



Maryland Register

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Volume 45 • Issue 10 • Pages 487—558

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**NOTICE TO SUBSCRIBERS
IMPORTANT CORRECTION**
See important correction on
page 503 of this issue.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 23, 2018, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of April 23, 2018.

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



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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

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Illustrations by Carolyn Anderson, Dept. of General Services

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

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

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

Availability of Monthly List of Maryland Documents

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

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

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Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
2018			
May 25	May 7	May 16	May 14
June 8	May 21	May 30	May 25**
June 22	June 4	June 13	June 11
July 6	June 18	June 27	June 25
July 20	July 2	July 11	July 9
August 3	July 16	July 25	July 23
August 17	July 30	August 8	August 6
August 31	August 13	August 22	August 20
September 14	August 27	September 5	August 31**
September 28	September 10	September 19	September 17
October 12	September 24	October 3	October 1
October 26	October 5**	October 17	October 15
November 9	October 22	October 31	October 29
November 26***	November 5	November 14	November 9**
December 7	November 19	November 28	November 26
December 21	December 3	December 12	December 10
2019			
January 4	December 17	December 26	December 24
January 18	December 31	January 9	January 7

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

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

** Note closing date changes

*** Note issue date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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04.05.01.08 • 45:2 Md. R. 71 (1-19-18)

04.05.02.02 • 45:2 Md. R. 71 (1-19-18)

08 DEPARTMENT OF NATURAL RESOURCES

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08.02.05.02 • 45:9 Md. R. 464 (4-27-18)

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08.03.05.05 • 45:5 Md. R. 290 (3-2-18)

08.03.07.06,.07 • 45:5 Md. R. 291 (3-2-18)

08.03.07.12,.13 • 45:5 Md. R. 291 (3-2-18)

08.07.07.02-1 • 45:8 Md. R. 423 (4-13-18) (ibr)

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

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 15.15.13.03,05 • 45:7 Md. R. 380 (3-30-18)
 15.15.16.01—05 • 45:7 Md. R. 380 (3-30-18)

21 STATE PROCUREMENT REGULATIONS

21.10.02.02 • 45:10 Md. R. 514 (5-11-18)
 21.10.03.01—03 • 45:10 Md. R. 514 (5-11-18)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08—12 (Part 2)

26.03.02.02 • 45:8 Md. R. 433 (4-13-18)
 26.03.03.05 • 45:7 Md. R. 381 (3-30-18)
 26.03.13.02,03 • 45:8 Md. R. 434 (4-13-18)
 26.04.02.01,05 • 45:3 Md. R. 167 (2-2-18)
 26.04.07.02 • 45:7 Md. R. 382 (3-30-18)
 26.08.01.01 • 45:7 Md. R. 382 (3-30-18)
 26.08.03.09 • 45:7 Md. R. 382 (3-30-18)
 26.08.11.01—14 • 44:25 Md. R. 1189 (12-8-17)

Subtitles 13 — 18 (Part 3)

26.13.04.01 • 45:7 Md. R. 384 (3-30-18)
 26.13.13.01 • 45:7 Md. R. 385 (3-30-18)
 26.16.01.08,20 • 45:7 Md. R. 385 (3-30-18)

PENDING PROPOSALS

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26.16.03.01—.09 • 45:7 Md. R. 386 (3-30-18)
26.16.04.01,.02 • 45:7 Md. R. 386 (3-30-18)
26.16.05.03,.09 • 45:7 Md. R. 386 (3-30-18) (ibr)
26.17.04.10 • 45:8 Md. R. 434 (4-13-18)

Subtitles 19—27 (Part 4)

26.23.01.02,.03,.05 • 45:8 Md. R. 435 (4-13-18)
26.23.02.01,.02,.09 • 45:8 Md. R. 435 (4-13-18)
26.23.02.08 • 45:8 Md. R. 437 (4-13-18)
26.23.03.01,.02 • 45:8 Md. R. 435 (4-13-18)
26.27.01.01—.12 • 45:7 Md. R. 388 (3-30-18)

31 MARYLAND INSURANCE ADMINISTRATION

31.03.06.02 • 45:10 Md. R. 514 (5-11-18)
31.03.06.09 • 45:7 Md. R. 388 (3-30-18)
31.03.18.02—.16 • 45:10 Md. R. 515 (5-11-18)
31.08.15.04,.05 • 45:10 Md. R. 518 (5-11-18)
31.09.16.01—.12 • 45:7 Md. R. 389 (3-30-18)
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31.10.21.01,.02 • 45:10 Md. R. 520 (5-11-18)

32 MARYLAND DEPARTMENT OF AGING

32.03.04.01,.07,.14,.16—.19,.22,.23,.26,.28,
.32 • 45:7 Md. R. 391 (3-30-18)

The Governor

EXECUTIVE ORDER 01.01.2018.12

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

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

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

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DECLARE THAT THE STATE OF EMERGENCY CONTINUES TO EXIST PERTAINING TO THE NEED TO CONTROL AND ELIMINATE THE HEROIN, OPIOID, AND FENTANYL OVERDOSE CRISIS AND HEREBY RENEW EXECUTIVE ORDER 01.01.2017.02, EFFECTIVE FROM APRIL 26, 2018, AND SHALL EXPIRE ON MAY 26, 2018, UNLESS SOONER TERMINATED OR EXTENDED IN WRITING BY ME.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 25th Day of April, 2018.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[18-10-35]

The General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> and click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

SYNOPSIS NO. 9

Chapters

CH 143 SB0101 (Enrolled) Sen Norman. Criminal Law – Crimes of Violence, Expungement, and Drug Treatment.

CH 144 HB0291 Del Queen, et al. Correctional Services – Inmate Case Record – Educational, Vocational, and Job History.

CH 145 SB1137 (Enrolled) Sen Conway. Criminal Law – Prohibitions, Prosecutions, and Corrections.

CH 146 HB1029 (Amended) Del Branch, et al. Criminal Law – Wearing, Carrying, or Transporting Loaded Handgun – Subsequent Offender.

CH 147 HB0113 (Amended) Del Branch, et al. Public Safety – Baltimore City Safe Streets Initiatives – Funding (The Tyrone Ray Safe Streets Act).

CH 148 HB0432 (Enrolled) Del Lierman, et al. Public Safety – Grant Programs and Funding (Public Safety and Violence Prevention Act of 2018).

CH 149 HB0359 (Enrolled) The Speaker (Admin), et al. Health – Reporting of Overdose Information.

CH 150 SB0040 Chr. EHE (Dept.). Maryland Stadium Authority – Exemption From Department of Information Technology Oversight.

CH 151 SB0281 (Amended) Sen Simonaire, et al. Maryland Cybersecurity Council – Membership – Revisions.

CH 152 SB0053 (Amended) Sen Simonaire. Maryland Veterans Service Animal Program Fund – Alteration of Program.

CH 153 HB0242 (Amended) Del Simonaire, et al. Maryland Veterans Service Animal Program Fund – Alteration of Program.

CH 154 HB1159 (Amended) Del P. Young, et al. Health – Vital Statistics – Veteran and Armed Services Member Suicide Reporting.

CH 155 SB0066 (Amended) Sen Simonaire, et al. Health – Vital Statistics – Veteran and Armed Services Member Suicide Reporting.

CH 156 HB1181 (Amended) Del P. Young, et al. State Personnel – Disabled Veterans – Interviews for Noncompetitive Appointment.

CH 157 HB1162 Del P. Young, et al. Vehicle Registration – Exemption From Registration Fees – Surviving Spouses of Veterans.

CH 158 SB0626 (Amended) Sen Smith, et al. Vehicle Registration – Exemption From Registration Fees – Surviving Spouses of Veterans.

CH 159 SB0064 (Enrolled) Chr. FIN (Dept). State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors – Membership.

CH 160 HB0200 (Amended) Chr. ECM (Dept). State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors – Membership.

CH 161 SB0115 Sen Edwards. Deep Creek Lake Policy and Review Board – Membership and Duties.

CH 162 HB0219 Del Beitzel. Deep Creek Lake Policy and Review Board – Membership and Duties.

CH 163 HB1068 Allegany County Delegation. Allegany County – Alcoholic Beverages – Class B–TM (Theater/Museum) License.

CH 164 SB0645 Sen Edwards. Allegany County – Alcoholic Beverages – Class B–TM (Theater/Museum) License.

CH 165 HB0722 Allegany County Delegation. Allegany County – All–Terrain Vehicles and Snowmobiles.

CH 166 SB0644 Sen Edwards. Allegany County – All–Terrain Vehicles and Snowmobiles.

CH 167 HB0720 (Enrolled) Allegany County Delegation. Allegany County – Orphans' Court Judges – Pension Formula.

CH 168 SB0486 (Amended) Sen Edwards. Allegany County – Orphans' Court Judges – Pension Formula.

CH 169 HB1401 (Amended) Del Beitzel. Garrett County – Alcoholic Beverages Act of 2018.

CH 170 HB1230 (Enrolled) Del Buckel, et al. Maryland Historical Trust – Property Subject to Historic Preservation Easement – Application for Change or Alteration.

