



Maryland Register

Issue Date: December 8, 2017

Volume 44 • Issue 25 • Pages 1171—1202

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before November 20, 2017, 5 p.m.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 November 20, 2017.

Gail S. Klakring
Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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

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

Illustrations by Carolyn Anderson, Dept. of General Services

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PERSONS WITH DISABILITIES

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

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COMAR Online

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

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

For additional information, visit www.dsd.state.md.us, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES through JULY 20, 2018

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
2017			
December 22	December 4	December 13	December 11
2018			
January 5**	December 18	December 27	December 22
January 19**	December 29	January 10	January 8
February 2**	January 12	January 24	January 22
February 16	January 29	February 7	February 5
March 2**	February 12	February 21	February 16
March 16	February 26	March 7	March 5
March 30	March 12	March 21	March 19
April 13	March 26	April 4	April 2
April 27	April 9	April 18	April 16
May 11	April 23	May 2	April 30
May 25	May 7	May 16	May 14
June 8**	May 21	May 30	May 25
June 22	June 4	June 13	June 11
July 6	June 18	June 27	June 25
July 20	July 2	July 11	July 9

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

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

** Note closing date changes

*** Note issue date and closing date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

09.12.01.01D(2)(c)(iii)
 Title Chapter Section Paragraph
 Subtitle Regulation Subsection Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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The Governor

EXECUTIVE ORDER 01.01.2017.29

Renewal of Executive Order 01.01.2017.02 (Executive Order Regarding the Heroin, Opioid, and Fentanyl Overdose Crisis Declaration of Emergency)

WHEREAS, I, Lawrence J. Hogan, Jr., Governor of the State of Maryland, issued Executive Order 01.01.2017.02 due to the heroin, opioid, and fentanyl overdose crisis (the “Crisis”); and

WHEREAS, The emergency conditions relating to the Crisis continue to exist.

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DECLARE THAT THE STATE OF EMERGENCY CONTINUES TO EXIST PERTAINING TO THE NEED TO CONTROL AND ELIMINATE THE HEROIN, OPIOID, AND FENTANYL OVERDOSE CRISIS AND HEREBY RENEW EXECUTIVE ORDER 01.01.2017.02, EFFECTIVE ON NOVEMBER 27, 2017, AND SHALL EXPIRE ON DECEMBER 27, 2017, UNLESS SOONER TERMINATED OR EXTENDED IN WRITING BY ME.

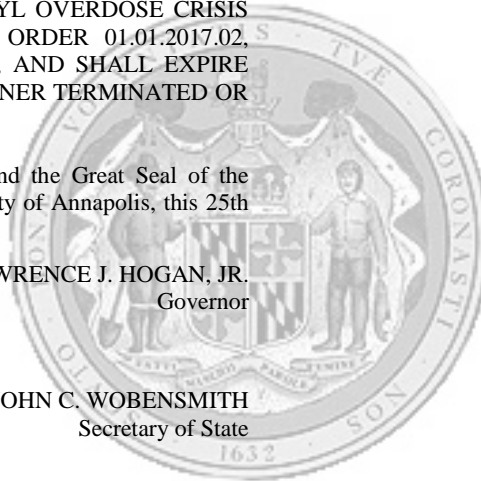
GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 25th Day of November, 2017.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[17-25-26]



The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated October 31, 2017, **JEFF A. GODFREY**, 3406 Greenview Drive, Parkersburg, West Virginia 26104, has been suspended, 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 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated October 31, 2017, **MATTHEW PETER GORMAN**, 6930 Carroll Avenue, Suite 408, Takoma Park, Maryland 20912, has been suspended, 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 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated November 7, 2017, **MARIATU KARGBO**, Kargbo Law Firm, 5525 Decauster Street, Bladensburg, Maryland 20710, has been placed on inactive status, effective immediately, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated November 16, 2017, **RAYMOND JEROME VANZEGO, JR.**, 9450 Marlboro Pike, Upper Marlboro, Maryland 20774, has been replaced upon the register of attorneys in the Court of Appeals as of November 16, 2017. Notice of this action is certified in accordance with Maryland Rule 19-761.

* * * * *

This is to certify that by an Order of the Court of Appeals dated November 16, 2017, **L. MICHAEL SCHAECH**, 113 South Washington Street, Suite 1, Havre de Grace, Maryland 21078, has been replaced upon the register of attorneys in the Court of Appeals as of November 16, 2017. Notice of this action is certified in accordance with Maryland Rule 19-761.

[17-25-24]

COMMISSION ON JUDICIAL DISABILITIES

NOTICE OF PUBLIC CHARGES AND HEARING IN THE MATTER OF JUDGE PAUL G. GOETZKE CJD 2016-083

The Commission on Judicial Disabilities will hold a hearing to consider Charges brought against Judge Paul G. Goetzke in the above-captioned case on March 13, 14, 15 and 16, 2018, beginning at 10:00 a.m. The place of the hearing is in Courtroom No. 1 of the Court of Special Appeals of Maryland, Robert C. Murphy Courts of Appeal Building, 361 Rowe Boulevard, Second Floor, Annapolis, Maryland. The hearing is open to the public.

The Charges and any response by the Judge are available for inspection on the Commission website (www.mdcourts.gov/cjd/publicactions.html).

For further information, contact the Office of Communications and Public Affairs, 410-260-1488.

[17-25-22]

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 10 MARYLAND DEPARTMENT OF HEALTH

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 Maryland Department of Health is reviewing and evaluating certain regulations codified within Subtitle 54 of Title 10 of the Code of Maryland Regulations. 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.

The regulations being reviewed are:

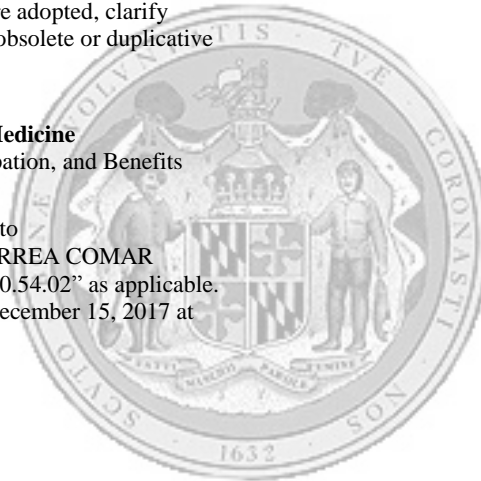
Subtitle 52 Preventive Medicine

COMAR 10.54.01 Eligibility, Participation, and Benefits

COMAR 10.54.02 Local Agency

Interested parties may submit comments to phpa.oss@maryland.gov, with the subject "RREA COMAR 10.54.01" or the subject "RREA COMAR 10.54.02" as applicable. Comments must be received no later than December 15, 2017 at 11:59 p.m.

[17-25-19]



Final Action on Regulations

Symbol Key

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

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 01 OFFICE OF THE SECRETARY

09.01.04 Public Information Act Requests

Authority: Business Regulation Article, §2-105; *General Provisions Article, Title 4*; Annotated Code of Maryland

Notice of Final Action

[17-239-F]

On November 14, 2017, the Secretary of Labor, Licensing, and Regulation adopted amendments to Regulations **.01**, **.02**, and **.04**, the repeal of existing Regulations **.05—07**, **.15**, and **.16**, amendments to and the recodification of existing Regulations **.08—12**, **.13**, **.14**, and **.17** to be Regulations **.05—09**, **.11**, **.12**, and **.13**, respectively, and new Regulation **.10** under **COMAR 09.01.04 Public Information Act Requests**. This action, which was proposed for adoption in 44:20 Md. R. 949—952 (September 29, 2017), has been adopted as proposed.

Effective Date: December 18, 2017.

KELLY M. SCHULZ

Secretary of Labor, Licensing, and Regulation

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.79 *Presumptive Eligibility for Correctional Facilities*

Authority: *Health-General Article, §15-103(b)*, Annotated Code of Maryland

Notice of Final Action

[17-140-F]

On November 27, 2017, the Secretary of Health adopted new Regulations **.01—08** under a new chapter, **COMAR 10.09.79 Presumptive Eligibility for Correctional Facilities**. This action, which was proposed for adoption in 44:11 Md. R. 529—531 (May 26, 2017), has been adopted as proposed.

Effective Date: December 18, 2017.

DENNIS SCHRADER

Secretary of Health and Mental Hygiene

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 14 MOTOR VEHICLE ADMINISTRATION—VEHICLE INSPECTIONS

11.14.08 Vehicle Emissions Inspection Program

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, and 2-301—2-303; Transportation Article, §§12-104(b), 23-202(a), 23-206.2, 23-206.4, and 23-207; Annotated Code of Maryland

Notice of Final Action

[17-234-F]

On October 17, 2017, the Secretary of the Environment and the Administrator of the Motor Vehicle Administration jointly adopted amendments to Regulations **.01**, **.03—05**, and **.09** under **COMAR 11.14.08 Vehicle Emissions Inspection Program**. This action, which was proposed for adoption in 44:18 Md. R. 868 — 871 (September 1, 2017), has been adopted as proposed.

Effective Date: January 1, 2018.

CHRISTINE NIZER

Administrator

Motor Vehicle Administration

BENJAMIN H. GRUMBLES

Secretary

Maryland Department of the Environment

Title 31

MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

31.10.44 *Network Adequacy*

Authority: *Insurance Article, §§2-109(a)(1) and 15-112(a) — (d)*, Annotated Code of Maryland

Notice of Final Action

[17-199-F]

On November 21, 2017, the Insurance Commissioner adopted new Regulations **.01—09** under a new chapter, **COMAR 31.10.44 Network Adequacy**. This action, which was proposed for adoption

in 44:15 Md. R. 776—780 (July 21, 2017), has been adopted with the nonsubstantive changes shown below.

Effective Date: December 31, 2017.

Attorney General's Certification

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

COMAR 31.10.44.02B(6): Essential community providers: Taking out the word “mental” and adding the word “behavioral” because the definition of behavioral already includes mental health care.

COMAR 31.10.44.02B(10) and (11): Adding definitions because these words are used in the newly added Regulation .04C(2).

COMAR 31.10.44.02B(10)—(18): Renumbering the definitions based on the addition of the two listed above.

COMAR 31.10.44.02B(19): Rural area: Rather than listing areas by region we are using a zip code system which will make it easier for members and carriers to determine which region fits into which distance standards required in Regulation .04.

COMAR 31.10.44.02B(20): Specialty provider: Adding Board eligible because these doctors can provide services to patients as they have met all of the requirements to be a physician other than taking their certifying examination.

COMAR 31.10.44.02B(21): Suburban area: Rather than listing areas by region we are using a zip code system which will make it easier for members and carriers to determine which region fits into which distance standards required in Regulation .04.

COMAR 31.10.44.02B(23): Tiered network: Removing tiered networks from the regulation to simplify the regulations and avoid confusion as to how it would apply to specialty networks.

COMAR 31.10.44.02B(24): Urban area: Rather than listing areas by region we are using a zip code system which will make it easier for members and carriers to determine which region fits into which distance standards required in Regulation .04.

