

# Maryland Register



**Issue Date: August 25, 2023**

Volume 50 • Issue 17 • Pages 761 — 784

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General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 7, 2023 5 p.m.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 August 7, 2023.

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



## Information About the Maryland Register and COMAR

### MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

### CITATION TO THE MARYLAND REGISTER

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

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

### CODE OF MARYLAND REGULATIONS (COMAR)

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

### CITATION TO COMAR REGULATIONS

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

### DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each

regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor’s Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

**HOW TO RESEARCH REGULATIONS**

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the “Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed” which is found online at <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):

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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**Wes Moore**, Governor; **Susan C. Lee**, 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.

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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](http://www.dsd.state.md.us) as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

For additional information, visit [www.dsd.maryland.gov](http://www.dsd.maryland.gov), 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 DECEMBER 2023<sup>†</sup>

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
<b>2023</b>			
September 8	August 21	August 28	August 30
September 22	September 1**	September 11	September 13
October 6	September 18	September 25	September 27
October 20	October 2	October 6**	October 11
November 3	October 16	October 23	October 25
November 17	October 30	November 6	November 8
December 1	November 13	November 20	November 22
December 15	November 27	December 4	December 6
December 29	December 11	December 18	December 20

<sup>†</sup> Please note that this table is provided for planning purposes and that the Division of State Documents (DSD) cannot guarantee submissions will be published in an agency's desired issue. Although DSD strives to publish according to the schedule above, there may be times when workload pressures prevent adherence to it.

\* Also note that proposal deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. The due date for documents containing 8 to 18 pages is 48 hours before the date listed; the due date for documents exceeding 18 pages is 1 week before the date listed.

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

\*\* Note closing date changes.

**The regular closing date for Proposals and Emergencies is Monday.**

## REGULATIONS CODIFICATION SYSTEM

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

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

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

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

## Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata and corrections pertaining to proposed regulations are listed, followed by "(err)" or "(corr)," respectively. 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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**05.03.09.01**—**11** • 50:7 Md. R. 304 (4-7-23)  
**05.20.05.01**—**12** • 49:25 Md. R. 1054 (12-2-22)

### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02.04.17** • 50:17 Md. R. 770 (8-25-23) (ibr)  
**08.18.07.02** • 50:14 Md. R. 596 (7-14-23)

### 09 MARYLAND DEPARTMENT OF LABOR

**09.03.14.01**—**18** • 50:4 Md. R. 125 (2-24-23)  
     50:7 Md. R. 307 (4-7-23) (corr)  
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### 10 MARYLAND DEPARTMENT OF HEALTH

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 21.05.06.01 • 50:12 Md. R. 480 (6-16-23)  
 21.05.07.06 • 50:12 Md. R. 480 (6-16-23)  
 21.05.08.05 • 50:12 Md. R. 480 (6-16-23)  
 21.05.09.08 • 50:12 Md. R. 480 (6-16-23)  
 21.05.13.01,.03,.05 • 50:12 Md. R. 480 (6-16-23)  
 21.05.14.01—.06 • 50:12 Md. R. 480 (6-16-23)  
 21.05.15.01—.05 • 50:12 Md. R. 480 (6-16-23)  
 21.06.09.01 • 50:12 Md. R. 480 (6-16-23)  
 21.07.01.31 • 50:12 Md. R. 480 (6-16-23)

**21.07.02.05-2** • 50:12 Md. R. 480 (6-16-23)  
**21.07.03.27** • 50:12 Md. R. 480 (6-16-23)  
**21.08.03.03** • 50:12 Md. R. 480 (6-16-23)  
**21.10.08.01,,02,,06** • 50:12 Md. R. 480 (6-16-23)  
**21.11.01.02,,06** • 50:12 Md. R. 480 (6-16-23)  
**21.11.03.03,,09,,17** • 50:12 Md. R. 480 (6-16-23)  
**21.11.03.10** • 50:13 Md. R. 539 (6-30-23)  
**21.11.05.01—,07** • 50:12 Md. R. 480 (6-16-23)  
**21.11.14.04** • 50:12 Md. R. 480 (6-16-23)  
**21.13.01.08,,14,,18** • 50:12 Md. R. 480 (6-16-23)

## 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitles 01—07 (Part 1)

**26.04.01.01,,01-1,,20,,37** • 50:3 Md. R. 106 (2-10-23) (ibr)

### Subtitles 08—12 (Part 2)

**26.11.17.01,,04** • 50:11 Md. R. 455 (6-2-23)  
**26.11.34.02** • 50:10 Md. R. 417 (5-19-23)

## 30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

**30.09.12.04** • 50:13 Md. R. 541 (6-30-23)  
**30.09.14.04** • 50:13 Md. R. 541 (6-30-23)

## 33 STATE BOARD OF ELECTIONS

**33.01.01.01** • 50:15 Md. R. 703 (7-28-23)  
**33.01.05.06** • 50:17 Md. R. 779 (8-25-23)  
**33.02.03.01—,05** • 50:13 Md. R. 542 (6-30-23)  
**33.07.11.01,,02** • 50:15 Md. R. 703 (7-28-23)  
**33.12.02.01** • 50:13 Md. R. 542 (6-30-23)  
**33.13.10.05** • 50:12 Md. R. 492 (6-16-23)  
**33.13.13.06** • 50:12 Md. R. 492 (6-16-23)  
**33.13.21.01—,05** • 50:15 Md. R. 705 (7-28-23)  
**33.15.02.01** • 50:15 Md. R. 703 (7-28-23)  
**33.15.03.01,,02** • 50:15 Md. R. 703 (7-28-23)  
**33.16.02.01** • 50:17 Md. R. 779 (8-25-23)  
**33.17.04.06** • 50:13 Md. R. 542 (6-30-23)  
**33.17.05.03** • 50:13 Md. R. 542 (6-30-23)  
**33.17.07.01** • 50:13 Md. R. 542 (6-30-23)  
**33.18.01.02** • 50:15 Md. R. 705 (7-28-23)  
**33.19.01.01** • 50:13 Md. R. 542 (6-30-23)  
**33.19.02.01** • 50:13 Md. R. 542 (6-30-23)  
**33.21.03.02** • 50:17 Md. R. 779 (8-25-23)

# The Governor

## PROCLAMATION

### Potomac River Compact — Maximum Fine

WHEREAS, The Maryland-Virginia Potomac River Compact of 1958, as amended, states in Article V, Section 2 that, unless a lesser punishment is provided by the Potomac River Fisheries Commission, a violation of any regulation of the commission is punishable by a fine not to exceed a specified dollar amount or imprisonment for not more than one year, or both, in the discretion of the court;

WHEREAS, Section 2 of Chapters 234 and 235 of the 2013 Acts of the General Assembly of Maryland, codified in the Annotated Code of Maryland, Natural Resources Article, Section 4-306, amended the aforementioned Article V, Section 2 by increasing the maximum dollar amount of the fine that can be imposed, from \$1,000 to \$3,000;

WHEREAS, Section 3 of Chapters 234 and 235 states that the Acts may not take effect until a similar act is enacted by the Commonwealth of Virginia;

WHEREAS, Section 1 of Chapter 635 of the 2013 Acts of the Virginia General Assembly amending the Potomac River Compact (Section 28.2-1001 of the Code of Virginia) adopted the same provision as Maryland adopted in Section 2 of Chapters 234 and 235 of 2013, increasing the maximum dollar amount of a fine that can be imposed under Article V, Section 2 of the compact, from \$1,000 to \$3,000;

WHEREAS, Section 3 of Chapters 234 and 235 of the 2013 Acts of the General Assembly of Maryland requires that the Governor of the State of Maryland, on the concurrence in the Acts by the Commonwealth of Virginia, issue a proclamation declaring the Acts valid and effective;



WHEREAS, On September 10, 2013, the Governor of Maryland issued a proclamation declaring the provisions of Section 1 of Chapter 235 of the 2013 Acts of the General Assembly of Maryland to be valid and effective because Chapter 688 of the 2013 Acts of the Virginia General Assembly adopted the same provisions;

WHEREAS, Chapter 471 of the 2022 Acts of the General Assembly of Maryland (“Potomac River Compact – Clarification of the Effectiveness of Amendments”) establishes that the State of Maryland considers the amendment to Article V, Section 2 of the compact by Section 2 of Chapters 234 and 235 of the 2013 Acts of the General Assembly of Maryland to be in effect because the Commonwealth of Virginia enacted an identical amendment in Chapter 635, notwithstanding the inclusion of additional amendments to the compact in Chapter 635 that have not been enacted by Maryland; and

WHEREAS, Section 2 of Chapter 635 of the 2013 Acts of the Virginia General Assembly states that the provisions of the act do not become effective until (i) the State of Maryland enacts similar acts, (ii) the Governor of Maryland issues a proclamation declaring the provisions of the Maryland acts to be effective; and (iii) the Governor of Virginia issues a proclamation declaring the provisions of the act to be effective.