CH 171 SB0960 (Enrolled) Sen Edwards. Maryland Historical Trust – Property Subject to Historic Preservation Easement – Application for Change or Alteration.

CH 172 HB0007 (Amended) Del Mautz, et al. Income Tax Credit – Venison Donation – Feed the Hungry Organizations.

CH 173 SB0182 (Amended) Sen Astle, et al. Income Tax Credit – Venison Donation – Feed the Hungry Organizations.

CH 174 HB0330 (Enrolled) Del Mautz, et al. Motor Vehicle Registration – Exception for Golf Carts – Town of Vienna.

CH 175 SB0215 (Enrolled) Sen Eckardt. Motor Vehicle Registration – Exception for Golf Carts – Town of Vienna.

CH 176 HB0961 (Enrolled) Del Mautz, et al. Rural Broadband Communication Services.

CH 177 HB0243 (Amended) Del Krimm, et al. Task Force on Rural Internet, Broadband, Wireless, and Cellular Service – Study and Extension.

CH 178 SB0968 (Amended) Sen Eckardt, et al. Task Force on Rural Internet, Broadband, Wireless, and Cellular Service – Study and Extension.

CH 179 HB0306 (Enrolled) Del Krimm, et al. State Personnel – Rights and Protections for Nursing Mothers.

CH 180 SB0341 Sen Eckardt, et al. Hunting – Required Outerwear – Daylight Fluorescent Pink.

CH 181 HB1118 (Amended) Del Adams, et al. Hunting – Required Outerwear – Daylight Fluorescent Pink.

CH 182 HB0923 (Amended) Dels Walker and Mautz. Environment – Water and Sewer Service.

CH 183 SB0709 Sens Eckardt and Ferguson. Environment – Water and Sewer Service.

CH 184 HB1721 Del Walker. Horse Racing – Maryland International and Preakness Stakes Incentives – Modifications.

CH 185 SB1158 (Amended) Sen Middleton, et al. Horse Racing – Maryland International and Preakness Stakes Incentives – Modifications.

CH 186 HB0106 (Amended) Del Busch, et al. Emergency Vehicles – Organ Delivery Vehicles.

CH 187 SB0475 (Amended) Sen Middleton, et al. Emergency Vehicles – Organ Delivery Vehicles.

CH 188 HB0111 (Amended) Del Barron, et al. Maryland Department of Health – Defendants Found Incompetent to Stand Trial or Not Criminally Responsible – Commitment.

CH 189 SB0233 (Amended) Sen Middleton. Maryland Department of Health – Defendants Found Incompetent to Stand Trial or Not Criminally Responsible – Commitment.

- CH 190 HB0528 (Amended)** Dels Jameson and Mautz. Public Utilities – Water or Sewage Disposal Systems – Rates.
- CH 191 SB0337 (Amended)** Sen Middleton, et al. Public Utilities – Water or Sewage Disposal Systems – Rates.
- CH 192 SB0453** Sen Middleton. Insurance Article – References to Vehicles and Automobiles – Consistency.
- CH 193 HB1127 (Amended)** Del Jameson. Insurance – Commercial Lines – Exemptions From Filings.
- CH 194 SB0876 (Amended)** Sen Middleton. Insurance – Commercial Lines – Exemptions From Filings.
- CH 195 HB1161 (Amended)** Del Brooks, et al. Maryland Automobile Insurance Fund – Uninsured Division – Uninsured Motorists.
- CH 196 SB0856 (Amended)** Sens Middleton and Reilly. Maryland Automobile Insurance Fund – Uninsured Division – Uninsured Motorists.
- CH 197 HB0979 (Enrolled)** Dels Kramer and W. Miller. Property and Casualty Insurance – Travel Insurance – Regulation.
- CH 198 SB0652 (Enrolled)** Sen Middleton. Property and Casualty Insurance – Travel Insurance – Regulation.
- CH 199 HB0047 (Amended)** Del Jameson. Electronic Nicotine Delivery Systems Licenses – Modifications.
- CH 200 SB0090 (Amended)** Sen Middleton. Electronic Nicotine Delivery Systems Licenses – Modifications.
- CH 201 HB0412** Del Cullison. Health Insurance – Medical Stop-Loss Insurance – Repeal of Sunset.
- CH 202 SB0207** Sen Middleton. Health Insurance – Medical Stop-Loss Insurance – Repeal of Sunset.
- CH 203 HB0371 (Enrolled)** Del Bromwell, et al. Emergency Medical Services – Emergency Medical Services Board – Appointments.
- CH 204 SB0175 (Enrolled)** Sen Middleton, et al. Emergency Medical Services – Emergency Medical Services Board – Appointments.
- CH 205 HB0645 (Amended)** Del Branch, et al. Business Regulation – Wireless Security Systems – Local Government Licenses and Permits.
- CH 206 SB0662 (Amended)** Sens Middleton and Benson. Business Regulation – Wireless Security Systems – Local Government Licenses and Permits.
- CH 207 HB0814** Del Patterson, et al. Workers' Compensation – Students in Unpaid Work-Based Learning Experiences.
- CH 208 SB0403** Sen Middleton. Workers' Compensation – Students in Unpaid Work-Based Learning Experiences.
- CH 209 HB1092 (Enrolled)** Del Rosenberg, et al. Behavioral Health Crisis Response Grant Program – Establishment.
- CH 210 SB0703 (Enrolled)** Sen Klausmeier, et al. Behavioral Health Crisis Response Grant Program – Establishment.
- CH 211 HB0922 (Amended)** Del Kipke, et al. Maryland Department of Health – "Pill Mill" Tip Line and Overdose Report.
- CH 212 SB0087 (Enrolled)** Chr. FIN (Dept). Controlled Dangerous Substances – Registration, Schedules, Penalties, and Orders of Impoundment.
- CH 213 HB1452 (Amended)** Del Pena-Melnik, et al. Controlled Dangerous Substances Registration – Authorized Providers – Continuing Education.
- CH 214 SB1223 (Amended)** Sen Klausmeier. Controlled Dangerous Substances Registration – Authorized Providers – Continuing Education.
- CH 215 HB0653 (Amended)** Del K. Young, et al. Health Care Providers – Opioid and Benzodiazepine Prescriptions – Discussion of Benefits and Risks.
- CH 216 SB0522 (Enrolled)** Sen Klausmeier, et al. Health Care Providers – Opioid and Benzodiazepine Prescriptions – Discussion of Benefits and Risks.
- CH 217 HB0736 (Amended)** Del Bromwell, et al. Pharmacy Benefits Managers – Pharmacies and Pharmacists – Information on and Sales of Prescription Drugs.
- CH 218 SB0576 (Amended)** Sen Klausmeier, et al. Pharmacy Benefits Managers – Pharmacies and Pharmacists – Information on and Sales of Prescription Drugs.
- CH 219 HB1566 (Amended)** Del W. Miller, et al. Public Utilities – Water and Sewage Disposal Companies – Acquisition.
- CH 220 SB0854 (Amended)** Sen Klausmeier. Public Utilities – Water and Sewage Disposal Companies – Acquisition.
- CH 221 HB1592 (Amended)** Del Valderrama, et al. Maryland Jockey Injury Compensation Fund, Inc. – Designation as Employer and Membership.
- CH 222 SB0851 (Amended)** Sen Klausmeier, et al. Maryland Jockey Injury Compensation Fund, Inc. – Designation as Employer and Membership.
- CH 223 SB0024** Sen Klausmeier. State Highway Administration – Sale or Lease of Naming Rights for Rest Areas and Welcome Centers.
- CH 224 SB0253 (Amended)** Sen Conway, et al. Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition.
- CH 225 HB1003** Del Clippinger. Alcoholic Beverages – Licenses Issued by Different Local Licensing Boards to Single License Holder – Authorized.
- CH 226 SB0676** Sen Conway (BCA). Baltimore City – Community Benefits Districts.
- CH 227 HB0788** Del Anderson (BCA). Baltimore City – Community Benefits Districts.
- CH 228 SB0394** Sen Conway. Baltimore City – Property Tax Credit – School Public Safety Officers.
- CH 229 HB0117** Del Glenn, et al. Baltimore City – Property Tax Credit – School Public Safety Officers.
- CH 230 HB0245** Del Rosenberg, et al. Baltimore City – Alcoholic Beverages – Continuing Care Retirement Community License.
- CH 231 HB0905 (Amended)** Del Ali, et al. Baltimore City – Alcoholic Beverages – Reissuance of Licenses (Community Liquor Empowerment Act of 2018).
- CH 232 HB1192** Dels Rosenberg and McIntosh. Department of Housing and Community Development – Live Near Your Work Program – Report.
- CH 233 HB0556 (Enrolled)** Del Sydnor. Estates and Trusts – Administration of Estates – Waiver of Fees.
- CH 234 SB0924 (Amended)** Sen Ferguson, et al. Local Government – Splash Pads – Regulations.
- CH 235 HB1217 (Amended)** Del Lierman, et al. Local Government – Splash Pads – Regulations.
- CH 236 SB0675 (Amended)** Sen Hough, et al. Humane Adoption of Companion Animals Used in Research Act of 2018.
- CH 237 HB1662 (Enrolled)** Del Kramer, et al. Business Regulation – Retail Pet Stores.
- CH 238 SB1038 (Amended)** Sen Smith, et al. Criminal Law – Animal Cruelty – Sentencing Conditions.
- CH 239 SB0172 (Amended)** Sen Hershey. Kent County – Alcoholic Beverages – Licenses.
- CH 240 HB0300 (Amended)** Del Jacobs, et al. Kent County – Alcoholic Beverages – Licenses.
- CH 241 HB1141 (Amended)** Del Jacobs, et al. Building Performance Standards – Agricultural Buildings Used for Agritourism – Exemption.
- CH 242 HB1422 (Amended)** Caroline County Delegation. Caroline County – Alcoholic Beverages – Bed and Breakfast License.
- CH 243 SB1072 (Amended)** Caroline County Senators. Caroline County – Alcoholic Beverages – Bed and Breakfast License.

