
**Contact:** Dorothy Kutcherman (410) 764-4703  
[14-22-27]

### BOARD OF PUBLIC ACCOUNTANCY

**Subject:** Public Meeting  
**Date and Time:** December 2, 2014, 9 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Dennis L. Gring (410) 230-6224  
[14-22-03]

### RACING COMMISSION

**Subject:** Public Meeting  
**Date and Time:** November 11, 2014, 12:30 — 1 p.m.  
**Place:** Laurel Park, Laurel, MD  
**Contact:** J. Michael Hopkins (410) 296-9682  
[14-22-05]

### REAL ESTATE COMMISSION

**Subject:** Public Meeting  
**Date and Time:** November 19, 2014, 10:30 a.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl., Baltimore, MD  
**Contact:** Charlene Faison (410) 230-6199  
[14-22-21]

### REAL ESTATE COMMISSION

**Subject:** Public Hearing  
**Date and Time:** November 19, 2014, 12:30 p.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl., Baltimore, MD  
**Contact:** Charlene Faison (410) 230-6199  
[14-22-22]

### RETIREMENT AND PENSION SYSTEM — ADMINISTRATIVE COMMITTEE

**Subject:** Public Meeting  
**Date and Time:** December 2, 2014, 9:30 a.m.  
**Place:** SunTrust Bldg., 120 E. Baltimore St., 16th Fl. Board Rm., Baltimore, MD  
**Add'l. Info:** Meeting date and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note, the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call (410) 625-5609 or 1-800-735-2258 TTY.  
**Contact:** Angie Jenkins (410) 625-5609  
[14-22-44]

### RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES

**Subject:** Public Meeting  
**Date and Time:** November 18, 2014, 9:30 a.m.  
**Place:** SunTrust Bldg., 120 E. Baltimore St., 16th Fl. Board Rm., Baltimore, MD  
**Add'l. Info:** Meeting date and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note, the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY.  
**Contact:** Angie Jenkins (410) 625-5609  
[14-22-45]

### BOARD OF SOCIAL WORK EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** November 14, 2014, 11 a.m. — 3 p.m.  
**Place:** Metro Office Bldg., 4201 Patterson Ave., Rm. 108-09, 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:** Stanley Weinstein (410) 764-4722  
[14-22-14]

### STATE BOARD OF INDIVIDUAL TAX PREPARERS

**Subject:** Public Meeting  
**Date and Time:** November 24, 2014, 1 — 4 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Douglas Blackstone (410) 230-6244  
[14-22-36]



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| After September 30 <sup>th</sup> |                                  |
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- 07 Hospitals
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- 10 Laboratories
- 11 Maternal and Child Health
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- 13 Drugs
- 14 Cancer Control
- 15 Food
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- 18 Human Immunodeficiency Virus (HIV) Infection and  
Acquired Immunodeficiency Syndrome (AIDS)
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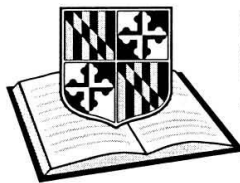
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