NOW, THEREFORE I, WES MOORE, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY SECTION 3 OF CHAPTERS 234 AND 235 OF THE 2013 ACTS OF THE GENERAL ASSEMBLY OF MARYLAND, HEREBY DECLARE THE PROVISIONS OF SECTION 2 OF CHAPTERS 234 AND 235, AS CODIFIED IN THE NATURAL RESOURCES ARTICLE, SECTION 4-306 OF THE ANNOTATED CODE OF MARYLAND, TO BE VALID AND EFFECTIVE.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 31st Day of July, 2023.

WES MOORE  
Governor

ATTEST:

SUSAN C. LEE  
Secretary of State

[23-17-11]

## Final Action on Regulations

### Symbol Key

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

## Title 08

### DEPARTMENT OF NATURAL RESOURCES

#### Subtitle 03 WILDLIFE

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

Authority: Natural Resources Article, §10-410, Annotated Code of Maryland

#### Notice of Final Action

[23-063-F]

On August 15, 2023, the Secretary of Natural Resources adopted amendments to Regulation .01 under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**. This action, which was proposed for adoption in 50:13 Md. R. 515—516 (June 30, 2023), has been adopted as proposed.

**Effective Date: September 4, 2023.**

JOSH KURTZ  
Secretary of Natural Resources

#### Subtitle 03 WILDLIFE

#### 08.03.06 Furbearer Wildlife

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

#### Notice of Final Action

[23-111-F]

On August 15, 2023, the Secretary of Natural Resources adopted amendments to Regulation .03 under **COMAR 08.03.06 Furbearer Wildlife**. This action, which was proposed for adoption in 50:13 Md. R. 517 (June 30, 2023), has been adopted as proposed.

**Effective Date: September 4, 2023.**

JOSH KURTZ  
Secretary of Natural Resources

## Subtitle 03 WILDLIFE

### 08.03.17 Irreplaceable Natural Areas

Authority: Natural Resources Article, §3-503, Annotated Code of Maryland

#### Notice of Final Action

[23-091-F-I]

On August 15, 2023, the Secretary of Natural Resources adopted new Regulations .01 and .02 under a new chapter, **COMAR 08.03.17 Irreplaceable Natural Areas**. This action, which was proposed for adoption in 50:13 Md. R. 517—520 (June 30, 2023), has been adopted as proposed.

Effective Date: September 4, 2023.

JOSH KURTZ  
Secretary of Natural Resources

## Title 14 INDEPENDENT AGENCIES

### Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

#### 14.22.01 General Regulations

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

#### Notice of Final Action

[23-102-F]

On August 15, 2023, the Maryland State Commission on Criminal Sentencing Policy adopted amendments to Regulations .12 and .14 under **COMAR 14.22.01 General Regulations**. This action, which was proposed for adoption in 50:13 Md. R. 534—535 (June 30, 2023), has been adopted as proposed.

Effective Date: February 1, 2024.

DAVID A SOULE  
Executive Director

## 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.

#### Formulation 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, 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 08 DEPARTMENT OF NATURAL RESOURCES

### Subtitle 02 FISHERIES SERVICE

#### 08.02.04 Oysters

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

#### Notice of Proposed Action

[23-150-P-I]

The Secretary of Natural Resources proposes to amend Regulation .17 under **COMAR 08.02.04 Oysters**.

#### Statement of Purpose

The purpose of this action is to declassify a portion of the Public Shellfish Fishery Area (PSFA) 156. The proposed change would declassify an approximately 7.3-acre portion of PSFA 156 located in Smith Creek, St. Mary’s County. The declassification would modify the boundary of the PSFA by removing certain areas along the western shoreline adjacent to and south of the existing shellfish aquaculture lease SM 805 in order to issue a submerged land lease. The total requested lease area is 3.6 acres, of which 2.2 acres fall within PSFA 156. The remaining 5.1 acres to be declassified consist of the required 150-foot buffer between the lease and the PSFA. The declassification of approximately 9.5 acres of PSFA 156 was originally requested in shellfish aquaculture lease application #516 (Morris, III). In accordance with COMAR 08.02.04.17, the Department evaluated commercial oyster harvest data and conducted a biological survey of the proposed lease. The Department determined that the average density of oysters within a certain portion of the area proposed for declassification was greater than one oyster per square meter; consequently, that portion of the application was denied. The remainder of the proposed lease area located within PSFA 156 (approximately 2.2 acres) meets the regulatory criteria that provide for declassification, and the application satisfies the requirements of COMAR 08.02.23.03.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action may have an indeterminable positive economic impact by resulting in the issuance of a shellfish aquaculture submerged land lease. This will also result in a minor revenue increase to the Department.

**II. Types of Economic Impact.**

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
<b>A. On issuing agency:</b>		
Department of Natural Resources	(R+)	\$12.60
<b>B. On other State agencies:</b>		
	NONE	
<b>C. On local governments:</b>		
	NONE	
<b>D. On regulated industries or trade groups:</b>		
Lease applicant	(+)	Indeterminable
<b>E. On other industries or trade groups:</b>		
	NONE	
<b>F. Direct and indirect effects on public:</b>		
	NONE	

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

A. This action will allow the issuance of a submerged land lease in the area. The lease is proposed to be a total of 3.6 acres. The current annual rental rate for a submerged land lease is set at COMAR 08.02.23.03 at \$3.50/acre. This will result in an annual increase in revenue of \$12.60.

D. This action will allow the issuance of a submerged land lease in the area. The lease applicant will then be able to begin aquaculture operations on the lease. This will likely lead to a positive economic benefit to the applicant, but the ultimate amount of this benefit is indeterminable

**Economic Impact on Small Businesses**

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

This action will allow the issuance of a submerged land lease in the area. The lease applicant will then be able to begin aquaculture operations on the lease. This will likely lead to a positive economic benefit to the applicant, but the ultimate amount of this benefit is indeterminable.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to OYSTERS — Partial Declassification of Public Shellfish Fishery Area 156, Regulatory Staff, Department of Natural Resources, 580 Taylor Ave E-4, Annapolis, MD 21401, or call 410-260-8300, or submit at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#oypsf>. Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

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

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (June 2023) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 50:1 Md. R. 7 (January 13, 2023), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.17 Public Shellfish Fishery Area.**

A. Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries [(November 2019)] (*June 2023*) designates public shellfish fishery areas in the Chesapeake Bay and its tidal tributaries and is hereby incorporated by reference.

B. (text unchanged)

JOSH KURTZ  
Secretary of Natural Resources

# Title 09

## MARYLAND DEPARTMENT OF LABOR

### Subtitle 09 MARYLAND BOARD OF ELECTRICIANS

#### Notice of Proposed Action

[23-171-P]

The Maryland Board of Electricians proposes to amend:

- (1) Regulation .03 under COMAR 09.09.01 Fees and Deadlines; and
- (2) Regulation .01 under COMAR 09.09.02 Continuing Education.

This action was considered at a public meeting of the Maryland Board of Electricians held on June 27, 2023, notice of which was provided by posting on the Board's website, in accordance with General Provisions Article, §3-302(c)(3)(ii), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to implement the uninsured electrician license classification established by legislative amendments to the Maryland Electricians Act, specifically fees required for state licenses and continuing education requirements for the uninsured electrician license classification.

#### 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 John Bull, Executive Director, Board of Electricians, Maryland Department of Labor, 1100 North Calvert Street, Fifth Floor, Baltimore, MD 21201, or call 410-230-6160, or email to john.bull1@maryland.gov. Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the Maryland Board of Electricians during a public meeting to be held on October 24, 2023 at 10 a.m., at the Maryland Department of Labor, 1100 North Eutaw Street, Fifth Floor, Baltimore, Maryland 21201 or by <https://meet.google.com/kgu-skev-joq?hs=122&authuser=0> and by telephone: (US)+1 321-465-5183 PIN: 457 489 090#.