COMAR 31.10.44.02B(25)(a): Urgent care: Changing the word from mental to behavioral as the definition of behavioral encompasses mental health care.

(a)(v): Changing the word from “mental” to “behavioral” as the definition of “behavioral” encompasses mental health care. Also reworded the sentence to clarify expectations.

(b): Changing the word from “mental” to “behavioral” as the definition of “behavioral” encompasses mental health care.

COMAR 31.10.44.02B(26): Renumbering to account for new definitions above and removal of tiered network.

COMAR 31.10.44.03A: Adding language “Using the instructions on the Maryland Insurance Administration’s website to determine rural, suburban, and urban zip code areas each” to clarify that the instructions are not open-ended and relate to identifying zip code areas on the Maryland Insurance Administration’s website.

COMAR 31.10.44.04A(1): Taking out the word “mental” and replacing it with “behavioral” as the definition of the word “behavioral” encompasses mental health care. Renumbering cross references so that they are accurate since new information was added to Section A(4).

A(2): Adding the phrase “primary care provider” to clarify which standard the use of a gynecologist, pediatrician, or certified registered nurse practitioner applies to. Also fixes a cross reference since a new Section A(4) was added.

A(3): Fixes the cross reference as a new Section A(4) was added.

A(4): Clarifying the intent and applicability of the “Other provider not listed” term which was originally listed on the proposed Chart of Travel Distance Standards.

A(5): Renumbered as new Section A(4) was added. Added “Applied Behavioral Analyst” to the listing of provider types and removed “Applied Behavioral Analysis” to the listing of facility types because this specialty is a type of provider rather than a type of facility.

A(5): Removed words “Other Provider Not Listed” and Added “All other licensed or certified providers under contract with a carrier not listed” to clarify the scope and applicability of the distance standards.

A(5): Added “Other Behavioral Health/Substance Abuse Facilities” as a more specific facility to reflect the intended applicability of in-patient psychiatric facilities and acute inpatient hospitals.

A(5): Removed “Other Facilities” and replaced it with “All other licensed or certified facilities under contract with a carrier not listed” to clarify the scope and applicability of the distance standards.

COMAR 31.10.44.04B(1): Removed the word “Mental” and replaced it with the word “behavioral” as the definition of “behavioral” encompasses mental health care. Updated cross references which are incorrect because a new Section B(4) was added.

B(2): Adding the phrase “primary care provider” to clarify which standard the use of a gynecologist, pediatrician, or certified registered nurse practitioner applies to. Also fixes a cross reference since a new Section B(4) was added.

B(3): Fixes the cross reference as a new Section B(4) was added.

B(4): Clarify the intent and applicability of the “Other provider not listed” which was originally listed on the proposed Chart of Travel Distance Standards.

B(5): Renumbered as new Section B(4) was added. Added “Applied Behavioral Analyst” to the listing of provider types and removed “Applied Behavioral Analysis” to the listing of facility types because this specialty is a type of provider rather than a type of facility.

B(5): Removed words “Other Provider Not Listed” and Added “All other licensed or certified providers under contract with a carrier not listed” to clarify the scope and applicability of the distance standards.

B(5): Added “Other Behavioral Health/Substance Abuse Facilities” as a more specific facility to reflect the intended applicability of in-patient psychiatric facilities and acute inpatient hospitals.

B(5): Removed “Other Facilities” and replaced it with “All other licensed or certified facilities under contract with a carrier not listed” to clarify the scope and applicability of the distance standards.

COMAR 31.10.44.04C: Removed “Each provider panel of a carrier shall include at least 30 percent of the available essential community providers in each of the urban, rural, and suburban areas.” As a new C is added.

New 31.10.44.04C: Added an Essential Community Providers subsection. New C(1) reiterates the requirements that at least 30 percent of available essential community providers be included in a carrier’s provider panel, except for group model HMO plans.

New C(2): clarifies that group model HMO plans may use alternative standards as allowed by Insurance Article, Section 15-112(b)(3)(ii)(2), Annotated Code of Maryland.

New C(3): Allows Group Model HMOs to prove compliance with the Essential Community Providers standards through an alternative standard as allowed by Insurance Article, Section 15-112(c)(4)(v)(2), Annotated Code of Maryland.

Remove D as we are removing tiered networks from these regulations to simplify the regulations and avoid confusion as to how it would apply to specialty networks.

COMAR 31.10.44.05A(1): Add “subject to the exceptions in” to clarify the applicability of the Regulation.

B: Remove the word “mental” and replace it with “behavioral” as the definition of “behavioral” encompassed mental health care.

C: Removed “Non-urgent ancillary services” and the corresponding waiting time requirement as non-urgent ancillary services are covered by the non-urgent specialty care category.

COMAR 31.10.44.06B(4): Remove the word “mental” and replace it with the word “behavioral” as the definition of “behavioral” encompasses mental health care.

COMAR 31.10.44.08: Adding language at the beginning A to clarify that carriers are required to provide certain information to a requester relating to non-quantitative treatment limitations in order to determine mental health parity. This is both a federal requirement as well as a statutory requirement found in Insurance Article, Section 15-802(d)(4), Annotated Code of Maryland.

COMAR 31.10.44.09A(1)(a): Changing the wording to clarify our expectations that carriers must meet the standards on the travel distance standards based on the enrollee population and distribution.

A(2)(a): Changing the wording to clarify our expectations that a carrier must measure results on a bases of the enrollee population and appointment type.

A(2)(a): Removed the word “mental” and added the word “behavioral” as the definition of “behavioral” encompasses mental health care.

A(3)(b): Changing the words to clarify our expectations that carriers will tell us if they met the standards of the appointment wait time regulation.

A(3)(b)(iv) Removed the word “mental” and added the word “behavioral” because the definition of the word “behavioral” encompasses mental health care.

.02 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1) — (5) (proposed text unchanged)

(6) “*Essential community provider*” means a provider that serves predominantly low-income or medically underserved individuals. “*Essential community provider*” includes:

(a) (proposed text unchanged)

(b) *Outpatient behavioral* ~~[[mental]]~~ health and community based substance use disorder programs; and

(c) (proposed text unchanged)

(7) — (9) (proposed text unchanged)

(10) “*Health professional shortage area*” means those geographic areas in Maryland which have been designated by the Health Resources and Services Administration as such, as a result of having a shortage of primary medical care or behavioral health providers.

(11) “*HEDIS*” means the Healthcare Effectiveness Data and Information Set of standardized performance measures, developed and used by the National Committee for Quality Assurance, to evaluate managed care health plan performance for care and services provided.

[[10]] (12) — [[18]] (20) (proposed text unchanged)

[[19]] (21) “*Rural area*” means a ~~[[region]]~~ zip code that, according to the Maryland Department of Planning, has a human population of less than 1,000 per square mile.

[[20]] (22) “*Specialty provider*” means a provider who:

(a) Focuses on a specific area of physical care ~~[[, mental health care,]]~~ or behavioral health care for a group of patients;

(b) (proposed text unchanged)

(c) For a physician, has obtained Board certification or is Board eligible through the American Board of Medical Specialties.

[[21]] (23) “*Suburban area*” means a ~~[[region]]~~ zip code that, according to the Maryland Department of Planning, has a

human population equal to or more than 1,000 per square mile, but less than 3,000 per square mile.

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

[[23]] “*Tiered network*” means a network of participating providers that has been divided into sub-groupings differentiated by the carrier according to:

(a) Cost-sharing levels;

(b) Provider payment;

(c) Performance ratings;

(d) Quality scores; or

(e) Any combination of these or other factors established as a means of influencing an enrollee’s choice of provider.]]

[[24]] (25) “*Urban area*” means a ~~[[region]]~~ zip code that, according to the Maryland Department of Planning, has a human population equal to or greater than 3,000 per square mile.

[[25]] (26) “*Urgent care*” means the treatment for a condition of an enrollee that satisfies either of the following:

(a) A medical condition, including a physical condition or a ~~[[mental]]~~ behavioral health condition, that, in the absence of medical care or treatment within 72 hours, could reasonably be expected by an individual, acting on behalf of a carrier and applying the judgment of a prudent layperson who possesses an average knowledge of health and medicine, would result in:

(i) — (iv) (proposed text unchanged)

(v) The enrollee remaining seriously ~~[[mentally]]~~ ill with behavioral health symptoms that cause the enrollee to be a danger to self or others; or

(b) A medical condition of an enrollee, including a physical condition or a ~~[[mental]]~~ behavioral health condition, that, in the absence of medical care or treatment within 72 hours, would, in the opinion of a provider with knowledge of the enrollee’s medical condition, subject the enrollee to severe pain that cannot be adequately managed without the care or treatment.

[[26]] (27) (proposed text unchanged)

.03 Filing of Access Plan.

A. ~~[[Each]]~~ Using the instructions on the Maryland Insurance Administration’s website to determine rural, suburban, and urban zip code areas, each carrier subject to this chapter shall file an annual access plan with the Commissioner through the System for Electronic Rate and Form Filing (SERFF) on or before July 1 of each year for each provider panel used by the carrier, with the first access plan filing due on or before July 1, 2018.

B. — C. (proposed text unchanged)

.04 Travel Distance Standards.

A. Sufficiency Standards.

(1) Except as stated in §B of this regulation, each provider panel of a carrier shall have within the geographic area served by the carrier’s network or networks, sufficient primary care physicians, specialty providers, ~~[[mental]]~~ behavioral health and substance use disorder providers, hospitals, and health care facilities to meet the maximum travel distance standards listed in the chart in ~~[[§A(4)]]~~ §A(5) of this regulation for each type of geographic area. The distances listed in ~~[[§A(4)]]~~ §A(5) of this regulation shall be measured from the enrollee’s place of residence.

(2) When an enrollee elects to utilize a gynecologist, pediatrician, or certified registered nurse practitioner for primary care, a carrier may consider that utilization as a part of its meeting the primary care provider standards listed in ~~[[§A(4)]]~~ §A(5) of this regulation.

(3) The travel distance standards listed in ~~[[§A(4)]]~~ §A(5) of this regulation do not apply to the following:

(a) — (h) (proposed text unchanged)

(4) All other providers and facility types not listed in the chart in §A(5) of this regulation shall individually be required to meet

maximum distances standards of 15 miles for Urban Areas, 40 miles for Suburban Areas, and 90 miles for Rural Areas.

[(4)] (5) Chart of Travel Distance Standards.