CH 244 HB1110 (Amended) Del Arentz, et al. Public Schools – Health and Safety Best Practices – Digital Devices.

CH 245 HB1573 (Enrolled) Del Arentz. Solar Electric Generating Facility – Notice of Sale or Transfer.

CH 246 HB0515 (Amended) Del Ghrist, et al. Agriculture – Palmer Amaranth – Study.

CH 247 HB1310 (Amended) Del Ghrist, et al. Health Insurance – Provider Panels – Credentialing Practices.

CH 248 HB0164 Del B. Barnes (Chr. Jt. Com on Pnsns). Judges' Retirement System – Mandatory Retirement Age – Clarification of Eligibility for Allowance.

CH 249 SB0176 Sen Guzzone (Chr. Jt. Com on Pnsns). Judges' Retirement System – Mandatory Retirement Age – Clarification of Eligibility for Allowance.

CH 250 HB1302 (Enrolled) Del Valentino-Smith, et al. Public Safety – Extreme Risk Protective Orders.

CH 251 HB1646 (Enrolled) Del Atterbeary, et al. Criminal Procedure – Firearms – Transfer.

CH 252 SB0707 (Amended) Sen Ramirez, et al. Criminal Law – Firearm Crimes – Rapid Fire Trigger Activator.

CH 253 HB0819 (Enrolled) Del Atterbeary, et al. Public Safety – Handgun Permit Review Board – Appeals.

CH 254 HB0797 (Amended) Del Queen, et al. Correctional Services – Inmates – Menstrual Hygiene Products.

CH 255 SB0598 (Amended) Sen Lee, et al. Correctional Services – Inmates – Menstrual Hygiene Products.

CH 256 HB0444 Dels West and Kelly. Estates and Trusts – Contesting Validity of Revocable Trust – Limitation.

CH 257 SB0348 Sen Lee. Estates and Trusts – Contesting Validity of Revocable Trust – Limitation.

CH 258 HB0491 Dels West and Hettleman. Estates and Trusts – Maryland Trust Act – Governing Law of Trust Provisions.

CH 259 SB0267 Sen Lee. Estates and Trusts – Maryland Trust Act – Governing Law of Trust Provisions.

CH 260 HB0474 Dels West and Kramer. Estates and Trusts – Breach of Trust Action – Limitation Period.

CH 261 SB1014 Sen Ready. Estates and Trusts – Breach of Trust Action – Limitation Period.

CH 262 HB0632 Carroll County Delegation. Carroll County – Unlicensed Junk Vehicles and Parts – Repeal.

CH 263 SB0276 Sen Ready. Carroll County – Unlicensed Junk Vehicles and Parts – Repeal.

CH 264 SB0359 Carroll County Senators. Carroll County – Board of Education – Student Representative.

CH 265 HB0621 (Amended) Carroll County Delegation. Carroll County – Board of Education – Student Representative.

CH 266 HB0610 Carroll County Delegation. Carroll County – Gaming – Repeal of Sunday Prohibition.

CH 267 SB0275 Carroll County Senators. Carroll County – Gaming – Repeal of Sunday Prohibition.

CH 268 HB0984 Carroll County Delegation. Carroll County – Volunteer Fire, Rescue, and Emergency Medical Services.

CH 269 SB0542 Carroll County Senators. Carroll County – Volunteer Fire, Rescue, and Emergency Medical Services.

CH 270 SB0601 Sen Hough, et al. Carroll County – Scenic River Advisory Board – Composition.

CH 271 HB0696 Carroll County Delegation. Carroll County – Scenic River Advisory Board – Composition.

CH 272 SB0289 Sens Hough and Young. Frederick County – Ethics and Campaign Activity – Governing Body, County Board and Commission Members, and Board of License Commissioners.

CH 273 HB0630 Frederick County Delegation. Frederick County – Ethics and Campaign Activity – Governing Body, County Board and Commission Members, and Board of License Commissioners.

CH 274 SB1032 Sen Hough. Frederick County – Scenic River Advisory Board – Composition.

CH 275 HB0917 Frederick County Delegation. Frederick County – Scenic River Advisory Board – Composition.

CH 276 SB0447 (Amended) Sens Young and Hough. Frederick County – Alcoholic Beverages – Wine Privilege – Cheese and Deli Shops.

CH 277 HB0762 (Amended) Frederick County Delegation. Frederick County – Alcoholic Beverages – Wine Privilege – Cheese and Deli Shops.

CH 278 HB0009 (Amended) Del Folden. Transportation – Dedication of Structures.

CH 279 HB0658 (Amended) The Speaker, et al. State House Trust – Duties – Landscaping and Construction of Lawyer's Mall.

CH 280 SB0608 (Enrolled) The Pres. State House Trust – Duties – Landscaping and Construction of Lawyer's Mall.

CH 281 HB0874 (Amended) The Speaker (DLS). General Assembly – Department of Legislative Services – Reorganization and Duties.

CH 282 HB0869 (Amended) Del Szeliga, et al. Construction of Transmission Lines – Landowners – Notification.

CH 283 HB1126 (Amended) Dels Lisanti and Impallaria. Public Service Commission – Application for Certificate of Public Convenience and Necessity – Criteria to Consider.

CH 284 HB0270 (Amended) Del Lisanti, et al. Alcoholic Beverages – Brewing Company Off-Site Permits and Winery Off-Site Permits – Harford County Farm Fair.

CH 285 HB0615 (Amended) Del Lisanti. Municipalities – Charter Amendments – Procedures.

CH 286 HB1588 (Amended) Del S. Howard, et al. Zoning Amendments – Energy Generating Systems.

CH 287 HB1483 (Enrolled) Del Saab, et al. Duties of a Guardian of the Person – Visitation.

CH 288 HB0146 (Amended) Montgomery County Delegation. Montgomery County – Alcoholic Beverages – Class 7 Micro-Brewery License – Issuance MC 9–18.

CH 289 HB0145 (Enrolled) Montgomery County Delegation. Montgomery County – Kensington – Alcoholic Beverages Licenses MC 12–18.

CH 290 HB0204 (Amended) Del Korman, et al. Traffic Control Signal Monitoring Systems – Yellow Signal Compliance.

CH 291 HB0452 Del Carr (Chr. Jt. Com on Fed Rels). Northeast Interstate Dairy Compact – Repeal.

CH 292 SB0389 Sen Feldman. Northeast Interstate Dairy Compact – Repeal.

CH 293 HB0198 Del Luedtke, et al. Inheritance Tax – Perpetual Conservation Easement – Farming Purposes – Exemption.

CH 294 HB0620 (Enrolled) Del Luedtke, et al. County Agricultural Land Preservation Programs – Recertification and Remittance of Unexpended Funds – Extensions.

CH 295 HB0285 (Amended) Del Luedtke, et al. Department of Transportation – Pedestrian and Bicycle Access to Schools.

CH 296 HB0400 (Amended) Del Tarlau, et al. Agriculture – Mosquito Control – Notification to Municipalities.

CH 297 HB0305 (Amended) Del Tarlau, et al. Homestead Property Tax Credit Program – Eligibility Awareness.

CH 298 HB0769 (Amended) Del Dumais. Estates and Trusts – Maryland Uniform Transfers to Minors Act – Award of Reasonable and Necessary Expenses.

CH 299 HB1171 (Amended) Dels Kaiser and Walker. Gaming – State Lottery and Gaming Control Commission – Regulation of Reconciliation of Proceeds.

CH 300 HB0896 (Amended) Del Barkley. Alcoholic Beverages – Class 6 Limited Wine Wholesaler's License – Production Amounts and Sales.

CH 301 HB0634 (Amended) Del Jackson, et al. Commission to Advance Next Generation 9–1–1 Across Maryland – Establishment.

CH 302 SB0285 (Amended) Sen Kagan, et al. Commission to Advance Next Generation 9–1–1 Across Maryland – Establishment.

CH 303 HB0043 (Amended) Del Jackson, et al. Income Tax – Subtraction Modification – Perpetual Conservation Easements.

CH 304 HB0695 (Amended) Del Frick, et al. Open Meetings Act – Closed Meetings – Cybersecurity.

CH 305 SB0461 (Amended) Sen Zucker, et al. Selling or Providing Alcoholic Beverages to Individuals With Intellectual Disabilities and Others – Repeal of Prohibition.