### 09.09.01 Fees and Deadlines

Authority: Business Occupations and Professions Article, §§6-205, 6-207, 6-310(c)(2), 6-311(a)(2), (b)(1), (d)(3)(iii) and (4)(ii), and (f)(3), and 6-313(c)—(e); Business Regulation Article, §2-106.9, Annotated Code of Maryland

#### .03 Fees and Costs.

A. The Secretary and the mechanical boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the mechanical boards. Based on these calculations, the Board sets the following *non-refundable* fees:

- (1)—(2) (text unchanged)
- (3) [Inactive status renewal for non-electrical inspector — \$50.] *Uninsured status certificate:*
  - (a) *Initial uninsured status — \$50; and*
  - (b) *Uninsured status renewal — \$50.*
- (4) Reapplication after expiration of [inactive] *uninsured* status — \$100.
- (5) (text unchanged)
- (6) Reinstatement of license:
  - (a)—(c) (text unchanged)
- [(7) Inactive status for electrical inspector — \$50.]
- [(8)] (7) Local [license] *registration* assignment identification — \$50.
- [(9)] (8) (text unchanged)

B. (text unchanged)

### 09.09.02 Continuing Education

Authority: Business Occupations and Professions Article, §§6-205(2)(ii) [and], 6-310(c)(3) and (4), and 6-311(b)(3), Annotated Code of Maryland

#### .01 Required Hours of Continuing Education.

A. To be eligible for renewal of a license, as required by Business Occupations and Professions Article, §6-310(c)(3), Annotated Code of Maryland, an applicant shall have completed during the prior license term:

- (1) 10 hours of qualifying continuing education for renewal of a master license *or uninsured status except as provided in §B(2) of this regulation;* and
- (2) 5 hours of qualifying continuing education for renewal of a journeyman license *or uninsured status except as provided in paragraph §B(2) of this regulation.*

B. A State licensed electrician on uninsured status who:

- (1) *Has completed the continuing education required by §A of this regulation will be issued a license with the designation "insured to work" in accordance with Business Occupations and Professions Article, §§6-311(d)(3)(iv) and 6-604(i), Annotated Code of Maryland; or*
- (2) *Has not completed the continuing education required by §A of this regulation will be issued a license with the designation "not insured to work" in accordance with Business Occupations and Professions Article, §§6-311(d)(3)(iv) and 6-604(i), Annotated Code of Maryland.*

[B.] C. — [C.] D. (text unchanged)

CHET BROWN  
Chairman  
Maryland Board of Electricians

## Subtitle 36 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS—HOME INSPECTORS

### 09.36.07 Minimum Standards of Practice

Authority: Business Occupations and Professions Article, §§16-208(a)(2) [and], 16-216(2), and 16-701.1(a)(3) and (7), Annotated Code of Maryland

#### Notice of Proposed Action

[23-174-P]

The Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors proposes to amend Regulation .02 under **COMAR 09.36.07 Minimum Standards of Practice**. This action was considered at a public meeting of the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors held on June 13, 2023, notice of which was given by posting on the Commission's website, pursuant to General Provisions Article, §3-302(c)(3)(ii), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to clarify that the visual inspection required by the minimum standards of practice be conducted while the licensed home inspector who is responsible for preparing the report in accordance with Business Occupations and Professions Article, §16-101(i), Annotated Code of Maryland, is physically on-site at the property to be inspected.

#### 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 Todd Blackistone, Executive Director, Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, Maryland Department of Labor, 1100 North Eutaw Street, Fifth Floor, Baltimore, MD 21201, or call 410-230-6165, or email to [todd.blackistone@maryland.gov](mailto:todd.blackistone@maryland.gov). Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors during a public meeting to be held on October 10, 2023, at 10:30 a.m., at the Maryland Department of Labor, 1100 North Eutaw Street, Fifth Floor, Baltimore, Maryland 21201, or remotely through [meet.google.com/con-rmrp-jrr](https://meet.google.com/con-rmrp-jrr) and by telephone: (US)+1 260-305-0017 PIN: 217 682 350#.

#### .02 General.

A.—C. (text unchanged)

D. Inspections.

(1) (text unchanged)

(2) A home inspection performed in accordance with the standards of practice set forth in this chapter:

*(a) Shall be conducted while the licensed home inspector who is responsible for preparing the report in accordance with Business Occupations and Professions Article, § 16-101(i), Annotated Code of Maryland, is physically on-site at the property to be inspected;*

[(a)] (b)—[(g)] (h)(text unchanged)

E. — F. (text unchanged)

SEAN TROXELL  
Chairman  
Commission of Real Estate Appraisers, Appraisal Management  
Companies, and Home Inspectors

## Title 10 MARYLAND DEPARTMENT OF HEALTH

### Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

#### 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions

Authority: Health-General Article, §§19-207 and 19-215, Annotated Code of Maryland

#### Notice of Proposed Action

[23-162-P-1]

The Secretary of Health proposes to amend Regulation .02 under **COMAR 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions**.

#### Statement of Purpose

The purpose of this action is to update the Commission's manual entitled "Accounting and Budget Manual for Fiscal and Operation Management (August 1987)," which has been incorporated by reference.

**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 William Hoff, Chief, Audit and Integrity, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-2605, or email to [william.hoff@maryland.gov](mailto:william.hoff@maryland.gov). Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

**Editor's Note on Incorporation by Reference**

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Accounting and Budget Manual for Fiscal and Operating Management (August 1987), Supplement 28, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 50:1 Md. R. 7 (January 13, 2023), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.02 Accounting System; Hospitals.**

A. The Accounting System.

(1) (text unchanged)

(2) The "Accounting and Reporting System for Hospitals", also known as the Accounting and Budget Manual for Fiscal and Operating Management (August, 1987), is incorporated by reference, including the following supplements:

(a)—(y) (text unchanged)

(z) Supplement 26 (January 14, 2021); [and]

(aa) Supplement 27 (October 12, 2022)[.]; and

(bb) Supplement 28 (June 14, 2023).

(3)—(5) (text unchanged)

B.—D. (text unchanged)

ADAM KANE

Chair

Health Services Cost Review Commission

**Subtitle 53 BOARD OF NURSING—ELECTROLOGY PRACTICE COMMITTEE****Notice of Proposed Action**

[23-170-P]

The Secretary of Health proposes to:

(1) Amend Regulation **.05** under **COMAR 10.53.08 Instruments and Procedures**; and

(2) Adopt new Regulation **.01**, amend and recodify Regulation **.01**, **.02**, and **.03** to be Regulation **.02**, **.03**, and **.04**, respectively, under **COMAR 10.53.09 Sterilization Procedures**.

**Statement of Purpose**

The purpose of this action is to bring the Board's regulations in conformance with the American Electrology Association's Infection Prevention Standards (Rev. 01/2019), which are based upon recommendations by the Centers for Disease Control and Prevention and in conformance with the current standard of practice of electrologists.

**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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov). Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

**10.53.08 Instruments and Procedures**

Authority: Health Occupations Article, §§8-205 and 8-6B-01—8-6B-29, Annotated Code of Maryland

**.05 Sterility.**

A. A sterile needle and sterile [forceps] *tweezer* shall be used for each patient.

B. A sterile instrument or sterile [forceps] *tweezer* shall be used for each patient to release ingrown hairs.

C. (text unchanged)

**10.53.09 Sterilization Procedures**

Authority: Health Occupations Article, §§8-205(a)(1) and 8-6B-03, Annotated Code of Maryland

### **.01 Definitions.**

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

B. Terms Defined.

(1) Critical Items.

(a) "Critical items" means the instruments or objects that come in direct contact with the bloodstream or other normally sterile areas of the body.

(b) "Critical items" includes tweezers and needles.

(2) "Transfer forceps" means a medical tool that is used for grasping or holding things.

### **[.01] .02 Generally.**

A. Each electrologist office and institution teaching the clinical practice of electrology shall maintain and use sterilization equipment adequate in size to accommodate [needles, forceps, soaking receptacles, and any other equipment that comes into contact with a client] *critical items, transfer forceps, and soaking receptacles*.