	Urban Area Maximum Distance (miles)	Suburban Area Maximum Distance (miles)	Rural Area Maximum Distance (miles)
<u>Provider Type:</u>			
<u>Primary Care Physician — Allergy and Immunology</u>	(proposed text unchanged)		
<u>Applied Behavioral Analyst</u>	<u>15</u>	<u>30</u>	<u>60</u>
<u>Cardiovascular Disease — Urology</u>	(proposed text unchanged)		
[[<u>Other Provider Not Listed</u>]] <u>All other licensed or certified providers under contract with a carrier not listed</u>	15	40	90
<u>Facility Type:</u>			
<u>Pharmacy — Acute Inpatient Hospitals</u>	(proposed text unchanged)		
[[<u>Applied Behavioral Analysis</u>]]	[[15]]	[[30]]	[[60]]
<u>Critical Care Services — Intensive Care Units — Surgical Services (Outpatient or Ambulatory Surgical Center)</u>	(proposed text unchanged)		
<u>Other Behavioral Health/Substance Abuse Facilities</u>	<u>10</u>	<u>25</u>	<u>60</u>
[[<u>Other Facilities</u>]] <u>All other licensed or certified facilities under contract with a carrier not listed</u>	15	40	90

B. Group Model HMO Plans Sufficiency Standards.

(1) Each group model HMO's health benefit plan's provider panel shall have within the geographic area served by the group model HMO's network or networks, sufficient primary care physicians, specialty providers, [[mental]] behavioral health and substance use disorder providers, hospitals, and health care facilities to meet the maximum travel distance standards listed in the chart in [[§B(4)]] §B(5) of this regulation for each type geographic area. The distances listed in [[§B(4)]] §B(5) of this regulation shall be measured from the enrollee's place of residence or place of employment from which the enrollee gains eligibility for participation in the group model HMO's health benefit plan.

(2) When an enrollee elects to utilize a gynecologist, pediatrician, or certified registered nurse practitioner for primary care, a carrier may consider that utilization as a part of its meeting the primary care provider standards listed in [[§B(4)]] §B(5) of this regulation.

(3) The travel distance standards listed in [[§B(4)]] §B(5) of this regulation do not apply to the following:

(a) — (h) (proposed text unchanged)

(4) All other provider and facility types not listed in the chart at §B(5) of this regulation shall individually be required to meet maximum distances standards of 15 miles for Urban Areas, 40 miles for Suburban Areas, and 90 miles for Rural Areas.

[(4)] (5) Chart of Travel Distance Standards.

	Urban Area Maximum Distance (miles)	Suburban Area Maximum Distance (miles)	Rural Area Maximum Distance (miles)
<u>Provider Type:</u>			
<u>Primary Care Physician — Allergy and Immunology</u>	(proposed text unchanged)		
<u>Applied Behavioral Analyst</u>	<u>15</u>	<u>20</u>	<u>60</u>
<u>Cardiovascular Disease — Urology</u>	(proposed text unchanged)		
[[<u>Other Provider Not Listed</u>]] <u>All other licensed or certified providers under contract with a carrier not listed</u>	20	40	90
<u>Facility Type:</u>			
<u>Pharmacy — Acute Inpatient Hospitals</u>	(proposed text unchanged)		
[[<u>Applied Behavioral Analysis</u>]]	[[15]]	[[30]]	[[60]]
<u>Critical Care Services — Intensive Care Units — Surgical Services (Outpatient or Ambulatory Surgical Center)</u>	(proposed text unchanged)		
<u>Other Behavioral Health/Substance Abuse Facilities</u>	<u>15</u>	<u>30</u>	<u>60</u>
[[<u>Other Facilities</u>]] <u>All other licensed or certified facilities under contract with a carrier not listed</u>	15	40	120

[[C. Each provider panel of a carrier shall include at least 30 percent of the available essential community providers in each of the urban, rural, and suburban areas.]]

C. Essential Community Providers.

(1) Each provider panel of a carrier, that is not a group model HMO provider panel, shall include at least 30 percent of the available essential community providers in each of the urban, rural, and suburban areas.

(2) Each group model HMO plan shall demonstrate that its own providers located in Health Professional Shortage Areas or low-income zip codes within its service area perform at or above the 50th percentile on the following two HEDIS measures:

(a) Initiation and Engagement of Alcohol and Other Drug Abuse or Dependence Treatment; and

(b) Utilization of the PHQ-9 to Monitor Depression Symptoms for Adolescents and Adults.

(3) Each group model HMO plan shall demonstrate that it has alternative standards for addressing the needs of low income, medically underserved individuals. One manner in which a group

model HMO may demonstrate this is by providing the Maryland Insurance Administration with its narrative or alternate standard justification to the essential community provider requirement, which was submitted to and accepted by the Maryland Health Benefit Exchange for certification as a qualified health plan.

[[D. If a carrier uses a tiered network, the carrier's provider panel shall meet the standards of this regulation for the lowest cost-sharing tier.]]

.05 Appointment Waiting Time Standards.

A. Sufficiency Standards.

(1) Subject to the exceptions in §B of this regulation, each carrier's provider panel shall meet the waiting time standards listed in §C of this regulation for at least 95 percent of the enrollees covered under health benefit plans that use that provider panel.

(2) (proposed text unchanged)

B. Preventive care services and periodic follow-up care, including but not limited to, standing referrals to specialty providers for chronic conditions, periodic office visits to monitor and treat pregnancy, cardiac or [[mental]] behavioral health or substance use disorder conditions, and laboratory and radiological monitoring for recurrence of disease, may be scheduled in advance consistent with professionally recognized standards of practice as determined by the treating provider acting within the scope of the provider's license, certification, or other authorization.

C. Chart of Waiting Time Standards.

Waiting Time Standards	
Urgent care (including medical, [[mental]] behavioral health, and substance use disorder services)	72 hours
Routine primary care — Non-urgent specialty care	(proposed text unchanged)
[[Non-urgent ancillary services]]	[[30 calendar days]]
Non-urgent [[mental]] behavioral health/substance use disorder services	10 calendar days

.06 Provider-to-Enrollee Ratio Standards.

A. (proposed text unchanged)

B. The provider-to-enrollee ratios shall be equivalent to at least 1 full-time physician, or as appropriate, another full-time provider for:

(1) — (3) (proposed text unchanged)

(4) 2,000 enrollees for [[mental]] behavioral health care or services; and

(5) (proposed text unchanged)

.08 Confidential Information in Access Plans.

A. [[The]] Subject to §15-802 of the Insurance Article, Annotated Code of Maryland, the following information that is included in a carrier's access plan shall be considered confidential by the Commissioner:

(1) — (3) (proposed text unchanged)

B. — D. (proposed text unchanged)

.09 Network Adequacy Access Plan Executive Summary Form.

A. For each provider panel used by a carrier for a health benefit plan, the carrier shall provide the network sufficiency results for the health benefit plan service area as follows:

(1) Travel Distance Standards.

(a) For each provider type listed in Regulation .04 list [[List]] the percentage of [[the participating providers, by primary care provider and specialty provider type,]] enrollees, for which the

carrier met the travel distance standards, [[listed in Regulation .04 of this chapter,]] in the following format:

	Urban Area	Suburban Area	Rural Area
Primary Care Provider — Specialty Provider	(proposed text unchanged)		

(b) — (e) (proposed text unchanged)

(2) Appointment Waiting Time Standards.

(a) For each appointment type listed in Regulation .05, list [[List]] the percentage of enrollees, [[appointments, by type of care, visits, or services,]] for which the carrier met the appointment [[waiting]] wait time standards[[listed in Regulation .05 of this chapter]], in the following format:

Appointment Waiting Time Standard Results	
Urgent care — within 72 hours — Non-urgent ancillary services — within 30 calendar days	(proposed text unchanged)
Non-urgent [[mental]] behavioral health/substance use disorder services — within 10 calendar days	

(b) List the total percentage of telehealth appointments counted as part of the appointment waiting time standard results.

(3) Provider-to-Enrollee Ratio Standards.

(a) (proposed text unchanged)

(b) For all other carriers, list whether the percentage of provider-to-enrollee ratios [[that met]] meet the provider-to-enrollee ratio standards listed in Regulation .06 of this chapter for each of the following categories:

(i) — (iii) (proposed text unchanged)

(iv) 2,000 enrollees for [[mental]] behavioral health care or service; and

(v) (proposed text unchanged)

B. (proposed text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner

Subtitle 10 HEALTH INSURANCE — GENERAL

31.10.45 Dental Network Adequacy

Authority: Insurance Article, §§2-109(a)(1) and 15-112(e), Annotated Code of Maryland

Notice of Final Action

[17-258-F]

On November 28, 2017, the Insurance Commissioner adopted new Regulations .01—.06 under a new chapter, **COMAR 31.10.45 Dental Network Adequacy**. This action, which was proposed for adoption in 44:21 Md. R. 1012—1014 (October 13, 2017), has been adopted with the nonsubstantive changes shown below.

Effective Date: December 31, 2017.

Attorney General's Certification

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

COMAR 31.10.45.03B: Added the phrase “who provide dental services” to clarify that each provider panel of a carrier shall include at least 20 percent of the available essential community providers who provide dental services rather than just 20 percent of the total number of essential community providers available in general.

COMAR 31.10.45.04C: Changed the appointment waiting time standards so that they are consistent with the dental standards for general and non-urgent specialty dental services. Also changed “General dentistry” to “Routine dental” services to be consistent with Regulation .06 of this chapter.

COMAR 31.10.45.06A(2)(a): Changed the appointment waiting time standard results to match the appointment waiting time standards in Regulation .04 of this chapter.

.03 Travel Distance Standards.

A. (proposed text unchanged)

B. *Each provider panel of a carrier shall include at least 20 percent of the available essential community providers who provide dental services in each of the urban, rural, and suburban areas.*

.04 Appointment Waiting Time Standards.

A.—B. (proposed text unchanged)

C. *Chart of Waiting Time Standards.*

<i>First Available Appointment Waiting Time Standards</i>	
<i>Urgent care</i>	<i>3 calendar days</i>
<i>[[General dentistry]] <u>Routine dental services</u></i>	<i>[[30]] <u>45</u> calendar days</i>
<i>Non-urgent specialty care</i>	<i>[[30]] <u>60</u> calendar days</i>

.06 Dental Network Adequacy Executive Summary Form.

A. *For each provider panel used by a carrier for a dental plan, the carrier shall provide the network sufficiency results for the dental plan service area as follows:*

(1) (proposed text unchanged)

(2) *Appointment Waiting Time Standards.*

(a) *For each appointment type listed in Regulation .04 of this chapter, list the percentage of enrollees in which the carrier met the appointment waiting time standards, in the following format:*

<i>Appointment Waiting Time Standard Results</i>	
<i>Urgent care- within 3 calendar days</i>	
<i>Routine dental services—within [[30]] <u>45</u> calendar days</i>	
<i>Non-urgent specialty care—within [[30]] <u>60</u> calendar days</i>	

(b) (proposed text unchanged)

B. — C. (proposed text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner

Title 35

MARYLAND DEPARTMENT OF VETERANS AFFAIRS

Subtitle 06 MARYLAND VETERANS SERVICE ANIMAL PROGRAM

35.06.01 General Regulations

Authority: State Government Article, §9-957, Annotated Code of Maryland

Notice of Final Action

[17-245-F]

On November 29, 2017, the Maryland Department of Veterans Affairs adopted new Regulations .01 — .07 under a new chapter, **COMAR 35.06.01 General Regulations**, under a new subtitle, **Subtitle 06 Maryland Veterans Service Animal Program**. This action, which was proposed for adoption in 44:21 Md. R. 1014—1015 (October 13, 2017), has been adopted as proposed.

Effective Date: December 18, 2017.