CH 306 HB0287 (Amended) Del Frick, et al. Selling or Providing Alcoholic Beverages to Individuals With Intellectual Disabilities and Others – Repeal of Prohibition.

CH 307 HB1400 (Enrolled) Del Morhaim, et al. State Employee and Retiree Health and Welfare Benefits Program – Employees of Qualifying Organizations.

CH 308 HB1518 (Enrolled) Del Wilkins, et al. Public Health – Maternal Mortality Review Program – Report and Stakeholder Meetings.

CH 309 HB0502 (Amended) Del Wilkins, et al. Property Tax Credit – Surviving Spouse of Veteran.

CH 310 SB0429 (Enrolled) Sen Bates, et al. Property Tax Credit – Surviving Spouse of Veteran.

CH 311 HB0798 (Amended) Del Kittleman, et al. Visual Impairments – Requirements for Student Vision Screening and Information (Atticus Act).

CH 312 SB0570 (Amended) Sen Bates, et al. Visual Impairments – Requirements for Student Vision Screening and Information (Atticus Act).

CH 313 HB1178 Del Lafferty. Property Tax – Liability for Payment of Tax on Leased Property.

CH 314 SB0925 Sen Kasemeyer. Property Tax – Liability for Payment of Tax on Leased Property.

CH 315 SB0372 (Amended) Sen Kasemeyer. Estates and Trusts – Transfer From Revocable Trust – Exemption From Taxes and Fees.

CH 316 HB0948 (Amended) Del Morgan, et al. Estates and Trusts – Transfer From Revocable Trust – Exemption From Taxes and Fees.

CH 317 SB0324 (Amended) Washington County Senators. Washington County – Alcoholic Beverages – Serving Underage Individuals – Penalties.

CH 318 HB1147 Del Wivell. Washington County – Property Tax Credit for Disabled Veterans – Minimum Percentage of Disability.

CH 319 SB0887 Washington County Senators. Washington County – Property Tax Credit for Disabled Veterans – Minimum Percentage of Disability.

CH 320 HB1156 Del McKay. Washington County – Alcoholic Beverages – Tasting Licenses.

CH 321 SB0340 Washington County Senators. Washington County – Alcoholic Beverages – Tasting Licenses.

CH 322 HB1237 (Amended) Del Hayes, et al. Procurement – Disposition of Property – Public Universities.

CH 323 HB0772 (Amended) Del Hayes, et al. Maryland Department of Health – Reimbursement for Services Provided by Certified Peer Recovery Specialists – Workgroup and Report.

CH 324 SB0765 (Amended) Sen Mathias, et al. Maryland Department of Health – Reimbursement for Services Provided by Certified Peer Recovery Specialists – Workgroup and Report.

CH 325 SB0872 (Amended) Sen Mathias. Vehicle Laws – Special Event Zones – Worcester County.

CH 326 SB0384 (Amended) Sen Mathias. Alcoholic Beverages – Limited Distillery License – Retail Sales.

CH 327 HB0425 (Amended) Del Otto. Somerset County – Fire Companies – Appropriations.

CH 328 SB0356 (Enrolled) Sen Mathias. Somerset County – Fire Companies – Appropriations.

CH 329 HB1593 (Amended) Del Sample–Hughes, et al. Real Property – Mobile Home Parks – Notices to Residents.

CH 330 HB0807 (Enrolled) Del Beidle, et al. Transportation – Highway User Revenues – Distribution.

CH 331 SB0516 (Enrolled) Sen Madaleno, et al. Transportation – Highway User Revenues – Distribution.

CH 332 HB0669 (Amended) Del Beidle. Real Property – Homeowners Associations – Number of Declarant Votes.

CH 333 HB0392 Del Turner, et al. Video Lottery Terminal Revenues – Purse Dedication Account – Standardbred Racetrack Operating Loss Assistance.

CH 334 SB0381 Sen King, et al. Video Lottery Terminal Revenues – Purse Dedication Account – Standardbred Racetrack Operating Loss Assistance.

CH 335 HB1622 (Amended) Del Wilson, et al. Video Lottery Terminals – Minority Business Participation Goals – Sunset Extension.

CH 336 SB0383 (Amended) Sen Benson, et al. Video Lottery Terminals – Minority Business Participation Goals – Sunset Extension.

CH 337 HB1107 (Enrolled) Del Wilson. Public Safety – Elevator Inspections – Testing and Apprenticeship Program.

CH 338 HB1087 (Amended) Del Wilson. Business Regulation – Micro Markets – Licensure.

CH 339 SB0758 (Amended) Sen Reilly. Business Regulation – Micro Markets – Licensure.

CH 340 SB0755 (Amended) Sen Peters. Credit Regulation – Escrow Accounts – Water and Sewer Facilities Assessments.

CH 341 SB1090 (Enrolled) Sen Peters and Guzzone. Corporate Income Tax – Single Sales Factor Apportionment.

CH 342 HB1794 (Amended) Del Kaiser. Corporate Income Tax – Single Sales Factor Apportionment.

CH 343 HB0067 Del J. Lewis. Maryland Plumbing Act – Non–Water–Conserving Fixtures and Devices – Repeal of Criminal Penalties for Sale or Installation.

CH 344 HB1614 Del Valentino–Smith, et al. Public Safety – Military Service Members – Civil Relief.

CH 345 HB0575 (Amended) Del Holmes. Condominiums – Suspension of Use of Common Elements.

CH 346 HB0077 Del Holmes. Condominiums – Claims Against Developers and Vendors – Unenforceability of Certain Provisions.

CH 347 SB0258 Sen Kelley, et al. Condominiums – Claims Against Developers and Vendors – Unenforceability of Certain Provisions.

CH 348 HB0078 (Enrolled) Del Holmes. Foreclosed Property Registry – Updated Information – Notice to Local Governments.

CH 349 SB0222 (Enrolled) Sen Kelley. Foreclosed Property Registry – Updated Information – Notice to Local Governments.

CH 350 SB0877 (Amended) The President (Admin), et al. Promoting extraordinary Innovation in Maryland's Economy (PRIME Act).

CH 351 SB0277 (Enrolled) Sen Feldman, et al. Maryland Metro/Transit Funding Act.

CH 352 HB0372 (Enrolled) Del Korman, et al. Maryland Metro/Transit Funding Act.

CH 353 HB0370 (Amended) Del Korman, et al. Metro Board Member Act.

CH 354 SB0279 (Amended) Sen Feldman. Metro Board Member Act.

CH 355 HB0533 Del Carr (Chr. Jt.Com on Fed Rels).
Washington Metropolitan Area Transit Authority Compact –
Department of Planning – Name Correction.
CH 356 SB0494 Sen Feldman. Washington Metropolitan Area
Transit Authority Compact – Department of Planning – Name
Correction.

[18-10-25]

The Judiciary

COURT OF APPEALS OF MARYLAND ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland
April 27, 2018

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Orientation Program pursuant to Maryland Rule 19-210(e). As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Maryland Rule 19-213(g).

It is thereupon the 27th day of April, 2018, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 27th day of May, 2018, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

MARY ELLEN BARBERA
Chief Judge
Court of Appeals of Maryland

Filed: April 27, 2018

BESSIE M. DECKER
Clerk
Court of Appeals of Maryland

EXHIBIT A OUT-OF-STATE ATTORNEY EXAMINATION FEBRUARY 2018

Abood-Carroll, Elizabeth Marian
Allison, Sarah Elizabeth
Archer, Luke Jay
Austin, Charles, David
Bacaj, Eric Patrick
Banks, Bryan Christopher
Bassolino, Thomas John
Baumgarten, Maurice Jay
Boykin, Carmen Alyse
Bradley, Amy Lynn
Bratton, Alvin Anthony
Brown, Moses Vincent
Byrd, Rebecca Lee
Cavanaugh, David Langdon
Conrad, Christopher John
Crawford, Andrew Knight
Crosland, David William
Dahl, Elizabeth
Dasani, Sheena Suresh
Davis, Carole Elaine
Doerrer, Stan Michael

Douglas, Ebony Reid
Ducao, Ayn Brigoli
Fishbein, Ellen Karen
Fisher, Julie Kim
Foh, Munje Betty
Fojas, Daniel Belteshazzar Ordenez
Frazier, Jin-Hwa Lee
Friedman, Andrew Michael
Fugit, Jeremiah Carlyle
Gallagher, Theodore Joseph
Garcia, Gabriel Martin
Gill, Faisal Mahmood
Glajch, Jessica Ashley
Greenleaf, Stephen Nye
Guetzkow, Jason Seymour
Haas, Alexander Kenneth
Haberman, Andrew Garrett
Hamilton, Peggy Delinois
Hamilton, Robert Benjamin
Harris, Allison Gayle
Henderson, Darius Quan
Hill-Zayat, Bridget Ann
Hinkle, David Joseph
Holmes, Elaina L.
Holtzinger Conner, Katherine Esther
Hooks, Marcia Connelly
Hughes, Matthew Ernest
Inomata, Margaret Grace Megumi
Jacobsen, John Willand
Joshi, Cary L.
Kahloon, Khalid Ahmad
Kaiser, Daniel Leland
Kammerman, Jacquelyn Denise
Kim, Cindy Sinae
Krulick, Brian Neal
Leach, Christopher B
Levi, Julie, Allyson
Lokhandwala, Erin Boylan
Luria, Edward Marx
Lynch, Robert Parker
MacDowell, Richard Farr
Martin, Jillian Elayne
Mumford, Arnett William
Mupanduki, Joanna Diane
O'Connor, Lisa Sharon
O'Donnell, Mary Elliott
Otaigbe, Linda
Passero, Mark Joseph
Pisha, Jonathan Craig
Powers, Dana Ann
Ramos, Joshua I
Rao, Tara Manisha
Renfrew, Megan Janet
Rispin Sedlak, Sarah Catherine
Rivera, Marielba
Rodriguez, Alexander King
Rosenbloom, Douglas Stuart
Ryan, William Leo
Saucedo, Todd Edward
Schell, Andrew John
Scott, Jacob William