B. [Needles or forceps] *Except as provided in §C of this regulation, critical items, transfer forceps, and soaking receptacles that are dropped on the floor or otherwise contaminated may not be used until sterilized.*

C. *All needles used in an electrologist office and institution teaching the clinical practice of electrology shall be purchased as pre-sterilized and disposable for one-time use only. The sterilization procedure outlined in Regulation .04 of this chapter is not applicable to needles. If a needle is dropped on the floor or otherwise contaminated, the needle shall be properly disposed of and may not be used.*

### **[.02] .03 Cleansing Procedures.**

[A.] Prior to sterilization as required in Regulation .03 of this chapter, [needles and probes] *tweezers and needle caps* shall be:

[(1)] A.—[(3)] C. (text unchanged)

[B. Transfer forceps and holding containers shall be cleaned and sterilized daily or more frequently if visibly contaminated.

C. Unused instruments in containers and containers that have been opened shall be resterilized after a 24-hour period.]

### **[.03] .04 Sterilization.**

A. [The rinsed and dried needles, forceps, and soaking receptacle] *Except as provided in Regulation .02C of this chapter, critical items, transfer forceps, and soaking receptacles* shall be placed on a steel tray or rack in the center of an autoclave or heat sterilizer, separating instruments and keeping them away from the walls of the unit, and shall be sterilized according to manufacturer specifications or by:

(1)—(2) (text unchanged)

B. Sterile [needles and forceps] *critical items, transfer forceps, and soaking receptacles* shall be stored in sterile covered containers until used.

C. *Transfer forceps and holding containers shall be cleaned and sterilized daily or more frequently if visibly contaminated.*

D. *Unused instruments in containers and containers that have been opened shall be resterilized after a 24-hour period.*

[C.] E.—[E.] G. (text unchanged)

[F.] H. Biological indicators shall be used *no less than* once a month according to manufacturers' instructions to assure that the sterilizer is functioning properly.

LAURA HERRERA SCOTT  
Secretary of Health

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

### **Notice of Proposed Action**

[23-168-P]

The State Board of Education proposes to:

- (1) Amend Regulation .02 under **COMAR 13A.15.02 Registration Application and Maintenance**;
- (2) Amend Regulation .02 under **COMAR 13A.16.02 License Application and Maintenance**;
- (3) Amend Regulation .02 under **COMAR 13A.17.02 Letter of Compliance Application and Maintenance**; and
- (4) Amend Regulation .02 under **COMAR 13A.18.02 Registration Application and Maintenance**.

This action was considered by the State Board of Education at their April 25, 2023, meeting.

### **Statement of Purpose**

The purpose of this action is to add clarifying language to ensure that the implementation of the licensing process includes obtaining an ITIN number from applicants, if they don't have a SSN.

### **Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed amendments to the family child care, child care center, letters of compliance (LOC) and large family child care home regulations, found at COMAR 13A.15, 13A.16, 13A.17, and 13A.18, will not have an impact on the agency because it will be able to process new applications with existing resources. However, the proposed amendment could increase revenues in the child care community because individuals with only an ITIN will be able to apply for a license and thus open a new business and employ more people.

### **II. Types of Economic Impact.**

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Family child care, child care centers, child-care letters of compliance, and large family child care homes	(+)	Unknown

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

D. Family Child Care, Child Care Centers, Letters of Compliance (LOC) and Large Family Child Care Homes might increase revenue as result of the proposed amendments because they could result in the increase of the child care workforce pool, which would allow a child care program the opportunity to increase their child capacity and/or expand their child care program. However, the amount of revenue is unknown because the number of programs that will decide to increase their capacity and/or expand as a result of the proposed amendment is yet to be determined.

**Economic Impact on Small Businesses**

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

The proposed amendment will allow an applicant with an ITIN the opportunity to open their own business, whether it be a family child care home, child care center, letter of compliance (LOC) or a large family child care home. This could increase the numbers of small businesses, which could better the economy by providing more jobs. In addition to new businesses opening because of the proposed regulation changes, current businesses may now be able to fill some of the vacancies within their child care programs, which may also result in business expansion.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Keisha Maxwell, Administrator of Policy and Special Projects, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-7852, or email to [earlychildhoodregs.msde@maryland.gov](mailto:earlychildhoodregs.msde@maryland.gov). Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on October 24, 2023, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

## Subtitle 15 FAMILY CHILD CARE

### 13A.15.02 Registration Application and Maintenance

Authority: Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312,

9.5-320, 9.5-321, and 9.5-414; Family Law Article, §§5-550—5-558; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

**.02 Initial Registration.**

A. (text unchanged)

B. Except as set forth at §C of this regulation, an applicant for an initial registration shall:

(1)—(3) (text unchanged)

(4) *Provide the Social Security number of the applicant or, if the applicant does not have one, the individual taxpayer identification number of the applicant;*

[(4)] (5)—[(10)] (11) (text unchanged)

C.—D. (text unchanged)

## Subtitle 16 CHILD CARE CENTERS

### 13A.16.02 License Application and Maintenance

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

**.02 Initial License.**

A. An individual or organization not currently licensed and wanting to operate a child care center shall:

(1)—(2) (text unchanged)

(3) Submit to the office at least 60 days before the proposed opening date a completed and signed application form, supplied by the office, that contains a statement of truthfulness and commitment to comply with this subtitle; [and]

(4) *Provide the Social Security number of the applicant or, if the applicant does not have one, the individual taxpayer identification number of the applicant; and*

[(4)] (5)(text unchanged)

B.—C. (text unchanged)

## Subtitle 17 CHILD CARE—LETTERS OF COMPLIANCE

### 13A.17.02 Letter of Compliance Application and Maintenance



Authority: Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland  
 Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

**.02 Initial Letter of Compliance.**

A. Application Requirements. An individual or organization that does not currently hold a letter of compliance and wishes to operate a nursery school or child care program under this subtitle shall:

- (1) (text unchanged)
- (2) File with the office at least 60 days before the proposed opening date a signed and completed application form supplied by the office; [and]
- (3) Provide the Social Security number of the applicant or, if the applicant does not have one, the individual taxpayer identification number of the applicant; and
- [(3)] (4) (text unchanged)

B.—C. (text unchanged)

**Subtitle 18 LARGE FAMILY CHILD CARE HOMES**

**13A.18.02 Registration Application and Maintenance**

Authority: Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, 9.5-321, and 9.5-414; Family Law Article, §§5-550—5-558; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland  
 Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

**.02 Initial Registration.**

A.—B. (text unchanged)

C. Before the proposed opening date of the child care home, an applicant for initial registration shall:

(1) Provide the Social Security number of the applicant or, if the applicant does not have one, the individual taxpayer identification number of the applicant;

[(1)] (2)—[(2)] (3) (text unchanged)

D.—F. (text unchanged)

MOHAMMED CHOUDHURY  
 State Superintendent of Schools

**Notice of Proposed Action**

[23-028-P]

The State Board of Education proposes to adopt:

- (1) New Regulations **.09-1** and **.10-1** under **COMAR 13A.16.06 Staff Requirements**; and
- (2) New Regulation **.06-1** under **COMAR 13A.18.06 Provider and Staff Requirements**.

This action was considered by the State Board of Education at its September 27, 2022 meeting.

**Statement of Purpose**

The purpose of this action is to provide an individual who is eligible for employment as a child care teacher for children 3 years old and older in a Maryland center or home a probationary period of 6 months if the individual is applying for employment for the first time in Maryland and meets certain age, education, and training qualifications. The proposed new regulations further provide that a Maryland center or home must terminate or reassign to a nonteaching position any probationary teacher who fails to complete the requisite semester hours or training required during the 6-month probationary period. The regulations do allow for a Maryland center or home to request an extension of time for a probationary employee to complete any of the training requirements upon a showing of good cause.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed amendments to the child care center and large family child care home regulations, found at COMAR 13A.16 and 13A.18, add a component to the regulations that would establish certain qualifications for employment for a 6-month probationary period for an individual applying for the first time to be a child care teacher in a child care center or large family child care home in Maryland.