GEORGE W. OWINGS III
Secretary of Veterans Affairs

Withdrawal of Regulations

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

26.08.07 Underground Injection Control

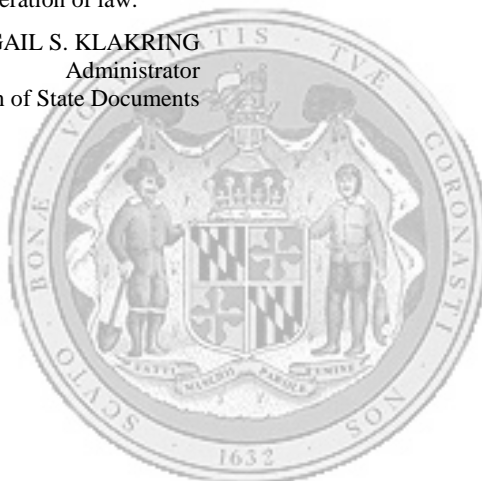
Authority: Environment Article, §§7-204(a), 7-208, 9-313(a), and 9-314(b)(3)
et seq., Annotated Code of Maryland

Notice of Withdrawal

[16-297-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to amend Regulation .04 under **COMAR 26.08.07 Underground Injection Control** which was published in 43:24 Md. R. 1361—1362 (November 28, 2016), has been withdrawn by operation of law.

GAIL S. KLAKRING
Administrator
Division of State Documents



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 17

DEPARTMENT OF BUDGET AND MANAGEMENT

Subtitle 04 PERSONNEL SERVICES AND BENEFITS

17.04.13 State Employees' Health Benefits

Authority: State Personnel and Pensions Article, §§2-503 and 4-106,
Annotated Code of Maryland

Notice of Proposed Action

[17-293-P]

The Secretary of Budget and Management proposes to amend Regulations .01 and .03 under COMAR 17.04.13 State Employees' Health Benefits.

Statement of Purpose

The purpose of this action is to update the referenced regulation that aligns Program eligible dependent definitions with multiple federal provisions.

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 Anne Timmons, Director, Employee Benefits Division, Department of Budget and Management, 301 W. Preston Street, 5th Floor, Baltimore, MD 21201, or call 410 767-

4710, or email to EBD.mail@maryland.gov, or fax to 410-333-7122. Comments will be accepted through January 8, 2018. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) "Dependent child" means an individual who meets the following requirements:

(a) Is one of the following:

(i)—(iii) (text unchanged)

(iv) A grandchild of an employee or retired employee who [is unmarried,] permanently resides with the employee or retired employee, and meets the requirements of 26 U.S.C. §§105, 106, and 125, and federal regulations implementing those statutory provisions for tax preferred health benefit coverage;

(v) A child under a testamentary or court appointed guardianship, other than a temporary guardianship of less than 12 months duration, of the employee or retired employee who [is unmarried,] permanently resides with the employee or retired employee, and meets the requirements of 26 U.S.C. §§105, 106, and 125, and federal regulations implementing those statutory provisions for tax preferred health benefit coverage; or

(vi) A child who is related to the employee or retired employee by blood or marriage, [is unmarried,] is solely supported by and permanently resides with the employee or retired employee, and meets the requirements of 26 U.S.C. §§105, 106, and 125, and federal regulations implementing those statutory provisions for tax preferred health benefit coverage; and

(b) [Is either:] *Subject further to §B(6-1) of this regulation, is either:*

(i)—(ii) (text unchanged)

[(3-1) "Dependent child of a domestic partner" means an individual who meets the following requirements:

(a) Is one of the following:

(i) A biological child of the domestic partner;

(ii) An adopted child of or a child placed with the domestic partner for adoption by the domestic partner;

(iii) A step-child of the domestic partner;

(iv) A grandchild of the domestic partner who is unmarried and permanently resides with the domestic partner and employee or retired employee;

(v) A child under testamentary or court-appointed guardianship, other than a temporary guardianship of less than 12 months duration, of the domestic partner who is unmarried and permanently resides with the domestic partner and the employee or retired employee; or

(vi) A child who is related to the domestic partner by blood or marriage, is unmarried, and is solely supported by and permanently resides with the domestic partner and the employee or retired employee; and

(b) Is either:

(i) Under the age of 26, through the end of the month in which the child turned 26; or

(ii) At the time of reaching the age of 26, incapable of self-support because of a mental or physical incapacity that started before the child reached age 26 and is chiefly dependent for support on the domestic partner.]

(4) (text unchanged)

[(4-1) "Domestic partner" means an individual in a relationship with an employee or retired employee who is the same sex as the employee or retired employee, if both individuals:

(a) Are 18 years old or older;

(b) Are not related to each other by blood or marriage within four degrees of consanguinity under civil law rule;

(c) Are not married, in a civil union, or in a domestic partnership with another individual;

(d) Have been in a committed relationship of mutual interdependence for at least 12 consecutive months in which each individual contributes to some extent to the other individual's maintenance and support with the intention of remaining in the relationship indefinitely; and

(e) Share a common primary residence.]

(5)—(6) (text unchanged)

(6-1) "*Other dependent child relative*" is a subset of "*dependent child*" and means a dependent child who is not a biological child, adopted child, or stepchild of an employee or retired employee, nor a child placed for adoption by an employee or retired employee, and is either:

(a) Under the age of 25, through the end of the month in which the child turned 25; or

(b) At the time of reaching the age of 25, incapable of self-support because of a mental or physical incapacity that started before the child reached age 25 and is chiefly dependent for support on the employee or the retired employee.

(7)—(8) (text unchanged)

(9) "Spouse" means an individual who is lawfully joined in marriage to an employee or retired employee [as recognized by the laws of the State of Maryland].

(10) (text unchanged)

.03 Eligibility for Coverage and Subsidy.

A. Eligible Persons. The following persons are eligible for Program coverage, with the exception of those persons listed in §B of this regulation:

(1)—(8) (text unchanged)

(9) Dependents of eligible persons listed in §A(1)—(5), (7), (8), (10), and (11) of this regulation who are one of the following:

(a) (text unchanged)

(b) A dependent child or another dependent child relative of an employee or retired employee, as identified in this chapter.

(10)—(11) (text unchanged)

B. (text unchanged)

C. Subsidy.

(1)—(3) (text unchanged)

(4) Contractual employees regularly working more than 30 hours per week, or more than an average of 130 hours per month, shall be provided a State subsidy of 75 percent of the premium cost for medical and prescription drug coverage. A measurement period may be necessary to establish the *contractual* employee's eligibility for the State subsidy.

(5) Employees working less than 50 percent of the workweek and contractual employees working less than 30 hours per week or 130 hours per month, *as determined by either the employment contract or the Affordable Care Act measurement period analysis*, shall not be provided a State subsidy.

DAVID R. BRINKLEY
Secretary of Budget and Management

Title 23

BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

23.03.02 Administration of the Public School Construction Program

Authority: Education Article, §§4-126, 5-112, and 5-301; State Finance and Procurement Article, §5-7B-07; Annotated Code of Maryland

Notice of Proposed Action

[17-292-P]

The Board of Public Works proposes to amend Regulation .05 under **COMAR 23.03.02 Administration of the Public School Construction Program**. This action was considered was considered at a Board of Public Works Meeting held on October 18, 2017.

Statement of Purpose

The purpose of this action is to amend the State cost-share percentage for the Public School Construction Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robert Gorrell, Executive Director, Public School Construction, 200 West Baltimore Street, Baltimore, MD 21201 or call 410-767-0617, or email to pscp.msde@maryland.gov, or fax to 410-333-6522. Comments will be accepted through January 8, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Public Works during a public meeting to be held on a date yet to be determined, at 100 State Circle, Annapolis, MD 21401.

.05 State Cost Share Percentage.

A. (text unchanged)

B. Percentages

(1) (text unchanged)

(2) [The maximum State share of public school construction funding for eligible costs of approved projects beginning Fiscal Year 2019 is 98 percent.] *Repealed.*

(3) For Fiscal Year [2016 through Fiscal Year 2018] *2019*, the State share percentages of public school construction funding for eligible costs of approved projects are as follows:

(table proposed for repeal)

<i>County</i>	<i>FY 2019</i>
<i>Allegany</i>	<i>85%</i>
<i>Anne Arundel</i>	<i>50%</i>
<i>Baltimore City</i>	<i>93%</i>
<i>Baltimore</i>	<i>56%</i>
<i>Calvert</i>	<i>53%</i>
<i>Caroline</i>	<i>81%</i>
<i>Carroll</i>	<i>59%</i>
<i>Cecil</i>	<i>66%</i>
<i>Charles</i>	<i>61%</i>
<i>Dorchester</i>	<i>76%</i>
<i>Frederick</i>	<i>64%</i>
<i>Garrett</i>	<i>50%</i>
<i>Harford</i>	<i>63%</i>
<i>Howard</i>	<i>55%</i>
<i>Kent</i>	<i>50%</i>
<i>Montgomery</i>	<i>50%</i>
<i>Prince George's</i>	<i>70%</i>
<i>Queen Anne's</i>	<i>51%</i>
<i>St. Mary's</i>	<i>58%</i>
<i>Somerset</i>	<i>100%</i>
<i>Talbot</i>	<i>50%</i>
<i>Washington</i>	<i>71%</i>
<i>Wicomico</i>	<i>97%</i>
<i>Worcester</i>	<i>50%</i>

(4) (text unchanged)

(5) The [Sate] *State* share percentage for the Maryland School for the Blind shall be 93 percent of eligible costs of approved projects.

C. Revisions to Percentages

(1) — (2) (text unchanged)

(3) The IAC shall add the following amounts to calculate the recommended revised cost share amounts:

(a) — (f) (text unchanged)

(g) 10 times the amount by which the county's *and local board's* total outstanding school construction debt at the end of the 2nd prior fiscal year plus the county's total school construction

expenditures from its operating budget from the 4th to the 2nd prior fiscal years exceeds 1 percent of the county wealth, as defined by Education Article, §5-202, Annotated Code of Maryland, for the prior fiscal year.

SHEILA McDONALD
Executive Secretary

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

26.08.11 *Maryland Water Quality Trading Program*

Authority: Agriculture Article, §§8-901 and 8-904; Environment Article, §§9-313, 9-315, 9-319, and 9-325; Annotated Code of Maryland

Notice of Proposed Action

[17-284-P]

The Secretary of the Environment proposes to adopt new Regulations **.01 — .14** under a new chapter, **COMAR 26.08.11 Maryland Water Quality Trading Program**.

