

[.01] .02 Applicants for Licensure.

A. (text unchanged)

B. To apply for a license, an applicant shall [submit to the Board]:

[(1) An application on the form the Board requires; and

(1) Comply with all of the requirements under Regulation .01A of this chapter; and

(2) Submit to the Board:

[(2)] (a) Evidence of compliance with §A of this regulation;

[(3)] (b) Information required by Regulation [.02] .03 or

[.03] .04 of this chapter as appropriate;

[(4)] (c) Any applicable fee as set by the Board in COMAR 10.53.12; and

[(5) Written, verified evidence satisfactory to the Board that the applicant has completed the application for a criminal history records check by submitting the following:

(a) Two sets of fingerprints, as required by the Central Repository and the FBI; and

(b) All fees required by the Central Repository and the FBI; and]

[(6)] (d) (text unchanged)

C.—D. (text unchanged)

[.03] .04 Licensure by Waiver.

A. An applicant who is licensed in another state shall [submit to the Board]:

(1) Comply with all requirements under Regulation .01A of this chapter; and

(2) Submit to the Board:

[(1)] (a) (text unchanged)

[(2)] (b) Evidence of successful examination in another state that was substantially equivalent to the examinations given in this State; and

[(3)] (c) A certificate of completion from each electrology instruction program attended that was substantially equivalent to the program requirements in this State, with verification of the number of hours completed in each theory and clinical training[: and].

[(4) Written, verified evidence that the applicant has completed an application for a criminal history records check by submitting the following:

(a) Two sets of fingerprints, as required by the Central Repository and the FBI; and

(b) All fees required by the Central Repository and the FBI.]

B.—C. (text unchanged)

[.04] .05 Renewal of Licensure.

A. (text unchanged)

B. [After January 1, 2008, on] On notification by the Board that a criminal history records check is required before renewal of licensure, a renewal applicant shall [submit to the Board, before renewal of the license, written, verified evidence that the renewal applicant has completed an application for a criminal history records check by submitting the following:

(1) Two sets of fingerprints, as required by the Central Repository and the FBI; and

(2) All fees required by the Central Repository and the FBI] comply with all requirements under Regulation .01A of this chapter.

C. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

26.08.07 Underground Injection Control

Authority: Environment Article, §§7-204(a), 7-208, 9-313(a), and 9-314(b)(3) et seq., Annotated Code of Maryland

Notice of Proposed Action [16-297-P]

The Secretary of the Environment proposes to amend Regulation .04 under COMAR 26.08.07 Underground Injection Control.

Statement of Purpose

The purpose of this action is to prohibit the construction of a Class II underground injection well in Maryland.

Comparison to Federal Standards

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

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

40 CFR Part 144 regulates various types of underground injection wells. Under 40 CFR §144.6, Class II wells are defined as wells which inject fluids:

“(1) Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

(2) For enhanced recovery of oil or natural gas; and

(3) For storage of hydrocarbons which are liquid at standard temperature and pressure.”

Proposed Regulation .04 is more stringent than 40 CFR Part 144, in that proposed Regulation .04 prohibits the construction of Class II wells in Maryland. The federal regulations allow construction of Class II wells, subject to permitting and other requirements.

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

Disposal of wastewater from the hydraulic fracturing process (e.g. flowback and produced water) in Class II wells has been linked in several states with increased incidence of earthquakes. Prohibiting the construction of Class II wells will avoid this risk by preventing the underground injection of flowback and produced water in Maryland from in-State and out-of-State gas wells. Because Maryland currently has no Class II wells, this prohibition will completely eliminate any risk of earthquakes and groundwater contamination from underground injection of oil- and gas-related wastewater.

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

The additional burden and cost to oil and gas companies is expected to be zero. There are currently no Class II wells in Maryland, and the construction of Class II wells in Maryland in the near future is very unlikely given Maryland's geology and the resulting lack of suitable locations for Class II wells. Other methods of managing wastewater exist, including reuse for hydraulic fracturing with or without treatment, and treatment at a centralized

treatment plant. While underground injection is the primary means of wastewater disposal elsewhere in the U.S., according to the U.S. EPA this is not the case in the Marcellus Region, where much of the wastewater is reused.

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

(a) The benefit from the more restrictive standard exceeds the burden or cost of the more restrictive standard on the regulated person or business.