**II. Types of Economic Impact.**

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
Child care centers and large family child care homes	(+)	Unknown
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

D. Child care centers and large family child care homes might increase revenue as a result of the proposed regulations because they would allow opportunities for the programs to expand their ages 3 and older classrooms by expanding the pool of available teachers, should they also have the additional space for new rooms and meet the additional licensing requirements. However, the amount of revenue is difficult to determine because all programs may not meet the requirements necessary to expand or wish to expand. It is also difficult to determine how many individuals will decide to take advantage of the proposed amendment while seeking qualification to teach and remain in the classroom after the probationary employment period ends.

**Economic Impact on Small Businesses**

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

The proposed regulations will allow child care centers and large family child care homes to not only maintain their current capacity now that they will have access to more qualified staff, but also allow the programs to increase their capacity for children 3 years old and older, which will result in an increase of revenue for the program.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Keisha Maxwell, Administrator of Policy and Special Projects, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-7852, or email to [earlychildhoodregs.msde@maryland.gov](mailto:earlychildhoodregs.msde@maryland.gov). Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on October 24, 2023, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

**Subtitle 16 CHILD CARE CENTERS****13A.16.06 Staff Requirements**

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; Family Law Article, §§5-550—5-558; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

**.09-1 Probationary Child Care Teachers in Preschool Centers.**

A. An individual who has not met the requirements specified in Regulation .09 of this chapter is eligible for employment as a child care teacher for children 3 years old and older in a preschool center for a probationary period of up to 6 months if the individual:

- (1) Is applying for employment as a child care teacher for the first time in a Maryland center or home;
- (2) Is 19 years old or older;
- (3) Is enrolled in 3 clock hours of approved training in compliance with the Americans with Disabilities Act;
- (4) Is enrolled in the approved basic health and safety training; and
- (5) Meets the requirements of §B or C of this regulation.

B. An individual meets the requirements of §A(5) of this regulation, if the individual:

- (1) Holds an associate degree or a bachelor's degree in:
  - (a) Early childhood education;
  - (b) Elementary education;
  - (c) Child development;
  - (d) Home economics;
  - (e) Nursing;
  - (f) Social work;
  - (g) Special education; or
  - (h) A related field approved by the Department; and
- (2) Is enrolled in 90 clock hours or 6 semester hours of approved preservice training.

C. An individual meets the requirements of §A(5) of this regulation, if the individual:

- (1) Holds an associate degree or a bachelor's degree in a field other than the fields specified in §B(1) of this regulation;
- (2) Has successfully completed at least 45 clock hours of the 90 clock hours or 3 semester hours of the 6 semester hours of approved preservice training; and
- (3) Is enrolled in the remaining 45 clock hours or 3 semester hours of the approved preservice training.

D. A probationary employee shall complete:

- (1) The approved basic health and safety training required in §A(4) of this regulation within 90 days of employment;
- (2) The approved training in compliance with the Americans with Disabilities Act as required in §A(3) of this regulation within 6 months of employment; and
- (3) The approved preservice training required in §B(2) or C(3) of this regulation within 6 months of employment.

E. Except as provided in §F of this regulation, if a probationary employee fails to complete any of the training requirements of this regulation within the time periods designated in §D of this regulation, a preschool center shall either terminate the probationary employee or reassign the probationary employee to a non-teaching position at the center.

F. If a preschool center requests an extension of time for a probationary employee to complete any of the training requirements of this regulation, the Department may:

- (1) Without further cause, deny the request and direct the preschool center to either terminate the probationary employee or reassign the probationary employee to a non-teaching position at the center; or
- (2) Upon a showing of good cause, grant the request and allow the probationary teacher to remain in a teaching position at the center for a period of time determined by the Department and approved by the Superintendent.

**.10-1 Probationary Child Care Teachers in School Age Centers.**

A. An individual who has not met the requirements specified in Regulation .10 of this chapter is eligible for employment as a child care teacher in a school age center for a probationary period of up to 6 months if the individual:

- (1) Is applying for employment as a child care teacher for the first time in a Maryland center or home;
- (2) Is 19 years old or older;
- (3) Is enrolled in 3 clock hours of approved training in compliance with the Americans with Disabilities Act;
- (4) Is enrolled in the approved basic health and safety training; and
- (5) Meets the requirements of §B or C of this regulation.

B. An individual meets the requirements of §A(5) of this regulation, if the individual:

- (1) Holds an associate degree or a bachelor's degree in:
  - (a) Early childhood education;
  - (b) Elementary education;
  - (c) Child development;
  - (d) Home economics;
  - (e) Nursing;
  - (f) Social work;
  - (g) Special education; or
  - (h) A related field approved by the Department; and
- (2) Is enrolled in 90 clock hours or 6 semester hours of approved preservice training.

C. An individual meets the requirements of §A(5) of this regulation, if the individual:

- (1) Holds an associate degree or a bachelor's degree in a field other than the fields specified in §B(1) of this regulation;
- (2) Has successfully completed at least 45 clock hours of the 90 clock hours or 3 semester hours of the 6 semester hours of approved preservice training; and
- (3) Is enrolled in the remaining 45 clock hours or 3 semester hours of the approved preservice training.

D. A probationary employee shall complete:

- (1) The approved basic health and safety training required in §A(4) of this regulation within 90 days of employment;
- (2) The approved training in compliance with the Americans with Disabilities Act as required in §A(3) of this regulation within 6 months of employment; and
- (3) The approved preservice training required in §B(2) or C(3) of this regulation within 6 months of employment.

E. Except as provided in §F of this regulation, if a probationary employee fails to complete any of the training requirements of this regulation within the time periods designated in §D of this regulation, a school age center shall either terminate the probationary employee or reassign the probationary employee to a non-teaching position at the center.

F. If a school age center requests an extension of time for a probationary employee to complete any of the training requirements of this regulation, the Department may:

- (1) Without further cause, deny the request and direct the school age center to either terminate the probationary employee or reassign the probationary employee to a non-teaching position at the center; or
- (2) Upon a showing of good cause, grant the request and allow the probationary teacher to remain in a teaching position at the center for a period of time determined by the Department and approved by the Superintendent.

## Subtitle 18 LARGE FAMILY CHILD CARE HOMES

### 13A.18.06 Provider and Staff Requirements

Authority Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, 9.5-321 and 9.5-414; Family Law Article, §§5-550—5-558; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland  
 Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

#### **.06-1 Probationary Family Child Care Teachers.**

A. An individual who has not met the requirements specified in Regulation .06 of this chapter is eligible for employment as a family child care teacher for children 3 years old and older in a child care home for a probationary period of up to 6 months if the individual:

- (1) Is applying for employment as a family child care teacher for the first time in a Maryland center or home;
- (2) Is 19 years old or older;
- (3) Is enrolled in 3 clock hours of approved training in compliance with the Americans with Disabilities Act;
- (4) Is enrolled in the approved basic health and safety training; and
- (5) Meets the requirements of §B or C of this regulation.

B. An individual meets the requirements of §A(5) of this regulation, if the individual:

- (1) Holds an associate degree or a bachelor's degree in:
  - (a) Early childhood education;
  - (b) Elementary education;
  - (c) Child development;
  - (d) Home economics;
  - (e) Nursing;
  - (f) Social work;
  - (g) Special education; or
  - (h) A related field approved by the Department; and
- (2) Is enrolled in a 90-hour or 6 semester hours of approved preservice training.

C. An individual meets the requirements of §A(5) of this regulation, if the individual:

- (1) Holds an associate degree or a bachelor's degree in a field other than the fields specified in §B(1) of this regulation;
- (2) Has successfully completed at least 45 clock hours of the 90 clock hours or 3 semester hours of the 6 semester hours of approved preservice training; and
- (3) Is enrolled in the remaining 45 clock hours or 3 semester hours of the approved preservice training.

D. A probationary employee shall complete:

- (1) The approved basic health and safety training required in §A(4) of this regulation within 90 days of employment;
- (2) The approved training in compliance with the Americans with Disabilities Act as required in §A(3) of this regulation within 6 months of employment; and
- (3) The approved preservice training required in §B(2) or C(3) of this regulation within 6 months of employment.
- E. Except as provided in §F of this regulation, if a probationary employee fails to complete any of the training requirements of this regulation within the time periods designated in §D of this regulation, a family child care home shall either terminate the probationary employee or reassign the probationary employee to a non-teaching position at the child care home.
- F. If a family child care home requests an extension of time for a probationary employee to complete any of the training requirements of this regulation, the Department may:
- (1) Without further cause, deny the request and direct the family child care home to either terminate the probationary employee or reassign the probationary employee to a non-teaching position at the child care home; or
- (2) Upon a showing of good cause, grant the request and allow the probationary teacher to remain in a teaching position at the child care home for a period of time determined by the Department and approved by the Superintendent.