Statement of Purpose

The purpose of this action is to establish a trading program that provides greater flexibility and reduces the cost of achieving the total maximum daily loads (TMDLs) established for the Chesapeake Bay while being protective of local water quality. In 2010, the U.S. Environmental Protection Agency (EPA) established the Chesapeake Bay TMDL, as well as annual pollution load limits and allocations for the State of Maryland and other states within the Chesapeake Bay watershed for the sources of three pollutants — nitrogen, phosphorus, and sediment. The framework for achieving the Chesapeake Bay TMDL was the development of a watershed implementation plan by the State that identifies strategies to be implemented by the State and local jurisdictions. Trading is a strategy that allows a source to reduce a pollutant load below baseline at a comparatively lower cost and sell the resulting reduction as “credits” to another source that is not able to reduce pollutants as cost-effectively.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action is expected to have a positive economic impact. In Maryland, efforts through 2017 to meet the Chesapeake Bay TMDL have shown that the cost of managing urban stormwater runoff and reducing septic loads can be greater than the cost of achieving nutrient reduction through improved agricultural practices or other nonpoint source best management practices. Water quality trading allow a source to reduce a pollutant load below baseline at a comparatively lower cost and sell the resulting reduction as “credits” to another source that is not able to reduce pollutants as cost-effectively. EPA has encouraged such activity by recognizing water quality trading as options for compliance with a water quality-based effluent limitation in a NPDES permit. Given the billions of dollars in costs projected to meet the Chesapeake Bay TMDL by 2025, this program is intended to encourage cost efficiency, engage the private sector, and stimulate a restoration economy. No specific projections have been done to quantify the economic benefit to Maryland from a trading program,

but experience in other states indicates significant savings potential, especially in urban stormwater if a regulatory program is put in place that facilitates the creation of a credible and robust marketplace.

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

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

B. This action will create opportunities for public and private entities that are subject to discharge permits to achieve pollutant reductions more cost-effectively than they would otherwise be able to.

C. This action will create opportunities for local governments that are subject to discharge permits to achieve pollutant reductions more cost-effectively than they would otherwise be able to.

D. This action will allow sellers of credits to derive economic benefits from the installation of best management practices. This action will allow buyers of credits to achieve pollutant reductions more cost-effectively than they would otherwise be able to.

E. This action will create business opportunities for service providers to credit buyers and sellers, such as engineers, consultants, and construction companies. This may incentivize these service providers to invest in workforce training, hiring new personnel, and capital equipment to meet the growing needs of a "green" economy.

F. This action may incentivize private parties to install best management practices not otherwise required, which will generate credits having economic value.

Economic Impact on Small Businesses

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

The proposed action is expected to have a positive economic impact on small businesses. Besides the potential of supplemental income for the agricultural community, the development of a public marketplace for nutrient and sediment credit trading and offsets provides new employment opportunities for individuals and organizations offering services to support an emerging environmental restoration economy. The design and installation of structures and systems, the assessment and verification of credits, the need for annual inspections, and the acquisition, management, and resale of credits are expected to be sources of revenue for consultants, technical advisors, engineers, contractors, aggregators, and brokers.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Gary Setzer, Senior Advisor, Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230, or call 410-537-3744, or email to gary.setzer@maryland.gov, or fax to 41-537-3888. Comments will be accepted through January 8, 2018. A public hearing will be held on December 18, 2017, 4 — 6 p.m. at the Maryland Department of the Environment (Montgomery Park), 1800 Washington Blvd., Baltimore, MD 21230.

.01 Purpose.

A. The purpose of this chapter is to establish a Water Quality Trading Program between the agricultural, stormwater, wastewater, and on-site sewage disposal sectors that attracts public and private participation and enhances Maryland's effort to protect and restore not only the water resources of the Chesapeake Bay and its tributaries, but also local waters. Trading may supplement the more traditional governmental approaches for improving water quality and has the potential to achieve results faster and at a lower cost, accelerating efforts to restore and improve water quality. The Program expands opportunities for point sources and nonpoint sources by creating a water quality marketplace that allows them to meet and maintain pollutant load limits through the acquisition of credits generated by pollutant load reductions elsewhere in Maryland's portion of the Chesapeake Bay watershed as long as the trade does not cause or contribute to a violation of State water quality standards.

B. General Structure of Program.

(1) The Program is voluntary and relies on a market-based approach to offer economic incentives for pollutant reductions from point and nonpoint sources.

(2) The State provides the infrastructure to support trading through an online suite of tools that includes:

(a) The Maryland Nutrient Tracking Tool used by agricultural credit generators;

(b) The central Registry; and

(c) The optional Marketplace.

(3) The price of each credit is negotiated between the credit seller and the credit buyer.

.02 Scope.

This chapter establishes Maryland's Water Quality Trading Program and sets forth the criteria under which the Program will operate, including:

A. Purpose;

B. Definitions;

C. Program framework;

D. Baseline requirements;

E. Calculation of credits;

F. Procedure for certification;

G. Trading requirements;

H. Usage of credits by point sources;

I. Registration of trades;

J. Verification and reporting requirements;

K. Public participation;

L. Enforcement; and

M. Appeal process.

.03 Definitions.

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

B. Terms Defined.

(1) "303(d) list" means the list of impaired waters maintained by the State pursuant to 33 U.S.C. §1313(d).

(2) "Aggregator" means a person that funds, generates, owns, or assembles credits resulting from a number of point or nonpoint sources to resell them.

(3) "Agricultural land" has the meaning stated in COMAR 15.20.12.02.

(4) "Agricultural nonpoint source" means a nonpoint source that is an agricultural operation.

(5) "Agricultural operation" has the meaning stated in COMAR 15.20.12.02.

(6) "Allocation" means the share of the total amount of pollutants that impaired waters can receive from a specific source discharger.

(7) "Baseline" means the practices, actions, or levels of nitrogen, phosphorus, or sediment reductions that must be achieved before a credit seller becomes eligible to enter the trading market and trade credits.

(8) "Bay Restoration Fund (BRF)" means the fund established by Environment Article, §9-1605.2, Annotated Code of Maryland.

(9) Best Management Practice (BMP).

(a) "Best management practice (BMP)" means a practice, or combination of practices, that is determined by the Chesapeake Bay Program to be an effective and practicable method of preventing or reducing pollutants generated by point or nonpoint sources so as to minimize the movement of those pollutants into waters of the State or mitigate flooding.

(b) "Best management practice (BMP)" includes agricultural and urban structural and nonstructural pollution controls, operations, and maintenance procedures and practices that prevent or reduce pollutants.

(10) "Broker" means a person that connects a credit seller and a credit buyer and helps to negotiate a trade between them.

(11) "Cap" means a legally enforceable aggregate mass load limit contained in a discharge permit.

(12) "Certification" means the process in which credits are quantified by the Department or the Department of Agriculture and placed on the Registry, or the result of this process.

(13) "Chesapeake Bay Program (CBP)" means the regional partnership of federal and State agencies, local governments, nonprofit organizations, and academic institutions that leads and directs Chesapeake Bay restoration and protection.

(14) "Chesapeake Bay Watershed Model (CBWM)" means the latest model adopted by the Chesapeake Bay Program used to simulate loading and transport of nitrogen, phosphorus, and sediment from pollutant sources throughout the Chesapeake Bay watershed and provide estimates of watershed nitrogen, phosphorus, and sediment loads resulting from various management scenarios.

(15) "Credit" means a unit of pollution reduction of one pound of nitrogen, phosphorus, or sediment.

(16) "Department" means the Maryland Department of the Environment.

(17) "Edge of tide (EoT) factor" means a numeric adjustment that reflects the rate at which pollutants are reduced through natural processes, such as hydrolysis, oxidation, and biodegradation, and manmade structures, such as dams, on their way through nontidal tributaries to the tidal waters of the Chesapeake Bay or its tidal tributaries.

(18) "Edge of tide (EoT) ratio" means a numeric adjustment applied to a trade to compensate for different EoT factors in the segmentshed where the credit is generated and the segmentshed where the credit is used.

(19) "Enhanced nutrient removal (ENR)" means a wastewater treatment technology that reduces the nitrogen and phosphorus concentrations in wastewater effluent to achieve permit limits equivalent to concentrations of no more than 4 milligrams per liter

nitrogen and 0.3 milligrams per liter phosphorus, as calculated on an annually averaged basis.

(20) "Floating cap" means a permitted effluent limitation applicable to an ENR facility, funded by the Bay Restoration Fund, which is calculated at the end of each calendar year using the end of the calendar year annual cumulative flow for the facility, multiplied by the applicable nitrogen or phosphorus concentration, and then converted to units of pounds per year.

(21) "Generator" means the original source of pollution reductions embodied in a credit, regardless of subsequent buyers and sellers of the credit.

(22) "Impaired waters" means waters included on the 303(d) list for nitrogen, phosphorus, or sediment.

(23) "Industrial waste" has the meaning stated in COMAR 26.08.01.01.

(24) Load.

(a) "Load" means a pound or pounds of nitrogen or phosphorus or a pound, pounds, ton, or tons of sediment discharged by a point or nonpoint source per unit of time.

(b) "Load" is calculated or estimated using pollutant concentrations and flow and converting them to pounds or tons.

(25) "Load allocation (LA)" means the portion of a receiving water's loading capacity that is attributed to one of either its existing or future nonpoint sources.

(26) "Local water quality impairment" means conditions in a nontidal river, stream or impoundment that would cause the nontidal river, stream or impoundment to be listed on the 303(d) list for nitrogen, phosphorus, or sediment.

(27) "Marketplace" means an online system where information is exchanged between credit owners or their representatives and credit buyers.

(28) "Maryland Nutrient Tracking Tool (MNTT)" means an online performance-based calculation system that enables users to analyze agricultural parcels and their management to determine eligibility and credit generation potential for participation in the Maryland Water Quality Trading Program.

(29) "Maryland Water Quality Trading Program (Program)" means the Program under this chapter that establishes the policies and procedures to support market-based trading activities to enhance water quality and to certify, verify, and register nonagricultural point and nonpoint source nitrogen, phosphorus, and sediment credits.

(30) "MS4 Permittee" means a person that has been issued a Phase I MS4 permit or a Phase II MS4 permit as defined in 40 CFR §122.26.

(31) "Municipal Separate Storm Sewer System (MS4)" has the meaning stated in 40 CFR §122.26.

(32) "National Pollutant Discharge Elimination System (NPDES) permit program" means the national system for issuing permits as designated by 33 U.S.C. §1251 et seq., its amendments, and all regulations and rules adopted under the federal Clean Water Act and State law.

(33) "Nonregulated source" means a point source or nonpoint source that is not regulated under an NPDES or State discharge permit and that is not an agricultural operation.

(34) "Nonpoint source" means a source of pollution that is not from a discernible, confined, and discrete conveyance, or other point source, as point source is defined in 33 U.S.C. §1362.

(35) "On-site sewage disposal system" means a sewage system that discharges treated effluent into the ground, such as a septic system.

(36) "Performance-based benchmark" means a wastewater point source annual effluent load which is calculated at the end of each calendar year using the end of the calendar year annual cumulative flow for the facility, multiplied by the applicable assigned nitrogen or phosphorus performance concentration converted to

units of pounds per year, where the assigned annual average effluent performance concentration basis is:

(a) Equal to or less than 3.0 mg/l for nitrogen or .3 mg/l for phosphorus; and

(b) If applicable, equal to or less than the concentration basis of the permit's required floating cap.

(37) "Person" has the meaning stated in COMAR 26.08.01.01.

(38) "Point source" has the meaning stated in 33 U.S.C. §1362.

(39) "Pollutant reduction" means the difference between the baseline load established for each point or nonpoint source and the load discharged to either ground or surface water after installation of the BMP.

(40) "Public funding" means federal or State grant funding.

(41) "Registration" means the recordation of a credit or trade in the Registry.