Segal, Joshua Morris
 Sklarosky, Michael Andrew
 Smith, Barbara Rose
 Taylor, Matthew Anderson
 Thomas, Brittany Gail
 Tirana, Akil
 Ursprung, Patricia Ann
 Vaidya, Komal Pranav
 Voshell, Emily Anne
 Wagoner, Edmund Lee
 Webb, Matthew William James
 Wentworth, Michael John
 White, Andrew Elgin
 White, Marlaine Ann
 Woodland, Amber Brooke
 Yellin, David Scott
 Zell, Anne-Marie Kathleen

[18-10-30]

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated April 19, 2018, **JEFF A. GODFREY**, 3406 Greenview Drive, Parkersburg, West Virginia 26104, has been disbarred, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[18-10-33]

Final Action on Regulations

Symbol Key

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

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.36 General Medical Assistance Provider Participation Criteria

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105,
Annotated Code of Maryland

Notice of Final Action

[18-007-F]

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action,
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shown below.

IMPORTANT CORRECTION
Due to a communication error, this Notice of Final Action was filed with the Division of State Documents and published in 45:9 Md. R. 461 (April 27, 2018). This action has not been adopted.

ndments
10.09.36
ria. This
21—22
changes

Effective Date: May 7, 2018.

Attorney General's Certification

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

Regulation .01B(4): The Department changed the word “and” to the word “or” within the definition of “affiliation” in order to correct an inconsistency and to clarify that only one of the factors listed must apply in order to be considered an affiliation.

Regulation .01B(20): The Department added the definition of “terminate” in order to clarify that the proposed action only applies to providers terminated for cause.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (proposed text unchanged)

(4) “Affiliation” means:

(a)—(b) (proposed text unchanged)

(c) *An interest in which an individual or entity exercises operational or managerial control over or directly or indirectly conducts the day-to-day operations of another organization, either under contract or through some other arrangement, regardless of whether the managing individual or entity is a W-2 employee of the organization; ~~[[and]]~~ or*

(d) (proposed text unchanged)

(5)—(19) (proposed text unchanged)

(20) *“Terminate” means a decision by the Program, the federal government, or a state Medicaid agency to end an individual’s or entity’s enrollment with the Program, Medicare, or a*

state Medicaid program due to a sanction for failure to comply with applicable federal or State laws or regulations or because of a credible allegation of fraud.

~~[[(20)]]~~ (21) (proposed text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 24 MARYLAND HEALTH CARE COMMISSION

10.24.09 State Health Plan for Facilities and Services: Specialized Health Care Services — Acute Inpatient Rehabilitation Services

Authority: Health-General Article §§ 19-109(a)(1) ~~[[and 19-121]]~~, 19-118 and 19-120, Annotated Code of Maryland

Notice of Final Action

[17-312-F-I]

On April 19, 2018, the Maryland Health Care Commission adopted amendments to Regulation .01 under **COMAR 10.24.09 State Health Plan for Facilities and Services: Specialized Health Care Services — Acute Inpatient Rehabilitation Services**. This action was considered by the Commission at an open meeting held on April 19, 2018, notice of which was given through publication in the Maryland Register, pursuant to General Provisions Article, §3-302, Annotated Code of Maryland. This action, which was proposed for adoption in 45:4 Md. R. 211—212 (February 16, 2018), has been adopted as proposed.

Effective Date: May 21, 2018.

ROBERT E. MOFFIT, Ph.D.
Chair

Title 24 DEPARTMENT OF COMMERCE

Subtitle 05 ECONOMIC DEVELOPMENT

24.05.24 One Maryland Economic Development Tax Credits

Authority: Economic Development Article, Title 6, Subtitle 4, Annotated Code of Maryland

Notice of Final Action

[18-037-F]

On May 2, 2018, the Secretary of Commerce adopted the repeal of existing Regulations .01—.13 and adopted new Regulations .01—.13

under **COMAR 24.05.24 One Maryland Economic Development Tax Credits**. This action, which was proposed for adoption in 45:6 Md. R. 322—327 (March 16, 2018), has been adopted as proposed.

Effective Date: May 21, 2018.

R. MICHAEL GILL
Secretary of Commerce

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 12 RADIATION MANAGEMENT

Notice of Final Action

[17-202-F-I]

On April 17, 2018, the Secretary of the Environment adopted amendments to:

- (1) Regulation **.01** under **COMAR 26.12.01 Radiation Protection**; and
- (2) Regulation **.02** under **COMAR 26.12.02 Inspection and Certification**.

This action, which was proposed for adoption in 45:3 Md. R. 168—169 (February 2, 2018), has been adopted with the nonsubstantive changes shown below.

Effective Date: May 21, 2018.

Attorney General's Certification

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

Minor corrections have been made to the reference document under COMAR 26.12.01.01, "Regulations for the Control of Ionizing Radiation (1994) as amended by Supplement 1 through 29" as follows:

Two typographical errors were corrected (in T.91(d) near top of Page T16-1 the word "quantity" was corrected to "quality;" on Page T39 the element abbreviation Rh103m was changed to Rh-103m).

Incorrect page count on Insert/Remove sheet was corrected (Pages T16-1 through T22 count 10 pages, not 8 as originally shown).

In Sec. T.17(c)(3), "Maryland Department of the Environment" was added.

In Sec. T.97(b), the specific reference to a federal regulation was incorrect and was changed.

The corrected version is made available to the public.

Under COMAR 26.12.02.02, Section A., Subsection (3), "located in a mammography facility regulated under 21 CFR Part 900" was added to indicate that mammography screening machines are located in facilities that are federally certified. This language was within the intent and scope of the proposal and is therefore nonsubstantive. The corrected version is made available to the public.

26.12.02 Inspection and Certification

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

.02 State Certification of Radiation Machines.

A. Applicability. This regulation does not apply to persons using the following radiation machines:

(1) — (2) (proposed text unchanged)

(3) *Those used for mammography diagnostic or screening purposes located in a mammography facility regulated under 21 CFR Part 900;*

(4) — (5) (proposed text unchanged)

B. — E. (proposed text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 09 LIFE INSURANCE AND ANNUITIES

31.09.02 Variable Life Insurance

Authority: Insurance Article, §§2-109 and 16-601—16-603, Annotated Code of Maryland

Notice of Final Action

[17-203-F]

On April 18, 2018, the Insurance Commissioner adopted amendments to Regulations **.02—****.04** and **.09** under **COMAR 31.09.02 Variable Life Insurance**. This action, which was proposed for adoption in 45:5 Md. R. 292—294 (March 2, 2018), has been adopted as proposed.

Effective Date: May 21, 2018.

ALFRED W. REDMER, JR.
Insurance Commissioner

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 10 RACING COMMISSION

09.10.02 Harness Rules

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Proposed Action

[18-117-P]

The Maryland Racing Commission proposes to amend Regulations **.43**, **.53**, and **.53-1** and adopt new Regulations **.60** and **.61** under **COMAR 09.10.02 Harness Rules**. This action was considered at a public meeting held by the Maryland Racing Commission on March 22, 2018.

Statement of Purpose

The purpose of this action is to amend regulation .43, .53, and .53-1 to clarify to whom certain payments are made and when certain payments are due and to allow the use of electronic registrations certificates. The proposal also includes all new Regulations .60 and .61 that will permit the harness tracks to offer another type of wager to their patrons.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Townsontown Boulevard, Towson, MD 21286, or call 410-296-9682, or email to mike.hopkins@maryland.gov, or fax to 410-296-9687. Comments will be accepted through June 25, 2018. A public hearing has not been scheduled.

.43 Foaled Stakes Program.

A. — D. (text unchanged)

E. Registration. Except as provided in §F of this regulation, to register a yearling the Advisory Committee Administrator shall be provided on or before May 15 with a:

(1) (text unchanged)

(2) Photocopy of the yearling's USTA registration certificate *or its equivalent*; and

(3) (text unchanged)

F. Late or Incomplete Registration.

(1) If a yearling was not registered in accordance with the provisions of §E of this regulation, the yearling shall be registered with the Advisory Committee *Administrator* if the following are received between May 16 and December 31:

(a) (text unchanged)

(b) A photocopy of the yearling's USTA registration certificate *or its equivalent*; and

(c) (text unchanged)

(2) If a photocopy of the USTA registration certification *or its equivalent* is not submitted in compliance with any of the provisions under this regulation, the:

(a) — (b) (text unchanged)

G. (text unchanged)

[H. Declaration Fee. A declaration fee of \$150 is required to be made by the post time for the race into which the horse is declared.