MOHAMMED CHOUDHURY  
State Superintendent of Schools

## Title 14 INDEPENDENT AGENCIES

### Subtitle 39 INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION

#### 14.39.02 Administration of the Public School Construction Program

Authority: Education Article, §§4-126, 5-112, and 5-303; State Finance and Procurement Article, §5-7B-07; Annotated Code of Maryland;  
*Ch. 32, §5, Acts of 2022*

##### Notice of Proposed Action

[23-169-P]

The Interagency Commission on School Construction proposes to amend Regulation .05 under **COMAR 14.39.02 Administration of the Public School Construction Program**. This action was considered by the Interagency Commission on School Construction at an open meeting held on July 13, 2023, notice of which was given by publication on the General Assembly website pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

##### Statement of Purpose

The purpose of this action is to amend the Commission's regulations to update the State cost shares for fiscal years 2025 and 2026.

##### 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 Hannah Sturm, Communications Coordinator, Interagency Commission on School Construction, 200 W. Baltimore St., Baltimore, MD 21201, or call 410-767-0510, or email to [hannah.sturm@maryland.gov](mailto:hannah.sturm@maryland.gov). Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

##### Open Meeting

Final action on the proposal will be considered by the Interagency Commission on School Construction during a public meeting to be held on October 12, 2023 at 9 a.m., at [https://iac.mdschoolconstruction.org/?page\\_id=315](https://iac.mdschoolconstruction.org/?page_id=315).

##### .05 State Cost Share Percentage.

A. (text unchanged)

B. Percentages.

(1)—(2) (text unchanged)

(3) *Reduction in the cost share of 4 percent or more shall be phased in over the 2-year period with a reduction of 2 percentage points in the first year and the remaining 2 or 3 percentage points in the second year.*

[(3)] (4)—[(4)] (5) (text unchanged)

C.—E. (text unchanged)

F. *For FY 2025 and 2026, the State share percentages of public school construction funding for eligible costs of approved projects are as follows:*

County	FY 2025	FY 2026
Allegany	89%	89%
Anne Arundel	50%	50%
Baltimore City	94%	91%
Baltimore	59%	57%
Calvert	56%	56%
Caroline	94%	94%
Carroll	57%	54%
Cecil	64%	61%
Charles	64%	64%
Dorchester	98%	98%
Frederick	67%	67%

Garrett	89%	89%
Harford	61%	58%
Howard	54%	51%
Kent	50%	50%
Montgomery	50%	50%
Prince George's	71%	68%
Queen Anne's	50%	50%
St. Mary's	58%	58%
Somerset	100%	100%
Talbot	50%	50%
Washington	78%	78%
Wicomico	98%	95%
Worcester	50%	50%

ALEX DONAHUE  
Executive Director

## Title 33 STATE BOARD OF ELECTIONS

### Subtitle 01 DEFINITIONS; GENERAL PROVISIONS

#### 33.01.05 Administrative Complaint Procedure

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-602, and 11-305, Annotated Code of Maryland; 42 U.S.C. §15512(a)

##### Notice of Proposed Action

[23-165-P]

The State Board of Elections proposes to amend Regulation .06 under **COMAR 33.01.05 Administrative Complaint Procedure**. This action was considered by the State Board of Elections at its June 20, 2023, meeting.

##### Statement of Purpose

The purpose of this action is to The purpose of the proposed action is to allow a hearing to be conducted either in person or virtually and allows the complainant to request - for good cause - another date, time, or method for the hearing.

##### Estimate of Economic Impact

The proposed action has no economic impact.

##### Economic Impact on Small Businesses

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

##### Impact on Individuals with Disabilities

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

This action would make it easier for individuals to participate in a hearing requested under the administrative complaint process.

##### Opportunity for Public Comment

Comments may be sent to Nikki Charlson, Deputy Administrator, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2840, or email to DL\_regcomments\_SBE@maryland.gov. Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

#### .06 Complaint — Consolidation, Record, Hearing, and Determination.

A.—B. (text unchanged)

C. Hearing.

(1)—(3) (text unchanged)

(4) [The State Board shall give at least 5 business days advance notice of the date, time, and place of the hearing] *At least 5 business days before a hearing, the State Board shall provide notice of the date, time, place, and method (in-person or virtual) of the hearing. For good cause, a complainant may request an alternative date, time, or method for the hearing. The requisite notice shall be:*

(a) [By] *Sent* by mail to the complainant, each named respondent, and any other interested person who has asked in writing to be advised of the hearing;

(b) [On] *Posted* on the State Board website; and

(c) [By posting] *Posted* in a prominent place, available to the general public, at the offices of the State Board.

(5)—(20) (text unchanged)

D. (text unchanged)

LINDA H. LAMONE  
State Administrator of Elections

##### Notice of Proposed Action

[23-166-P]

The State Board of Elections proposes to amend:

(1) Regulation .01 under **COMAR 33.16.02 Provisional Voting Documents and Supplies**; and

(2) Regulation .02 under **COMAR 33.21.03 Issuance and Return**.

This action was considered by the State Board of Elections at its May 5, 2023, meeting.

**Statement of Purpose**

The purpose of this action is to repeal an obsolete reference and clarify that, if a special election is conducted by mail, the same day registration and address change process will be available to voters during the early voting period for the special election.

**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 Nikki Charlson, Deputy Administrator, State Board of Elections, P.O. Box 6486 Annapolis MD 21401-0486, or call 410.269.2840, or email to [dl\\_regcomments\\_SBE@maryland.gov](mailto:dl_regcomments_SBE@maryland.gov). Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

**Subtitle 16 PROVISIONAL VOTING****33.16.02 Provisional Voting Documents and Supplies**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 3-306, 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

**.01 Provisional Ballot Application.**

A. Provisional Ballot Application. Except as required in [Regulations] *Regulation .02* [and *.03*] of this chapter, the provisional ballot application shall include:

(1)—(5) (text unchanged)

B.—C. (text unchanged)

**Subtitle 21 SPECIAL ELECTIONS BY MAIL****33.21.03 Issuance and Return**

Authority: Election Law Article, §§2-102, 9-501, 9-502, and 9-504—9-506, Annotated Code of Maryland; [42 U.S.C. §1973ff-1] 52 U.S.C. § 20302

**.02 Envelopes.**

A.—C. (text unchanged)

D. Postage Paid. [The] *If a vote-by-mail ballot is sent by mail, the return envelope shall include prepaid postage.*

E. (text unchanged)

LINDA H. LAMONE  
State Administrator of Elections

**Special Documents****DEPARTMENT OF THE ENVIRONMENT****WATER AND SCIENCE ADMINISTRATION****Notice of Comment Period Regarding the Limited Remand of the Final General Permit for Discharges from Stormwater Associated with Industrial Activities, Discharge Permit No. 20-SW (NPDES Permit No. MDR0000)**

On January 13, 2021, the Department published notice of its tentative determination to renew the general discharge permit (12SW) for stormwater associated with industrial activities and replace it with the proposed General Permit For Discharges From Stormwater Associated With Industrial Activities, Discharge Permit No. 20-SW, NPDES Permit No. MDR0000 (the “20-SW”). The 20-SW applies to stormwater discharges from industrial activities in the State of Maryland. The Department held a public hearing regarding the tentative determination on March 3, 2021. The public comment period for the tentative determination concluded on April 19, 2021. The Department issued a Final Determination to issue the 20-SW on November 18, 2022 and the 20-SW became effective on February 1, 2023.

The Department’s Final Determination was challenged in the Circuit Court for Baltimore County (case numbers C-03-CV-22-005075, C-03-CV-22-005086, C-03-CV-22-005087). In accordance with an order from the Circuit Court, the Department has agreed to a limited remand to accept comments on the following sections of the 20-SW:

**No Exposure Certification** — Part I.F.

**Comprehensive Site Compliance Evaluation** — Part V.A.2.b.

**Stormwater Pollution Prevention Plan (SWPPP) Requirements** — Part III.C.

These sections were revised, in the final determination, versus the Department’s tentative determination published January 22, 2021. The 20-SW remains in effect pending a final decision by the Department on these sections. The remainder of the 20-SW is final and not open for public comment.