(42) "Registry" means a publicly accessible online database system used by the Department and the Department of Agriculture to administer the Water Quality Trading Program by tracking credit-generating BMPs, verification activities, credits, trades, and credit usage records.

(43) "Reserve pool" means a pool of certified credits created by the application of the reserve ratio that can be used by the State as stated in Regulation .08 of this chapter.

(44) "Reserve ratio" means a 5 percent reduction in the total number of generated credits, the result rounded down to the next whole number, placed in the reserve pool at the time of certification.

(45) "Sector" means each of the following groups of persons:

(a) Agricultural dischargers;

(b) Stormwater dischargers;

(c) Sewage treatment and industrial waste dischargers;

(d) Persons having on-site sewage disposal systems; and

(e) Forests.

(46) "Segmentshed" means a discrete land area that drains into one of the Chesapeake Bay Program tidal segments for which a TMDL is established in the Chesapeake Bay TMDL.

(47) "Source discharger" means a:

(a) Point source regulated under an NPDES or State discharge permit that has received an individual or aggregate wasteload allocation; or

(b) Nonpoint source that is assigned a share of the aggregate load allocation for an entire sector.

(48) "Stormwater" has the meaning stated in COMAR 26.17.02.02.

(49) "Stormwater point source" means a regulated stormwater discharger such as a MS4 permittee, or a NPDES Industrial stormwater permittee.

(50) "Technology-based effluent limitation (TBEL)" means a permit limit for a pollutant that is based on the capability of a treatment method to reduce the pollutant to a certain concentration or loading.

(51) "Total maximum daily load (TMDL)" means a calculation for an impaired water body of the maximum amount of a pollutant the water body can receive and still meet applicable water quality standards in accordance with federal Clean Water Act requirements.

(52) "Trade" or "trading" means a transaction, sale, or other exchange of credit through a contractual agreement between a credit generator or owner and a credit buyer.

(53) "Uncertainty ratio" means a numeric adjustment to a trade to compensate for possible discrepancies in estimated pollutant reductions resulting from inaccuracy in credit estimation methodology or variability in project performance, or to provide a margin of safety in the achievement of water quality goals.

(54) "Wasteload allocation (WLA)" has the meaning stated in COMAR 26.08.01.01.

(55) "Wastewater point source" means a sewage treatment or industrial waste discharger that has applied for and received a NPDES or other State discharge permit issued pursuant to COMAR 26.08.04.

(56) "Watershed" means an area of land that drains all the streams and rainfall to a common outlet such as the outflow of a reservoir, mouth of a bay, or any point along a stream channel.

.04 Maryland Water Quality Trading Program Framework.

A. Pollutants Eligible for Trading. Nitrogen, phosphorus, and sediment are the only pollutants eligible for credit trading and may be traded independently or in any combination.

B. Maryland Trading Regions.

(1) Any trade shall occur within the same trading region.

(2) The Department has established the following trading regions:

(a) Potomac River Basin;

(b) Patuxent River Basin; and

(c) Eastern Shore and Western Shore River Basins, including the Maryland portion of the Susquehanna Basin.

C. Program Participation.

(1) A person may only use credits generated and sold within the State to:

(a) Comply with the applicable nitrogen, phosphorus, and sediment load or wasteload allocations of the Maryland portion of the Chesapeake Bay TMDL, local TMDLs, or NPDES permit requirements; or

(b) Improve water quality.

(2) Other than persons generating credits under the provisions of COMAR 15.20.12, a person generating credits under the Maryland Water Quality Trading Program shall:

(a) Meet appropriate baseline requirements in accordance with Regulation .05 of this chapter;

(b) Install a BMP approved by the Chesapeake Bay Program that is acceptable to the Department;

(c) Demonstrate a load reduction below the baseline requirements that is acceptable to the Department and calculate credits in accordance with Regulation .06 of this chapter; and

(d) Submit a Certification and Registration form to the Department for credit certification in accordance with Regulation .07 of this chapter.

D. Limitations.

(1) This chapter does not apply to wastewater point source to wastewater point source trading.

(2) No credit shall be offered for trade except in compliance with the provisions of this chapter.

(3) Except those BMPs implemented in conformance with Special Conditions III.A.1.f of General Permit No. 12SW, Stormwater Associated with Industrial Activities, any BMP implemented to satisfy regulatory requirements, including those related to new development and redevelopment, prior to the effective date of this chapter, may not be used to generate a credit.

(4) Credits may be traded only after they have been certified, verified, and registered in accordance with this chapter or, for agricultural credits, in accordance with COMAR 15.20.12.

(5) For the purposes of this chapter, public funding may not be used to generate a credit, except:

(a) A wastewater treatment plant upgraded to ENR that accepts BRF grant funding for operation and maintenance to achieve a nitrogen discharge of 3mg/l and a phosphorus discharge of 0.3 mg/l may generate credits for performance below 3mg/l of nitrogen and below 0.3mg/l of phosphorus; or

(b) Unless otherwise prohibited by the terms and conditions of the public funding, the credits generated by any other nonagricultural BMP funded in part by public funding shall be

prorated based on the ratio of nonpublic funding used to generate the credit to the total cost incurred to generate the credit.

(6) The Department is not responsible or liable for the performance of a credit-generating project certified pursuant to the requirements of this chapter.

(7) The acquisition of credits for compliance purposes does not eliminate any requirement to comply with local water quality standards, permits, or other legal requirements.

E. Water Quality Trading Program Registry.

(1) The Department, in consultation with the Maryland Department of Agriculture, shall establish and maintain the Registry.

(2) Pursuant to this chapter and COMAR 15.20.12, all certified credits shall be posted on the Registry.

(3) The inclusion of credits on the Registry or the Marketplace is not a representation by the Department or the credit seller that the credits will satisfy the specific regulatory requirements of the credit buyer.

.05 Baseline Requirements.

A. All baselines shall be consistent with the 2010 Chesapeake Bay TMDL and any local TMDL, as may be amended from time to time.

B. The baseline for an agricultural nonpoint source shall be determined by the Department of Agriculture in accordance with COMAR 15.20.12.

C. The baseline for a wastewater point source shall be determined by the Department based on an annual loading limit wasteload allocation established in the wastewater point source's NPDES discharge permit.

D. The baseline for a stormwater point source is the restoration requirement of the stormwater point source's current NPDES discharge permit.

E. Except as may be revised by subsequent versions of the Chesapeake Bay Watershed Model, the baseline for a nonregulated source shall be the pollutant load generated under the conditions that existed prior to installation of the BMP, as calculated using assessment tools consistent with the Chesapeake Bay Program modeling tools and accepted by the Department.

F. Except as may be revised by subsequent versions of the Chesapeake Bay Watershed Model, the baseline load per equivalent dwelling unit for an on-site sewage disposal system is:

- (1) 18.56 pounds of nitrogen per year for a system located in the Critical Area for the Chesapeake and Atlantic Coastal Bays;
- (2) 11.60 pounds of nitrogen per year for a system located within 1,000 feet of surface water; and
- (3) 6.96 pounds of nitrogen per year for all other systems.

.06 Calculation of Credits.

A. Wastewater Point Sources. Credits generated by a wastewater point source shall be based on that wastewater point source's performance as follows:

(1) Credits shall be calculated and reported under the terms of the required wastewater discharge permit at the end of each calendar year as the load remaining after subtracting actual annual effluent nutrient load from the performance-based benchmark load; and

(2) The annual effluent nutrient load shall be calculated using the end of the calendar year annual cumulative flow for the facility, multiplied by the actual effluent nitrogen or phosphorus concentration converted to units of pounds per year.

B. Stormwater Point Sources and Nonregulated Sources. Stormwater point source and nonregulated source credits shall be calculated using assessment tools consistent with the Chesapeake Bay Program modeling tools and accepted by the Department.

C. Agricultural Nonpoint Sources. Nonpoint source credits on agricultural land shall be calculated using the Maryland Nutrient Tracking Tool in accordance with COMAR 15.20.12.

D. On-site Sewage Disposal Systems. Nitrogen credit for an on-site sewage disposal system upgraded with nutrient removal technology is calculated by subtracting the load remaining after upgrade of the system from the system's baseline load established in accordance with Regulation .05 of this chapter.

.07 Procedure for Certification.

A. Credits are not valid or tradable until placed on the Registry after certification as follows:

(1) Agricultural credits are certified by the Maryland Department of Agriculture in accordance with COMAR 15.20.12.07;

(2) Wastewater point source credits are certified by the Department through issuance of an NPDES permit; and

(3) All other credits are certified by the Department according to §B of this regulation.

B. A person who applies to the Department for certification of a credit shall complete and sign a Certification and Registration Form provided by the Department, including:

(1) Identification of the location and segmentshed where the BMP was implemented and a map identifying the location and boundaries of the BMP;

(2) Documentation that the generator either owns the property or has the permission of the landowner to install, access, and maintain the BMP and to apply for certification of credits;

(3) A description of the BMP, including:

(a) A description of the permits required for its installation and evidence establishing that it was installed in accordance with the laws, regulations, and programs of applicable local, state, and federal authorities;

(b) Verification in accordance with Regulation .11 of this chapter; and

(c) A plan for maintaining the BMP during the lifespan of the credit;

(4) Supporting documentation that explains:

(a) Which tool was selected to determine the requested number of credits;

(b) How the project satisfies the baseline requirements in Regulation .05 of this chapter; and

(c) How the credits were calculated to meet the nitrogen, phosphorus, and sediment reduction amounts claimed in the application; and

(5) Any other information the Department deems necessary to review the Certification and Registration Form, and certify the credits.

C. As a condition of the Department's certification of a credit, the applicant and landowner shall agree in writing to provide the Department, verifier, and their agents with access to the BMP at all reasonable times during the lifespan of the credit.

D. Upon review and approval of the information submitted in the Certification and Registration Form, the Department shall assign each credit or block of credits a unique registration number and place the certified credits on the Registry.

E. If the Department denies the Certification and Registration Form, the Department shall provide the basis for the denial to the applicant.

F. The credit owner shall update the credit registration, in writing within 30 days, to the Department and the credit buyer, if applicable, if there is a change in:

(1) The BMP used to generate the credit that could reasonably be expected to affect its certification; or

(2) The ownership of the property where the BMP is located.

G. The BMP generates credits once it is certified.

H. Credit generators may create listings linked to their Marketplace accounts to display certified credits they have for sale and initiate trades with potential credit buyers.

I. Credit buyers may post credit needs or solicit offers using the Marketplace.

.08 Trading Requirements.

A. Credit trades may occur with or without the participation of an aggregator or broker.

B. In the event of a default in a trade contract, expiration of a credit, or suspension or revocation of a credit, the buyer using the credit remains responsible for complying with any NPDES and State discharge permit or other regulatory requirement that the credit was intended to satisfy.

C. Ratios Applicable to All Trades.

(1) Uncertainty Ratio.

(a) An uncertainty ratio of 1:1 shall be applied to trades involving credits generated by nonpoint sources and acquired by stormwater point sources or other nonregulated sources.

(b) An uncertainty ratio of 1:1 shall be applied to trades involving implementation of BMPs for land conservation that includes protection through an irrevocable conservation easement or other instrument attached to the property deed and recorded with the local circuit court.