I. Time and Method of Payment.

(1) To be timely, the appropriate fee shall be:

(a) Delivered to the Advisory Committee by the designated due date; or

(b) Mailed bearing a postmark which is on or before the due date.

(2) If the due date for a payment falls on a weekend or a holiday observed in this State, the payment shall be timely if:

(a) Delivered to the Advisory Committee by the next business day; or

(b) Mailed and bearing a postmark which is not later than the next business day.

(3) Exceptions may not be made to the requirements of this section.]

H. Time and Method of Payment.

(1) *To be timely, the appropriate fee shall be:*

(a) *Delivered to the Advisory Committee Administrator by the designated due date; or*

(b) *Mailed bearing a postmark which is on or before the due date.*

(2) *If the due date for a payment falls on a weekend or a holiday observed in this State, the payment shall be timely if:*

(a) *Delivered to the Advisory Committee Administrator by the next business day; or*

(b) *Mailed and bearing a postmark which is not later than the next business day.*

(3) *Exceptions may not be made to the requirements of this section.*

I. Declaration Fee. A declaration fee of \$150 is required to be made by the post time for the race into which the horse is declared.

J. — V. (text unchanged)

.53 Sires Stakes Program.

A. — C. (text unchanged)

D. Registration as a Maryland Stallion.

(1) A stallion shall be registered by the Advisory Committee if the completed forms for the stallion's registration are received by the Advisory Committee Administrator by:

(a) — (b) (text unchanged)

(2) To complete the registration of a Maryland stallion, [the following documents] *a USTA registration certificate or its equivalent* concerning the stallion shall be delivered to the Advisory Committee Administrator not later than February 15 of the year of registration[

(a) USTA registration certificate; and

(b) Parentage verification report].

(3) If [either] the stallion's USTA registration certificate or its *equivalent* [parentage verification report] is not received by the Advisory Committee Administrator in a timely manner, the stallion owner shall be penalized \$250.

E. (text unchanged)

F. Requirements of the Owner of a Registered Stallion.

(1) The owner of a registered stallion shall submit a copy of the USTA Mares Bred report to the Advisory Committee Administrator not later than September 1 of the year for which the stallion is registered.

(2) — (4) (text unchanged)

G. Payment of Penalties.

(1) Penalties assessed against a stallion owner under this regulation shall be paid to the Advisory Committee Administrator.

(2) — (3) (text unchanged)

H. (text unchanged)

I. Registration. Except as provided in §J of this regulation, in order to register a yearling, the Advisory Committee Administrator shall be provided on or before May 15 with a:

(1) — (3) (text unchanged)

J. Late or Incomplete Registration.

(1) If a yearling was not registered in accordance with the provisions of §I of this regulation, the yearling shall be registered

with the Advisory Committee Administrator if the following are received between May 16 and December 31:

(a) — (c) (text unchanged)

(2) If a photocopy of the USTA registration certification *or its equivalent* is not submitted in compliance with any of the provisions for doing so under this regulation, the:

(a) — (b) (text unchanged)

K. (text unchanged)

[L. Declaration Fee.

(1) A declaration fee, as prescribed in this regulation, is required to be made by the post time for the race into which the horse is declared.

(2) Additional declaration fees are not required from a horse which participates in more than one preliminary race.

(3) The declaration fee is \$250.

M. Time and Method of Payment.

(1) To be timely, the appropriate fee shall be:

(a) Delivered to the Advisory Committee by the designated due date; or

(b) Mailed bearing a postmark which is on or before the due date.

(2) If the due date for a payment falls on a weekend or a holiday observed in this State, the payment shall be timely if:

(a) Delivered to the Advisory Committee by the next business day; or

(b) Mailed bearing a postmark which is not later than the next business day.

(3) Exceptions may not be made to the requirements of this section.]

L. Time and Method of Payment.

(1) *To be timely, the appropriate fee shall be:*

(a) *Delivered to the Advisory Committee Administrator by the designated due date; or*

(b) *Mailed bearing a postmark which is on or before the due date.*

(2) *If the due date for a payment falls on a weekend or a holiday observed in this State, the payment shall be timely if:*

(a) *Delivered to the Advisory Committee Administrator by the next business day; or*

(b) *Mailed bearing a postmark which is not later than the next business day.*

(3) *Exceptions may not be made to the requirements of this section.*

M. Declaration Fee.

(1) *A declaration fee, as prescribed in this regulation, is required to be made by the post time for the race into which the horse is declared.*

(2) *Additional declaration fees are not required from a horse which participates in more than one preliminary race.*

(3) *The declaration fee is \$250.*

N. — BB. (text unchanged)

.53-1 Sire Stakes Program for 4 and 5 Year Olds.

A. (text unchanged)

B. Eligibility for Participation. For a horse to be eligible to participate in a race that is a part of the Sires Stakes Program for 4 and 5-Year-Olds, the horse shall:

(1) (text unchanged)

(2) Be registered with the Advisory Committee Administrator by February 15 as a 4-year-old or a 5-year-old to race that year.

C. (text unchanged)

[D. Declaration Fee.

(1) A declaration fee, as prescribed in this regulation, is required to be made by the post time for the race into which the horse is declared.

(2) The declaration fee is \$100.

E. Time and Method of Payment.

(1) To be timely, the appropriate fee shall be:

(a) Delivered to the Advisory Committee by the designated due date; or

(b) Mailed bearing a postmark which is on or before the due date.

(2) If the due date for a payment falls on a weekend or a holiday observed in this State, the payment shall be timely if:

(a) Delivered to the Advisory Committee by the next business day; or

(b) Mailed bearing a postmark which is not later than the next business day.

(3) Exceptions may not be made to the requirements of this section.]

D. Time and Method of Payment.

(1) To be timely, the appropriate fee shall be:

(a) Delivered to the Advisory Committee Administrator by the designated due date; or

(b) Mailed bearing a postmark which is on or before the due date.

(2) If the due date for a payment falls on a weekend or a holiday observed in this State, the payment shall be timely if:

(a) Delivered to the Advisory Committee Administrator by the next business day; or

(b) Mailed bearing a postmark which is not later than the next business day.

(3) Exceptions may not be made to the requirements of this section.

E. Declaration Fee.

(1) A declaration fee, as prescribed in this regulation, is required to be made by the post time for the race into which the horse is declared.

(2) The declaration fee is \$100.

F. — Q. (text unchanged)

R. Purse Distribution.

(1) The purse in each race shall be divided in the following manner:

(a) — (b) (text unchanged)

(c) [60] 55 percent, 30 percent, and [10] 15 percent to the first three finishers, respectively, if only three horses finish;

(d) — (e) (text unchanged)

(2) (text unchanged)

S. (text unchanged)

.60 Ocean High Five.

A. The Ocean High Five is a contract by the purchaser of a ticket combining five horses to finish first, second, third, fourth, and fifth, in that specific order, in a race on which Ocean High Five wagering is offered. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

B. The Ocean High Five is not a parlay and has no connection with, or relation to, any other wagering pool. The Ocean High Five shall be calculated as an entirely separate pool.

C. Subject to Commission approval, the racing association shall establish the minimum amount for a bet on Ocean High Five tickets.

D. Ocean High Five wagering may be conducted on a race that has at least seven separate wagering interests.

E. If there is no pari-mutuel ticket issued that selects the first five finishers in exact order, then the entire net pool shall be:

(1) Carried over to the next qualifying race offering Ocean High Five wagering; and

(2) Combined with the Ocean High Five net pool for that race to determine the applicable payout.

F. Distribution.

(1) The entire Ocean High Five net pool plus any carryover shall be distributed on the last day of the race meet by the racing association, which shall hold Ocean High Five wagering on one race that day.

(2) If a ticket is not sold that correctly selects five horses to finish first, second, third, fourth, and fifth, in that specific order, the entire net pool plus any carryover shall be distributed to the holders of tickets that correctly select four horses to finish first, second, third, and fourth, in that specific order.

(3) If such a ticket is not sold, the entire net pool plus any carryover shall be distributed to the holders of tickets that correctly select three horses to finish first, second, and third, in that specific order.

(4) If such a ticket is not sold, the entire net pool plus any carryover shall be distributed to the holders of tickets that correctly select two horses to finish first and second, in that specific order.

(5) If no such ticket is sold, the entire net pool plus any carryover shall be distributed to the holders of tickets that correctly select the winner of the race.

(6) If no such ticket is sold, the entire net pool plus any carryover shall be evenly distributed to the holders of tickets containing any of the finishers.

G. If, for any reason, there is not a mandatory distribution of the Ocean High Five carryover as provided in §F of this regulation, the Ocean High Five carryover shall be:

(1) Placed into an interest bearing account as approved by the Commission; and

(2) With accrued interest, added to the Ocean High Five pool of the next race meet held by a racing association where Ocean High Five wagering is conducted, unless otherwise agreed by that racing association and the racing association where the Ocean High Five pool carryover was generated.