The Department proposes to re-issue these sections of the 20-SW as published in the Department’s Final Determination on November 18, 2022. However, the Department will consider comments and evaluate potential changes to these sections based on comments received during this public comment period. The current 20-SW permit, further background, and details can be found on the Department’s website at: <https://mdewwp.page.link/ISW>.

Written comments on these sections will be considered if received by Paul Hlavinka by email at [paul.hlavinka@maryland.gov](mailto:paul.hlavinka@maryland.gov) or by mail to Maryland Department of the Environment, 1800 Washington Blvd., Suite 455, Baltimore, MD 21230-1708, or (fax) 410-537-3163.

A public hearing to accept oral comments will be held on September 28, 2023 from 10 a.m. to Noon at the Maryland Department of the Environment, 1800 Washington Blvd, Baltimore, MD 21230. Comments received in writing or received at a public hearing are given equal consideration.

The comment period closes at 5:00 PM, Tuesday, November 14, 2023. This comment period incorporates the additional 60-day period provided in §1-606(d)(1)(ii) of the Environment Article, Annotated Code of Maryland.

[23-17-09]

## WATER AND SCIENCE ADMINISTRATION

### Public Hearing for Water Quality Certification 23-WQC-0007

*Baltimore-Washington Rapid Rail  
Attn: Mr. Neb Sertsu  
6 South Gay Street  
Baltimore, MD 21202*

**Add'l. Info:** Pursuant to COMAR 26.08.02.10F(1), the Maryland Department of the Environment is providing notice of a public hearing for Water Quality Certification request 23-WQC-0007, which has been received for discharges associated with US Army Corps of Engineers permit application CENAB-OPR-MN NAB-2016-01622.

**Location:** From Washington, DC north to Baltimore City, Maryland, including Prince George's, Anne Arundel, and Baltimore Counties

The Project consists of a dedicated alignment and structures for high-speed superconducting magnetic levitation (SCMAGLEV) transportation system between Washington, DC, and Baltimore, MD, with an intermediate stop at Baltimore/Washington International Thurgood Marshall (BWI) Airport. The SCMAGLEV alignment consists of both below ground and elevated rail on viaduct. SCMAGLEV infrastructure in Maryland includes the Cherry Hill Station and supporting ancillary facility sites such as maintenance of way (MOW), train maintenance facility (TMF), substations, systems, and fresh air/emergency egress facilities. The majority (approximately 70%) of the rail alignment in Maryland will be below ground with the remaining rail alignment elevated on concrete piers. The below ground sections will be installed using tunnel boring machines. The Project encompasses portions of Prince George's County, Anne Arundel County, Baltimore County, and Baltimore City. The proposed project is located within the following 8-digit watersheds: Anacostia River (02140205), Baltimore Harbor (02130903), Gwynns Falls (02130905), Little Patuxent River (02131105), Patapsco River Lower North Branch (02130906), Severn River (02131002), and Patuxent River Upper (02131104). All potential discharges are located within Use Class I and II waterways.

The Federal Railroad Administration (FRA) and Maryland Department of Transportation (MDOT) are developing an Environmental Impact Statement (EIS) in compliance with the National Environmental Policy Act of 1969 (NEPA), 42 USC 4321 et seq. At this time the alignment proposed in the request for Water Quality Certification (known as J-03) has not been accepted as the preferred alignment under NEPA. The proposed alignment will permanently impact 22.63 acres (985,631 square feet) of nontidal wetlands, 11.37 acres (495,071 square feet) of the nontidal wetlands buffer, and 8,781 linear feet (50,708 square feet) of nontidal waterways. The proposed project would temporarily impact 27.77 acres (1,209,800 square feet) of nontidal wetlands, 21.08 acres (918,308 square feet) of the nontidal wetlands buffer, and 17,691 linear feet (85,359 square feet) of nontidal waterways. Proposed impacts to Nontidal Wetlands of Special Concern (NTWSSC) and their expanded buffers are included in the above totals and consist of the following: permanent impacts to 1.96 acres (85,237 square feet) of NTWSSC and 2.97 acres (129,561 square feet) of NTWSSC expanded buffer, and temporary impacts to 0.49 acres (21,538 square feet) of NTWSSC and 3.56 acres (154,874 square feet) of NTWSSC expanded buffer. Approximately 52.6 acres of impacts to the 100-year nontidal floodplain are proposed. Tunnel crossings underneath tidal portions of the Patapsco and Anacostia Rivers would result in approximately 0.82 acres (35,578 square feet) of impacts to tidal wetlands. Compensatory mitigation requirements for all unavoidable impacts will be met through a combination of mitigation bank credits and permittee-responsible mitigation. Impacts are proposed within the Tier II watersheds of Beaverdam Creek 1 and Patuxent River 1; a social and economic justification (SEJ) is required for unavoidable impacts to the Beaverdam Creek 1 and Patuxent River 1 Tier II watersheds.

The purpose of this public notice is to solicit comments from the public about the proposed work and to announce the date of a Maryland Department of the Environment public informational hearing on the subject application. At this time, no decision has been made with regard to the request for water quality certification. Three in-person public hearings will be held for the project at the following locations:

- 1) Wednesday, October 11, 2023: 7:00-9:00 PM, with a poster session beginning at 6:00 PM  
Ironworkers Local 5  
9301 Peppercorn Place  
Upper Marlboro, MD 20774
- 2) Thursday, October 12, 2023: 7:00-9:00 PM, with a poster session beginning at 6:00 PM  
Lakeland STEAM Center  
2921 Stranden Rd.  
Baltimore, MD 21230
- 3) Tuesday, October 17, 2023: 7:00-9:00 PM, with a poster session beginning at 6:00 PM  
Courtyard Marriott, Fort Meade  
2700 Hercules Road  
Annapolis Junction, MD 20701

A virtual online public informational hearing will be held on Thursday, October 19, 2023 from 7:00 PM to 9:00 PM. Interested parties may participate in the virtual online hearing using the following link:

Time: October 19, 2023, 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting:

[https://us06web.zoom.us/j/89236208049?pwd=K2JtL3d5V1d\\_WaEwxZ3YwaE5ZL01XQT09](https://us06web.zoom.us/j/89236208049?pwd=K2JtL3d5V1d_WaEwxZ3YwaE5ZL01XQT09)

Meeting ID: 892 3620 8049

Passcode: 886070

To join by phone:

+13017158592,,89236208049#,,, \*886070# US (Washington DC)

+13092053325,,89236208049#,,, \*886070# US

Comments can also be provided in writing at the public informational hearings, via email or U.S. mail. The comment period is from September 1, 2023 through November 2, 2023.



Public hearing documents, including WQC request documents, project plans, and planning documents will be made available in advance of the hearing on MDE's Wetlands and Waterways homepage at: <https://mde.maryland.gov/programs/water/wetlandsandwaterways/pages/index.aspx>. NEPA documents and other project information is available at <https://www.bwmaglev.info/>. Written comments, and requests to be included on the interested persons list may be sent by November 2, 2023, to the Maryland Department of the Environment, Attn: Danielle Spendiff, 1800 Washington Boulevard, Suite 430, Baltimore, MD 21230-1708 or at [Danielle.spendiff1@maryland.gov](mailto:Danielle.spendiff1@maryland.gov) or 410-537-4023.

Contact: Danielle Spendiff at [danielle.spendiff1@maryland.gov](mailto:danielle.spendiff1@maryland.gov) or 410-537-4023.

[23-17-07]

## WATER AND SCIENCE ADMINISTRATION

### Water Quality Certification 23-WQC-0009

*John Hilbert  
715 Harness Creek View Dr  
Annapolis, MD 21403*

**Add'l. Info:** Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 23-WQC-0009.

**Location:** 715 Harness Creek View Dr., Annapolis, MD 21403

The purpose of the project is to improve navigable access and to create habitat by establishing wetlands

1. Remove an existing bulkhead and install a 12-foot wide stone groin extending a maximum of 25 feet channelward of the mean high water line, along with 3,510 square feet of spartina patens and spartina alterniflora over 265 cubic yards of clean sand fill extending a maximum of 67 feet channelward of the mean high water line
2. Remove an existing pier and associated structures and construct a 70-foot long by 6-foot wide pier, a 10-foot long by 20-foot wide platform, and three mooring piles extending a maximum of 67 feet channelward of the mean high water line.