(c) An uncertainty ratio of 2:1 shall be applied to trades involving credits generated by nonpoint sources and acquired by wastewater point sources, unless the generator, seller, or buyer of the credit is able to demonstrate to the Department that the lower ratio is justified and protective of water quality standards.

(2) Edge of Tide Ratio.

(a) No EoT numeric adjustment factor shall be applied when a credit is generated in the same segmentshed in which the credit buyer uses it.

(b) An EoT numeric adjustment factor shall be applied to normalize loads based on delivery to the mainstem of the Chesapeake Bay when a credit seller and credit buyer are located in different segmentsheds of a Maryland watershed that have different EoT factors. The appropriate factor shall be calculated using assessment tools consistent with the Chesapeake Bay Program modeling tools and accepted by the Department.

(c) EoT adjustment factors for credits from wastewater point sources shall be determined by the Department based on the latest Chesapeake Bay Model used by the Department in issuing permits with trades.

(3) Reserve Ratio. A reserve ratio shall be applied to each credit when it is certified to create a reserve pool of credits that may be used by the Department to:

(a) Cover the loss of certified credits from a BMP damaged by events arising from sudden and reasonably unforeseeable events beyond the control of the person responsible for the maintenance of the BMP, including acts of God;

(b) Replace purchased credits that become unavailable due to the failure or underperformance of a BMP;

(c) Address a lack of readily available credits; or

(d) Improve the overall water quality during a year when the credits in the reserve pool are not used to support other purposes detailed in this chapter.

D. Lifespan of Certified Credits.

(1) A BMP may only generate credits when it is installed and placed into operation and all operational and maintenance guidelines are followed.

(2) Credits may be certified for more than 1 year but shall be applied annually.

(3) The Department shall include the number of years a credit is generated as part of the credit certification.

E. Local Water Quality.

(1) The use of a credit may not cause nor contribute to local water quality impairments or prevent the attainment of local water quality standards.

(2) Credits used within any impaired waters must be generated within such impaired waters or upstream of the credit user's discharge.

F. Prohibitions. At its discretion, the Department may prohibit the following persons from generating credits:

(1) A permittee in noncompliance with permit terms;

(2) A nonregulated source or owner of an on-site sewage disposal system that is not in compliance with COMAR 26.04.03, 26.17.01, 26.17.02, 26.17.04, 26.23, or 26.24, if applicable;

(3) An agricultural operation that is not in compliance with COMAR 15.20.12; or

(4) A person who has previously violated any provision of the Environment Article or any regulation adopted under the Environment Article.

.09 Usage of Credits by Point Sources.

A. In order to use traded credits to fulfill permit requirements, a credit buyer shall select credits that meet the limitations in this chapter, including limitations relating to credit lifespan, trading, trading regions, and local water quality standards and requirements.

B. The use of a credit shall be consistent with the credit's certification.

C. The Department shall prorate the amount of certified credits generated from any BMP for use in the year the credits are certified, while the total amount of certified credits generated from any BMP are not valid for use until the following year starting January 1.

D. Credits may not be used for the purpose of complying with technology-based effluent limitations.

E. The use of certified credits by a point source shall be subject to the terms and conditions of the permit to which the certified credits apply.

F. Permits may contain conditions on the use of certified credits, including:

(1) The extent to which the requirement of the permit may be satisfied with certified credits; and

(2) When, and from what source, certified credits may be acquired by the permittee.

.10 Registration of Trades.

A. A credit buyer shall notify the Department about each trade by filing a form provided by the Department within 15 days after the trade.

B. Within 15 days after receipt of the notification form required by §A of this regulation, the Department shall update the Registry, including the registration number for the credit, its location, duration, and the intended use of the credit.

C. The Department shall update the Registry within 30 days after receiving notice from the credit buyer of a change in the intended use of the credit.

.11 Verification and Reporting Requirements.

A. In its certification of a credit, the Department shall state the frequency at which the credits shall be verified, which shall be in accordance with local, State, and federal law and permit requirements, but shall be no less frequently than every three years.

B. Verification Requirements.

(1) Verification of credits generated by a wastewater point source shall include a report submitted to the Department annually for approval which includes certified discharge monitoring reports, appropriate annual reports, inspections, and any other reporting terms specified within the wastewater point source permit or required by the Department.

(2) Verification of credits generated by any other source shall be performed by a:

- (a) A State or county inspector;
- (b) A professional engineer registered in Maryland; or
- (c) A Department-approved verifier that:

(i) Has the appropriate education, expertise, and training to perform the verification;

(ii) Does not hold an interest in the operation or entity generating the credit; and

(iii) Was not involved in the original application or qualification of the credits.

C. Each report prepared by an inspector or verifier in accordance with §B(2) of this regulation shall include:

(1) Documentation that the BMP implemented continues to meet baseline compliance and that the credit generating BMP continues to be operated and maintained in accordance with the terms of the trading contract and the requirements of this chapter; and

(2) Confirmation that no deficiencies exist and no corrective measures are needed or a detailed description of deficiencies and required corrective actions.

D. Based on the information obtained in the verification reports, the Department shall update the Registry as necessary.

.12 Public Participation.

A. The Department shall provide notice, and an opportunity for comment and a hearing, if requested, for NPDES permits that propose to allow trading under this chapter in accordance with the federal Clean Water Act and Code of Federal Regulations for new permits or modification of existing permits, as applicable.

B. The Department shall report all credit trades by a stormwater point source permittee annually, and make the report available to the public on the Registry.

.13 Enforcement.

A. If a BMP is not performing in conformance with its certification the Department may order:

(1) Repairs or other remedies to address or eliminate any deficiencies, within a time period determined by the Department;

(2) Additional inspections; and

(3) Written substantiations that corrective measures have been taken.

B. The Department may suspend or revoke certification of a credit if:

(1) There are any violations of this chapter;

(2) A BMP is not performing in conformance with its certification;

(3) The Department determines that misleading, false, or fraudulent information was provided in the application for certification of such credit or any other submission related to such credit; or

(4) Any other action or inaction by a credit seller or credit buyer that the Department determines provides good cause to suspend or revoke such certification.

C. Within 30 days of a determination to suspend or revoke a certification, the Department shall:

(1) Issue a notice of the suspension or revocation of credit certification, including an effective date thereof, to the credit seller or credit buyer; and

(2) Update the Registry to reflect the suspension or revocation.

D. A corrective action order does not preclude the Department from exercising its enforcement authority. Suspension or revocation of credit certification does not preclude any other legal action that may be taken by the Department or another public or private entity.

.14 Appeal Process.

Any person aggrieved by the suspension or revocation of a credit taken in accordance with this chapter shall have the right to review in accordance with the provisions of the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 34 DEPARTMENT OF PLANNING

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.07 Heritage Structure Rehabilitation Tax Credit Certifications

Authority: State Finance and Procurement Article, §5A-303, Annotated Code of Maryland

Notice of Proposed Action

[17-294-P]

The Maryland Department of Planning, Maryland Historical Trust (MHT), proposes to amend Regulations .02 and .05 under **COMAR 34.04.07 Heritage Structure Rehabilitation Tax Credit Certifications**.

Statement of Purpose

The purpose of this action is to amend two regulations in COMAR 34.04.07. The purpose for the amendments to COMAR 34.04.07.02 is to revise the definition of “qualified rehabilitation expenditure” such that it is clear that rehabilitation expenses incurred prior to the date that MHT approves the rehabilitation plan for a rehabilitation project will not qualify for the Heritage Structure Rehabilitation Tax Credit. The purpose for the amendments to COMAR 34.04.07.05 is to clarify that proposed amendments to “Part 2” tax credit applications are to be reviewed and acted on by MHT under the same procedures applicable to review and action on original Part 2 applications.

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 Collin Ingraham, Administrator, Preservation Financial Incentives, Maryland Historical Trust, 100 Community Place, 3rd Floor, Crownsville, Maryland 21032-2023, or call 410-697-9558, or email to Collin.Ingraham@maryland.gov, or fax to 410-697-9616. Comments will be accepted through January 8, 2018. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (13) (text unchanged)

(14) “Qualified rehabilitation expenditure” means any amount that is:

(a) (text unchanged)

(b) Expended [to complete] *on* a certified rehabilitation:

(i) Of a structure that is certified by the Director as a certified historic structure under Regulation .04 of this chapter (Part 1) *by* no later than the end of the calendar year during which the certified rehabilitation is completed; [and]

(ii) In compliance with a rehabilitation plan [that has been] approved by the Director under Regulation .05 of this chapter (Part 2); and

(iii) *For work undertaken after approval by the Director of the rehabilitation plan under Part 2; and*

(c) (text unchanged)

(15) — (23) (text unchanged)

.05 Procedures for Application for and Review of Certifications of Eligibility of Certified Historic Structure Rehabilitations (Part 2).

A. Part 2 Application Process.

(1) — (4) (text unchanged)

(5) At any time before completion of the rehabilitation, an applicant may [propose to] *file with* the Director an amendment to a Part 2 application [which the Director may approve or deny at the Director’s discretion] *in form and substance as instructed on the Trust’s website.*

B. Homeowner Tax Credit.

(1) Upon receipt of *either* a complete Part 2 application *or an amendment to an application* for the Homeowner Tax Credit, the Director shall review the application *or amendment* and determine whether:

(a) (text unchanged)

(b) The plan for the rehabilitation as described in the application *or amendment* meets the Standards for Certified Historic Structure Rehabilitation; *and*

(c) The anticipated qualified rehabilitation expenditures will exceed \$5,000[; and

(d) No substantial part of the rehabilitation had begun at the time that the Trust received the application].

(2) The Director shall approve the Part 2 application *or amendment* and promptly send written notice of the approval to the applicant if the Director determines that each of the criteria set forth in §B(1) of this regulation is satisfied.

(3) The Director shall deny the Part 2 application *or amendment* and promptly send written notice of the denial to the applicant if the Director determines that any of the criteria set forth in §B(1) of this regulation is not satisfied.

C. Small Commercial Tax Credit.

(1) Upon receipt of *either* a complete Part 2 application *or an amendment to an application* for the Small Commercial Tax Credit, the Director shall review the application *or amendment* and determine whether:

(a) (text unchanged)

(b) The plan for the rehabilitation as described in the application *or amendment* meets the Standards for Certified Historic Structure Rehabilitation; *and*

(c) The anticipated qualified rehabilitation expenditures will exceed \$5,000 but not exceed \$500,000[; and

(d) No substantial part of the rehabilitation had begun at the time that the Trust received the application].