H. If a dead heat, or heats, occur in a race on which there is Ocean High Five wagering:

(1) A horse in a dead heat shall be considered as finishing in the position for which it dead heated; and

(2) Any selection in an Ocean High Five wager that correctly selects a horse in a dead heat as finishing in the position for which the horse dead heated shall be treated as a correct selection.

I. In the event of a scratch in an Ocean High Five race:

(1) Exchanges may not be made; and

(2) All tickets that include the scratched horse shall be refunded.

J. Coupled entries are permitted, but fields are prohibited in Ocean High Five races.

K. For price calculations only, coupled entries shall be calculated as a single finishing horse, using the finishing position of the leading horse in the coupled entry to determine the order of placing. Example: If the actual order of finish in a race is 1 / 2 / 1A / 3 / 4 / 5, then the finishers used for that race in the Ocean High Five would be 1 / 2 / 3 / 4 / 5.

L. Sale.

(1) Ocean High Five tickets shall be sold only by the licensee through pari-mutuel machines programmed to print all selections on one ticket.

(2) Resale of tickets from one individual to another is prohibited and is grounds for ejection.

M. This regulation shall be printed in heavy type in a conspicuous place in the program or prominently posted near the betting windows of any association conducting this type of wager.

.61 The Survivor Bet.

A. The Survivor Bet is a contract by the purchaser of a ticket selecting the first place finisher in each of ten contests.

B. Subject to Commission approval, the racing association shall establish the takeout and minimum amount for a bet on The Survivor Bet.

C. The Survivor Bet wagering pool shall be distributed using the following method:

(1) The Survivor Bet wager requires the ticket holder to correctly select the winner of each sequential leg in order to remain alive in the pool.

(2) If at any time there is only one ticket remaining which has correctly selected the winner in each leg contested to that point, then the pool is at an end and that ticket is the winner regardless of whether the remaining legs result in winning selections.

(3) If at any time there are multiple tickets remaining which correctly selected the winner in each leg contested to that point but none of those correctly select the winner of the subsequent leg, then the pool is at an end and those tickets are the winners regardless of whether the remaining legs result in winning selections. Each of these tickets shall be apportioned a payout.

(4) If all ten contests are completed and there are multiple tickets which correctly selected the winner in each leg, then those tickets are the winners. Each of these tickets shall be apportioned a payout.

(5) The net Survivor pool shall be distributed as a single price pool to those who sequentially selected the first place finishers in the greatest number of Survivor contests, based on the official order of finish.

(6) All winning payouts shall be made after the conclusion of the tenth contest.

(7) If there are no winning wagers, the entire pool shall be refunded.

D. If there is a dead heat for first in any of the Survivor contests involving:

(1) Contestants representing the same betting interests, the Survivor pool shall be distributed as if no dead heat occurred.

(2) Contestants representing two or more betting interests, the Survivor pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

E. Should a betting interest in any of the Survivor pools be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest, for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number;

F. The tote company shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

G. The Survivor Bet shall be canceled and all Survivor Bet wagers for the individual performance shall be refunded if all races included in the Survivor Bet pool are canceled or declared "no contest".

H. If at least one contest included as part of the Survivor Bet is canceled or declared a "no contest", the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Survivor contests for that performance.

I. A "no contest" race is not to be considered as a contested race. The Survivor Bet will advance all tickets that remained alive in the previous leg of the pool.

J. Subject to Commission approval, an association may contribute a sum of money up to the amount approved by the commission to the Survivor pool.

J. MICHAEL HOPKINS
Executive Director
Racing Commission

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.31 Maryland Occupational Safety and Health Act—Incorporation by Reference of Federal Standards

Notice of Change to Opportunity for Public Comment

[18-091-P]

The Opportunity for Public Comment which appeared in 45:9 Md. R. 467 (April 27, 2018) has been changed. The correct notice follows.

Opportunity for Public Comment

Comments may be sent to Mischelle F. Vanreusel, Regulatory and Grants Coordinator, 1100 North Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through May 29, 2018. A public hearing has not been scheduled.

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.81 Elevator, Escalator, and Chairlift Safety

Authority: Public Safety Article, §§12-805, 12-806, 12-809, and 12-912, Annotated Code of Maryland

Notice of Proposed Action

[18-119-P-I]

The Commissioner of Labor and Industry proposes to amend, through incorporation by reference, Regulation .01 under COMAR 09.12.81 Elevator, Escalator, and Chairlift Safety.

Statement of Purpose

The purpose of this action is to amend the incorporation by reference of ASME A17.1, Safety Code for Elevators and Escalators to include ASME A17.1—2013 and ASME A17.1—2016, Safety Code for Elevators and Escalators. These national consensus standards regulate the elevator, escalator, and personnel hoist industry. These updated consensus standards reflect changes to the industry such as technological innovations and safety applications.

This action also repeals the incorporation by reference of ASME A17.2-2007 and ASME A17.2-2010, Guide for Inspection of Elevators, Escalators, and Moving Walks, a nonmandatory guide.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mischelle F. Vanreusel, Regulatory and Grants Coordinator, 1100 North Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to

mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through June 11, 2018. 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 ASME A17.1-2016/CSA B44-16 (Revision of ASME A17.1-2013 and CSA B44-13) Safety Code for Elevators and Escalators and ASME A17.1-2013/CSA B44-13 (Revision of ASME A17.1-2010 and CSA B44-10) Safety Code for Elevators and Escalators have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at www.dsd.state.md.us. The documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Safety Code for Elevators and Escalators.

A.—V. (text unchanged)

W. ASME A17.1-2010/CSA B44-10 (Revision of ASME A17.1-2007 and CSA B44-07) Safety Code for Elevators and Escalators, excluding Sections 5.6, 5.8, and 5.9, is incorporated by reference[, as amended].

[X. ASME A17.2-2007 Guide for Inspection of Elevators, Escalators, and Moving Walks is incorporated by reference.] *Repealed.*

[Y. ASME A17.2-2010 (Revision of ASME A17.2-2007) Guide for Inspection of Elevators, Escalators, and Moving Walks is incorporated by reference, as amended.] *Repealed.*

Z. ASME A17.1-2013/CSA B44-13 (Revision of ASME A17.1-2010/CSA B44-10) Safety Code for Elevators and Escalators is incorporated by reference.

AA. ASME A17.1-2016/CSA B44-16 (Revision of ASME A17.1-2013 and CSA B44-13) Safety Code for Elevators and Escalators is incorporated by reference.

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.83 Safety Requirements for Personnel Hoists

Authority: Public Safety Article, §12-805, Annotated Code of Maryland

Notice of Proposed Action

[18-118-P-I]

The Commissioner of Labor and Industry proposes to amend, through incorporation by reference, Regulation .01 under **COMAR 09.12.83 Safety Requirements for Personnel Hoists**.

Statement of Purpose

The purpose of this action is to amend the incorporated by reference of American National Standard, ANSI/ASSE A10.4, Personnel Hoists and Employee Elevators on Construction and Demolition Sites to include the updated versions from 2007 and 2016. This consensus standard has been updated to reflect changes to the industry such as technological innovations and safety applications.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mischelle F. Vanreusel, Regulatory and Grants Coordinator, 1100 North Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through June 11, 2018. 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, American National Standard ANSI/ASSE A10.4-2007 Safety Requirements for Personnel Hoists and Employee Elevators on Construction and Demolition Sites and American National Standard ANSI/ASSE A10.4-2016 Safety Requirements for Personnel Hoists and Employee Elevators on Construction and Demolition Sites have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference of “American National Standard Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations”.

A.—B. (text unchanged)

C. American National Standard ANSI/ASSE A10.4 - 2007 Personnel Hoists and Employee Elevators on Construction and Demolition Sites, is incorporated by reference.

D. American National Standard ANSI/ASSE A10.4 - 2016 Safety Requirements for Personnel Hoists and Employee Elevators on Construction and Demolition Sites, is incorporated by reference.

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 04 STATE HIGHWAY ADMINISTRATION

11.04.05 Commercial-Industrial or Subdivision Street Permits (All Entrance Permits Other than Residential)

Authority: Transportation Article, §§2-103(b)(2), 8-202(b)(2)(i), 8-203(a), 8-204(b), (c), and (i), 8-625, 8-626, 8-629, 8-630, and 8-646, Annotated Code of Maryland

Notice of Proposed Action

[18-116-P]

The State Highway Administration proposes to amend Regulations .01, .02, and .06 under **COMAR 11.04.05 Commercial-Industrial or Subdivision Street Permits (All Entrance Permits Other than Residential)**.

Statement of Purpose

The purpose of this action is to remove references to an obsolete engineering fee, modify the inspection reimbursements to reflect existing practice, and to update general application procedures for a Commercial-Industrial or Subdivision Street Permit.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Sam Kahl, Legislative Manager, State Highway Administration, 707 North Calvert Street, C-412, Baltimore, MD 21202, or call 410-545-0413, or email to skahl@sha.state.md.us, or fax to 410-209-5015. Comments will be accepted through June 11, 2018. A public hearing has not been scheduled.

.01 Authority.