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

**Appeal of Final Decision:** This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

**Contact:** Mel Throckmorton at [mel.throckmorton@maryland.gov](mailto:mel.throckmorton@maryland.gov) or 410-375-2803.

[23-17-08]

## General Notices

### Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

### STATE COLLECTION AGENCY LICENSING BOARD (SCALB)

**Subject:** Public Meeting

**Date and Time:** September 12, 2023, 2 — 3 p.m.; thereafter, the public meetings will take place the second Tuesday of every month, accessed via the Google Meet information given below.

**Place:** Via Google Meet

**Add'l. Info:** Google Meet joining info:

Video call link:

<https://meet.google.com/ahz-mgnk-jsu>

Or dial: (US) +1 530-738-1353

PIN: 815 799 863 #

More phone numbers:

<https://tel.meet/ahz-mgnkjsu?pin=1097700804795>

If necessary, the Board will convene in a closed session to seek the advice of counsel or review confidential materials, pursuant to General Provisions Article, §3-305, Annotated Code of Maryland.

**Contact:** Ayanna Daugherty 410-230-6019

[23-17-04]

### COMMISSION ON CRIMINAL SENTENCING POLICY

**Subject:** Public Meeting



**Date and Time:** September 12, 2023, 5:30 — 7:30 p.m.

**Place:** The MSCCSP will meet via videoconference. A livestream of the meeting is available at [https://www.youtube.com/watch?v=d\\_-fKcg39mI](https://www.youtube.com/watch?v=d_-fKcg39mI), MD.

**Contact:** David Soule 301-403-4165

[23-17-03]

#### DEPARTMENT OF THE ENVIRONMENT

**Subject:** Public Hearing

**Date and Time:** September 18, 2023, 10 a.m.

**Place:** Virtual Hearing

**Add'l. Info:** The Maryland Department of the Environment (MDE) gives notice of a public hearing and comment period regarding a State Implementation Plan (SIP) revision for Modifications to the Vehicle Emissions Inspection/Maintenance Program in Maryland.

This SIP revision and hearing also satisfy Maryland's obligation for a Basic Motor Vehicle Inspection/Maintenance Program Certification that Maryland's program meets the Environmental Protection Agency's Basic Performance Standard for Motor Vehicle Inspection and Maintenance Programs under the requirements of the 2015 National Ambient Air Quality Standards for Ozone in the Baltimore, MD Ozone Nonattainment Area, the Maryland Portion of the Washington, DC-MD-VA Ozone Nonattainment Area, and the Maryland Portion of the Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD Ozone Nonattainment Area.

A virtual Public Hearing on Maryland's Vehicle Emissions Inspection and Maintenance Program State Implementation Plan (SIP) will be held on September 18, 2023, 10 a.m.

Please join the meeting from your computer, tablet or smartphone at <https://meet.goto.com/395557421>.

You may also dial in using your phone:

Access Code: 395-557-421

United States (Toll Free): 1 877 309 2073

Get the app now and be ready when your first meeting starts:

<https://meet.goto.com/install>

Comments will be accepted between August 17, 2023, and September 18, 2023, at 5:00 p.m. and may also be submitted at the hearing.

Comments may be sent to Ms. Peggy Courtright, Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Suite 705, Baltimore, MD 21230.

Comments may also be emailed to [peggy.courtright@maryland.gov](mailto:peggy.courtright@maryland.gov) or faxed to (410) 537-4135.

After MDE considers the comments received, MDE will finalize and submit the plan revision to the United States Environmental Protection Agency for approval.

Persons in need of special accommodations at the hearing should contact MDE's Office of Fair Practices at (410) 537-3964 at least 5 business days in advance of the hearing. TTY users should contact MDE through the Maryland Relay Service at 1-(800)-735-2258.

**Contact:** Peggy Courtright 410-537-3237

[23-17-10]

#### MARYLAND DEPARTMENT OF HEALTH

**Subject:** Public Hearings

**Date and Time:** September 12, 2023, 3 — 4 p.m.; September 28, 2023, 1 — 3 p.m.

**Place:** Virtual Hearings:

1st hearing:

<https://attendee.gotowebinar.com/register/9054908596253823071>

2nd hearing:

<https://attendee.gotowebinar.com/register/9054908596253823071>

**Add'l. Info:** GENERAL NOTICE — §1115 WAIVER AMENDMENT

The Maryland Department of Health (MDH) is proposing an amendment to its §1115 demonstration waiver known as HealthChoice, which the Centers for Medicare and Medicaid Services (CMS) has authorized through December 31, 2026. HealthChoice, first implemented in 1997 under the authority of §1115 of the Social Security Act, is Maryland's Statewide mandatory managed care program for Medicaid enrollees. Under HealthChoice, eligible families and individuals are required to enroll in a managed care organization (MCO) that has been approved by MDH. Each MCO is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet their health needs.

MDH intends to seek approval to implement Express Lane Eligibility, authorized by the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), to renew Medicaid and/or Children's Health Insurance Program (CHIP) coverage for members of an eligible child's Supplemental Nutrition Assistance Program (SNAP) household up to age 65 that are already enrolled in Medicaid and/or CHIP. Additionally, MDH is requesting 1115 waiver authority to adopt on a permanent basis the temporary 1135 waiver granted during the national public health emergency, regarding the Four Walls Requirement for clinics authorized under C.F.R. §440.90.

The State's 30-day public comment period will open on September 1, 2023. Electronic copies of the draft waiver amendment application will be available on that date and may be downloaded from <https://mmcp.health.maryland.gov/Pages/1115-HealthChoice-Waiver-Renewal.aspx>. Hard copies of the application may be obtained by calling (410) 767-5208.

Interested parties may send written comments concerning the waiver amendment to Laura Goodman, Office of Innovation, Research and Development Office of Health Care Financing, Maryland Department of Health, 201 West Preston Street, Room 224, Baltimore, MD 21201, or via email to [mdh.healthchoicerenewal@maryland.gov](mailto:mdh.healthchoicerenewal@maryland.gov). MDH will accept comments from September 1, 2023 until October 2, 2023.

The following public hearings will discuss the content of the waiver amendment and solicit feedback and input from public stakeholders.

Tuesday, September 12, 2023; 3:00PM–4:00PM

Maryland Department of Health

GoToWebinar Virtual Platform

To participate in the public hearing remotely, please visit: <https://attendee.gotowebinar.com/register/9054908596253823071>

Please note that if you desire to make a public comment, you will need to register via the link above. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

Thursday, September 28, 2023; 1:00PM–3:00PM

Maryland Department of Health

September MMAC Meeting

GoToWebinar Virtual Platform

To participate in the public hearing remotely, please visit:

<https://attendee.gotowebinar.com/register/9054908596253823071>.

Please note that if you desire to make a public comment, you will need to register via the link above. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

**Contact:** Laura Goodman 410-767-5683

[23-17-05]

#### MARYLAND DEPARTMENT OF HEALTH

**Subject:** Public Meeting

**Date and Time:** September 21, 2023, 10 a.m. — 12 p.m.

**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD

**Add'l. Info:** The meeting will be held both in person and via Google Meet. Please visit the Board's website for details at [health.maryland.gov/dietetic](https://health.maryland.gov/dietetic).

**Contact:** Lenelle Cooper 410-764-4733

[23-17-06]

#### DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

**Subject:** Public Meeting

**Date and Time:** September 6, 2023, 8 a.m. — 5 p.m.; Additional Dates: September 20, October 4, and October 18, 2023.

**Place:** Virtual Meeting — please see the website for details.

**Add'l. Info:** Meetings are being held virtually until further notice. Please check the website for additional information — <https://mdot.maryland.gov>.

**Contact:** Sabrina Bass 410-865-1240

[23-17-02]

#### WORKERS' COMPENSATION COMMISSION

**Subject:** Public Meeting

**Date and Time:** September 21, 2023, 9:30 — 11:30 a.m.

**Place:** 10 E. Baltimore St., Baltimore, MD

**Add'l. Info:** Portions of this meeting may be held in closed session.

**Contact:** Amy S. Lackington 410-864-5300

[23-17-01]