(2) If the Director determines that each of the criteria set forth in §C(1) of this regulation is satisfied, the Director shall:

(a) Approve the Part 2 application *or amendment*;

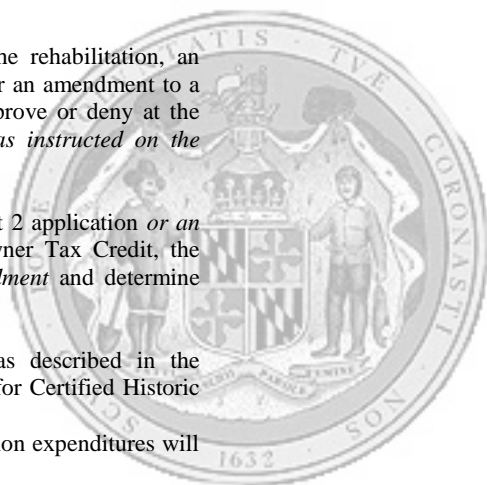
(b) — (c) (text unchanged)

(3) If the Director determines that any of the criteria set forth in §C(1) of this regulation is not satisfied, the Director shall deny the Part 2 application *or amendment* and promptly send written notice of the denial to the applicant.

(4) The Director may not approve any Part 2 application *or amendment* and may not issue any initial credit certificates for a Small Commercial Tax Credit after the aggregate amount of initial credit certificates for the Small Commercial Tax Credit issued by the Director on or after January 1, 2015, totals \$4,000,000.

D. (text unchanged)

ROBERT McCORD
Acting Secretary of Planning



Special Documents

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modifications

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: October 1-31, 2017.

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

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

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR § 806.18 for the time period specified above:

Minor Modifications Issued Under 18 CFR § 806.18

Panda Hummel Station LLC, Docket No. 20081222-3, Shamokin Dam Borough and Monroe Township, Snyder County, Pa.; approval to add stormwater as an additional source of water for consumptive use, and changes in the design of the intake structure; Approval Date: October 31, 2017.

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

Dated: November 14, 2017.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-25-17]

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: October 1-31, 2017

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717-238-0423, ext. 1312, 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 §806.22 (f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(e):

Panda Patriot, LLC, ABR-201301006.1, Clinton Township, Lycoming County, Pa.; Modification of Consumptive Use of Up to 0.2000 mgd; Approval Date: October 5, 2017.

Panda Liberty, LLC, ABR-201301007.1, Asylum Township, Bradford County, Pa.; Modification of Consumptive Use of Up to 0.2000 mgd; Approval Date: October 5, 2017.

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

Chesapeake Appalachia, LLC, Pad ID: Jes, ABR-201303008.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 2, 2017.

SWN Production Company, LLC, Pad ID: Bolles South Well Pad, ABR-201210017.R1, Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 4, 2017.

SWN Production Company, LLC, Pad ID: SHELDON EAST PAD, ABR-201211013.R1, Thompson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 4, 2017.

SWN Production Company, LLC, Pad ID: LOKE PAD, ABR-201211014.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 4, 2017.

SWN Production Company, LLC, Pad ID: Mordovancey Well Pad, ABR-201209023.R1, Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 16, 2017.

Chesapeake Appalachia, LLC, Pad ID: Lasher, ABR-201303010.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 16, 2017.

SWN Production Company, LLC, Pad ID: Wootton East Well Pad, ABR-201209020.R1, Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 16, 2017.

SWN Production Company, LLC, Pad ID: Reber-Dozier Well Pad, ABR-201210005.R1, Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 16, 2017.

Seneca Resources Corporation, Pad ID: DCNR 100 Pad T, ABR-201301013.R1, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 17, 2017.

Chief Oil & Gas, LLC, Pad ID: Lightcap, ABR-201303009.R1, Overton Township, Bradford County and Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 19, 2017.

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Cabot Oil & Gas Corporation, Pad ID: AldrichL P1, ABR-201210002.R1, Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 23, 2017.

Cabot Oil & Gas Corporation, Pad ID: RutkowskiB P1, ABR-201210003.R1, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 23, 2017.

Cabot Oil & Gas Corporation, Pad ID: BrayB P1, ABR-201210004.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 23, 2017.

SWEPI LP, Pad ID: Delaney 651, ABR-201209013.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 23, 2017.

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

Dated: November 14, 2017

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-25-16]



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.

CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

Subject: Public Meeting
Date and Time: December 18, 2017, 1 — 3 p.m.
Place: Judicial Training Center, 2009-D Commerce Park Dr., Annapolis, MD
Contact: Robyn Lyles (410) 585-3185
 [17-25-06]

DEPARTMENT OF THE ENVIRONMENT/LAND AND MATERIALS ADMINISTRATION

Subject: Public Meeting
Date and Time: January 4, 2018, 1 — 3 p.m.
Place: MD Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD
Add'l. Info: The Maryland Department of the Environment (the Department) has scheduled a meeting of the study group required by House Bill 171 — Department of the Environment — Yard Waste, Food Residuals, and Other Organic Materials Diversion and Infrastructure — Study. The bill requires the Department, in consultation with certain persons, to study and make recommendations regarding specified matters that relate to the diversion of yard waste, food residuals, and other organic materials from refuse disposal facilities, including the status of infrastructure in the State. The complete text of the bill is available at http://mgaleg.maryland.gov/2017RS/Chapters_noln/CH_384_hb0171e.pdf.

This is the first meeting of the study group. As soon as available, an agenda will be posted on the Department's Organics Diversion and Composting web page at www.mde.maryland.gov/composting.

Meetings are tentatively scheduled to occur every other month in 2017. If necessary, more frequent meetings will be scheduled. However, it is anticipated that, even if additional meetings are necessary, study group meetings will take place no more than once per month. Future meeting notices will be posted on the Department's webpage at <http://mde.maryland.gov/Pages/Calendar.aspx> and www.mde.maryland.gov/composting.
Contact: David Mrgich (410) 537-3314
 [17-25-10]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: December 21, 2017, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Kathy L. Lingo (410) 230-8790
 [17-25-08]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: December 21, 2017, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3570
 [17-25-04]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: January 18, 2018, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3570
 [17-25-05]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application
Add'l. Info: On November 13, 2017 the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:

Sacred Heart Home — (Prince George's County) — Matter No. 17-16-2411; Construction of a replacement facility on the present campus to house the facilities 102 comprehensive care beds; Proposed Cost: \$15,549,702.

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

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent

only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
 [17-25-13]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application
Add'l. Info: On November 17, 2017 the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:

Joseph Richey House t/a Gilchrist Center Baltimore — (Baltimore City) — Matter No. 17-24-2412 — Relocation of 30 inpatient and residential hospice beds from the Joseph Richey House at 828 E. Eutaw Street to a new location at Stadium Place on 33rd Street, Baltimore.

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

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the applications are available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
 [17-25-21]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Notice of Receipt of a Letter of Intent and Review for Track Two Alcoholism and Drug Abuse Intermediate Care Facility

Add'l. Info: On November 15, 2017, the MHCC received a Letter of Intent from:

Addiction Recovery, Inc. d/b/a Hope House Treatment Centers — Establish a Track Two Alcoholism and Drug Abuse Intermediate Care Facility with 22 medically monitored detox beds to be located at 429 Main Street, Laurel, Maryland 21090, Prince George's County.

Pursuant to COMAR 10.24.01.08A(3), the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to establish a Track Two Alcoholism and Drug Abuse Treatment Facility in Southern Maryland (St. Mary's, Calvert, Charles, and Prince George's Counties).

Additional Letters of Intent should be submitted to the MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215, and are due by the close of business, January 8, 2018.

Contact: Ruby Potter (410) 764-3276
[17-25-14]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Formal Start of Review

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

VNA of Maryland — Docket No. 17-R4-2407 — Expand an Existing Home Health Agency into the lower eastern shore and provide home health services in Dorchester, Somerset, Wicomico and Worcester Counties; Proposed Cost: \$34,000.

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

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written

comments to the Commission no later than close of business January 8, 2018. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the applications are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[17-25-20]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Formal Start of Review

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

Broadmead — Docket No. 17-03-2394 — New Construction and renovations to the existing facility. No addition of beds; Proposed Cost: \$14,723,000.

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

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business January 8, 2018. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the applications are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning

and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[17-25-23]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Formal Start of Review

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

UM-Upper Chesapeake Health System — Matter No. 17-12-2403 — Construction of a new 40-bed special psychiatric hospital on 32 acres located at 210 Baker Lane, Havre de Grace, Harford County; Proposed Cost: \$52,421,120.

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

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business January 8, 2018. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the applications are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[17-25-25]

GOVERNOR'S COMMISSION ON MARYLAND MILITARY MONUMENTS

Subject: Public Meeting

Date and Time: January 9, 2018, 1 — 2 p.m.

Place: Epiphany Chapel and Church House, 1419 Odenton Rd., Odenton, MD

Add'l. Info: The Governor's Commission on Maryland Military Monuments will post future meeting announcements on the Maryland Historical Trust website.

Contact: Nancy Kurtz (410) 697-9561
[17-25-09]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2017 Commercial Striped Bass Chesapeake Bay Individual Transferable Quota Season Modification

Add'l. Info: The Secretary of the Maryland Department of Natural Resources pursuant to Code of Maryland Regulations 08.02.15.12H announces that the 2017 commercial individual transferable quota (ITQ) striped bass fishery season for pound net gear will be extended through 11:59 p.m., Saturday, December 30, 2017. The commercial ITQ season for hook and line gear will be extended through sunset, Thursday, December 28, 2017. A commercial striped bass permit holder in the ITQ fishery is limited to the quota assigned to their striped bass permit. All other rules and restrictions will remain in effect. The commercial ITQ gill net fishery season is still scheduled to open on Thursday, December 1, 2017 at 12:01 a.m.

Mark J. Belton

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 507-0779
[17-25-18]

RACING COMMISSION

Subject: Public Meeting

Date and Time: December 28, 2017, 12:30 — 1 p.m.

Place: Laurel Park, Laurel, MD

Contact: J. Michael Hopkins (410) 296-9682

[17-25-02]

BOARD OF REVENUE ESTIMATES

Subject: Public Meeting

Date and Time: December 13, 2017, 1 — 2 p.m.

Place: Comptroller of MD, Louis L. Goldstein Treasury Bldg., Assembly Rm., Annapolis, MD

Contact: Kynara Fogan (410) 260-7450
[17-25-12]

NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

Subject: Public Meetings Notice Procedure

Add'l. Info: The Authority gives notice of meetings by posting a notice on its website under the section entitled "Press Releases/Notices" and at the entrance of its offices. Notice is hereby given that the Authority's website address is nmwda.org; its offices are located at Tower II, Suite 402, 100 S. Charles Street, Baltimore, Maryland 21201. Notice is also hereby given that portions of Authority meetings may be held in closed session.

Contact: M. Catherine Coble (410) 333-2730

[17-25-11]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: December 20, 2017, 9 a.m. — 1:30 p.m.

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

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

Contact: Elaine Nolen (410) 537-4466
[17-25-03]

GOVERNOR'S WORKFORCE DEVELOPMENT BOARD

Subject: Public Meeting

Date and Time: December 13, 2017, 3:30 — 5:30 p.m.

Place: 7201 Corporate Center Drive, Hanover, MD

Add'l. Info: Governor's Workforce Development Board Quarterly Meeting

Contact: Darla Henson (410) 767-2408
[17-25-07]

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## **Title 10 Maryland Department of Health**

### **Part 1**

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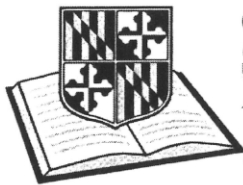
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