As discussed above, the burden from the more restrictive standard is minimal or zero, and the prohibition on Class II wells has the benefit of preventing potential risks from increased earthquake activity or groundwater contamination due to underground injection.

(b) Conditions or circumstances specific or special to Maryland require that Maryland enact a more restrictive standard

The construction of Class II wells in Maryland in the near future is very unlikely given Maryland's geology and the resulting lack of suitable locations for Class II wells. Class II wells are often located in depleted gas reservoirs. Maryland has only one such area near Accident in Garrett County; it is currently being used as a natural gas storage facility and is unavailable for construction of Class II wells.

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 Jeffrey Fretwell, Director, Legislative and Intergovernmental Relations, Maryland Department of the Environment, 1800 Washington Blvd, Baltimore, MD 21230, or call 410-537-3537, or email to marcellus.mde@maryland.gov, or fax to 410-537-3888. Comments will be accepted through December 28, 2016. A public hearing has not been scheduled.

.04 Prohibitions.

A. As provided in COMAR 26.13.05.19, the underground injection of hazardous waste is prohibited in Maryland.

B. A person may not construct a Class II underground injection well in Maryland.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 31
MARYLAND INSURANCE
ADMINISTRATION
Subtitle 08 PROPERTY AND
CASUALTY INSURANCE

Notice of Proposed Action

[16-299-P]

The Insurance Commissioner proposes to amend:

- (1) Regulation .02 under COMAR 31.08.01 Antiarson Application;
- (2) Regulation .02 under COMAR 31.08.02 Toll-Free Telephone Number;

(3) The authority line under COMAR 31.08.03 Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage;

(4) Regulation .07 under COMAR 31.08.08 Lead Poisoning;

(5) Regulations .06—.08, .13, and .14 under COMAR 31.08.09 Group Self-Insurance for Workers' Compensation; and

(6) Regulation .02 under COMAR 31.08.10 Medical Professional Insurers Online Claim Survey Reporting Requirements.

Statement of Purpose

The purpose of this action is to make changes consistent with the Maryland Insurance Administration's Evaluation Report for 31.08 under the Regulatory Review and Evaluation Act. Specifically, this proposed action:

- Amends Regulation .02 of 31.08.01 to replace references to "brokers or agents" with the term "producer," which includes both brokers and agents;

- Removes an unnecessary statute in the enabling authority for COMAR 31.08.02; amends Regulation .02B and C of this chapter to replace the term "agents" with "insurance producers," which includes both agents and brokers as used in §2-109 of the Insurance Article of the Annotated Code of Maryland; and amends Regulation .02C to replace the term "companies" with "insurers," which is broader and mirrors the statutory language in §2-109 of the Insurance Article of the Annotated Code of Maryland;

- Adds §27-609 of the Insurance Article of the Annotated Code of Maryland to the enabling authority for COMAR 31.08.03, as this statute is the basis for certain information contained in the forms in Regulations .07 and .08 of this chapter;

- Amends an inaccurate cross reference in Regulation .07A of COMAR 31.08.08;

- Adds §§2-108, 9-102 and 27-501 of the Insurance Article of the Annotated Code of Maryland to the enabling authority for COMAR 31.08.09, as these statutes are the basis for certain provisions contained in this chapter; amends Regulation .06 in COMAR 31.08.09 to remove obsolete language; amends Regulation .07 of this chapter to remove the specified attachment point and provide for any attachment point, subject to the Commissioner's review, and to require each group to provide the Commissioner with a copy of its excess insurance policy in specified circumstances; amends Regulation .08 to clarify certain information to be included in a group's application for a Certificate of Authority, adds new sections to this regulation to specify certain authorities retained by the Commissioner, and amends this regulation to clarify that the required submission of a group's financial statements to demonstrate its combined net assets may be comprised of the financial reports of one or more members; amends Regulation .13 to require an annual submission of a group's excess insurance policy and an annual report signed by one of the group's executive officers concerning the financial condition of each member; and amends Regulation .14 to prohibit rebates and suspensions of premium contributions when a group is insolvent or when such rebates or suspensions of premium contributions otherwise causes the group to be considered in a financially hazardous condition; and

- Amends Regulation .02 under COMAR 31.02.10 to provide consistency with the corresponding statutory authority for this Chapter, §4-405 of the Insurance Article of the 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.