A. Authority. The Annotated Code of Maryland grants to the Administration certain regulatory authority, including the right to limit the width and location of existing access points, the requirement that a temporary or permanent entrance from any commercial or industrial property may not be made into any highway except in accordance with a permit issued by the Administration, and the requirement that permits must be acquired from the Administration before working within and across a State highway. An application for a permit to construct a commercial entrance street intersection shall be filed with plans, [engineering fee check, if applicable,] performance surety, and any other items which may be required by the responsible parties or their authorized representative.

B. (text unchanged)

.02 Procedure for Obtaining an Entrance Permit.

A. An individual or corporation desiring to construct a commercial, industrial, or public street entrance connecting with a State highway shall make written application, transmitted by methods as determined acceptable by the Administration, to the appropriate office listed below. Applications shall be accompanied by [the required engineering fee, if applicable,] performance surety, [ten copies of the] detailed plans, and a utility letter (see §I(2) of this regulation), if applicable.

B. Applications should be mailed to the appropriate Administration office as follows:

(existing table proposed for repeal)

<i>District 1 Dorchester Somerset Wicomico Worcester</i>	<i>SHA District Office 660 West Road, P. O. Box 2679 Salisbury, MD 21802 (410) 677-4000</i>
<i>District 2 Caroline Cecil Kent Queen Anne's Talbot</i>	<i>SHA District Office 615 Morgnac Rd. (MD 291) Box 299 Chestertown, MD 21620 (410) 778-3061</i>
<i>District 3 Montgomery Prince George's</i>	<i>SHA District Office 9300 Kenilworth Ave. Greenbelt, MD 20770 (301) 513-7300</i>
<i>District 4 Baltimore Harford</i>	<i>SHA District Office 320 West Warren Road Hunt Valley, MD 21030 (410) 229-2300</i>
<i>District 5 Anne Arundel Calvert Charles Saint Mary's</i>	<i>SHA District Office 138 Defense Highway Annapolis, MD 21401 (410) 841-1000 or (410) 841-5450</i>
<i>District 6 Allegany Garrett Washington</i>	<i>SHA District Office 1251 Vocke Rd. LaVale, MD 21502 (301) 729-8400</i>
<i>District 7 Carroll Frederick Howard</i>	<i>SHA District Office P. O. Box 308 5111 Buckeystown Pike Frederick, MD 21704 (301) 624-8100</i>

C. (text unchanged)

D. When permit work involves erection of a new traffic signal or relocation or adjustments to a traffic signal, or both, it will be the additional responsibility of the permittee to notify the State Highway Administration, Traffic Engineering Division, Glen Burnie, Maryland (phone: (410) 787-5800) and Assistant District Engineer, Traffic, 10 days before beginning the work. This 10-day period is on the assumption the traffic signal plan has been reviewed and approved by the Traffic Division and financial arrangements, if any, have been made. The Assistant District Engineer, Traffic, for each of the seven districts can be contacted as follows:

<i>District 1 Dorchester Somerset Wicomico Worcester</i>	<i>SHA District Office 660 West Road, P. O. Box 2679 Salisbury, MD 21802 [(410) 677-4040] (410) 677-4000</i>
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District 2 — District 3	(text unchanged)
District 4 Baltimore Harford	SHA District Office 320 West Warren Road Hunt Valley, MD 21030 [(410) 229-2381] (410) 229-2300
District 5 Anne Arundel Calvert Charles Saint Mary's	SHA District Office 138 Defense Highway Annapolis, MD 21401 [(410) 841-1019] (410) 841-1000 or (410) 841-5450
District 6 Allegany Garrett Washington	SHA District Office 1251 Vocke Rd. LaVale, MD 21502 [(301) 624-8141] 301-624-8400
District 7 Carroll Frederick Howard	SHA District Office P. O. Box 308 5111 Buckeystown Pike Frederick, MD 21704 [(301) 624-8141] 301-624-8100

E. Application. Applications shall be submitted in duplicate on forms [provided by the Engineering Access Permits Division] obtained from the Administration's website found at www.marylandroads.com or by other methods as determined acceptable by the Administration.

F. Plans.

(1) All applicants shall submit detailed plans for review, indicating the true relationship between their planned improvements and the Administration's existing right-of-way, including easements, drainage facilities, and pavement. Plans shall be prepared by a registered land surveyor or registered professional engineer [unless the requirement is waived by the Engineering Access Permits Division]. Plans shall show dimensions, existing and proposed contours, storm drain facilities, structures, parking, interior traffic patterns, typical section through the State Highway Administration right-of-way, proposed curbs, sidewalk ramps, proposed widenings, etc.

(2) — (6) (text unchanged)

[G. Engineering Fee. In connection with the processing of applications, an engineering fee may be charged for each point of access and offsite roadway improvement.]

[H.] G. Performance Surety. In order to ensure complete and satisfactory compliance with the terms and specifications of the entrance permit, the permittee shall be required to submit a performance bond, letter of credit, or certified check, in a form acceptable to the Administration. The amount of the bond, check, or letter of credit shall be the next highest even thousand dollar above 150 percent of the cost estimate for the construction. This estimate must be acceptable to the SHA. If a bond is submitted, the SHA shall be designated as the obligee and the permittee as principal. In instances when a certified check is submitted, the check shall be made payable to the State Highway Administration and include the permittee's federal identification number.

[I.] H. (text unchanged)

[J.] I. Inspection Cost. At the discretion of the Administration, a State highway construction inspector may be assigned full-time to inspect the work stipulated in the permit. All projects shall be inspected by the Administration. [The cost of this inspection shall be the responsibility of the permittee and be submitted before the permit is issued. If the cost, including any necessary laboratory work, is expected to exceed \$5,000, it shall be paid in advance.] The Administration may require construction inspection reimbursement for any permit with over \$50,000 in estimated neat construction

costs. This [cost] reimbursement shall be calculated on the base pay of the assigned employee, plus overhead, and all administrative and general expenses.

[K.] J.—[L.] K. (text unchanged)

.06 General Information.

[A. A. It is highly recommended that all tentative plans for commercial sites be reviewed with Administration representatives before the applicant develops his completed plans. However, the applicant shall furnish the Administration an authorization from the owner, or proof of ownership, before receiving information regarding State Highway Administration future highway plans. This is in accordance with Transportation Article, §8-322(b), Annotated Code of Maryland, and opinions of the Attorney General relative to it.]

[B.] A.—[G.] F. (text unchanged)

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 13A

STATE BOARD OF

EDUCATION

Subtitle 08 STUDENTS

13A.08.01 General Regulations

Authority: Education Article, §7-305.1, Annotated Code of Maryland

Notice of Proposed Action

[18-120-P]

The Maryland State Board of Education proposes to amend Regulation .11 under **COMAR 13A.08.01 General Regulations**. This action was considered at the March 20, 2018, State Board of Education meeting.

Statement of Purpose

The purpose of this action is to prohibit suspension or expulsion of students in prekindergarten, kindergarten, first grade, or second grade, with certain exceptions, per State law.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Walter J. Sallee, Director, Student Services and Strategic Planning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0417 (TTY 410-333-6442), or email to walter.sallee@maryland.gov, or fax to 410-333-0880. Comments will be accepted through June 11, 2018. 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 9 a.m., July 24, 2018, at 200 West Baltimore Street, Baltimore, Maryland 21201.

.11 Disciplinary Action.

A. (text unchanged)

B. Terms Defined. In this regulation, the following terms have the meanings indicated:

(1)—(6) (text unchanged)

(7) “Public prekindergarten program” means:

(a) Any publicly funded prekindergarten program established under Education Article, §7-101.1, Annotated Code of Maryland; or

(b) Any qualified vendor of prekindergarten services as defined in Education Article, §7-101.2, Annotated Code of Maryland.

(8) “Restorative practices” means practices conducted in a whole-school ethos or culture that supports peacemaking and solves conflict by building a community and addressing harm in a school setting and that:

(a) Are conducted by trained staff;

(b) Focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and

(c) Help build a sense of belonging, safety, and social responsibility in the school community.

[(7)] (9)—[(8)] (10) (text unchanged)

C. Suspension and Expulsion.

(1) Prohibition.

(a) Except as provided in §C(1)(b) of this regulation, a student enrolled in a public prekindergarten program, kindergarten, first grade, or second grade may not be suspended or expelled from school.

(b) A student described under §C(1)(a) of this regulation may only be:

(i) Expelled from school if required by federal law; or

(ii) Suspended for not more than 5 school days per incident if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

(c) The principal or school administration shall promptly contact the parent or guardian of a student suspended or expelled under §C(1)(b) of this regulation.

[(1)] (2) (text unchanged)

[(2)] (3) Suspension for Not More Than 10 Days.

(a) In accordance with the rules and regulations of the local board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal, *except as provided in §C(1) of this regulation.*

(b)—(e) (text unchanged)

[(3)] (4) Suspension for More than 10 Days or Expulsion.

(a) At the request of a principal, a local superintendent or the designated representative may suspend a student for more than 10 school days or expel the student, *except as provided in §C(1) of this regulation.*

(b)—(l) (text unchanged)

[(4)] (5)—[(8)] (9) (text unchanged)

D.—G. (text unchanged)

H. Intervention and Support.

(1) School personnel shall provide intervention and support to address the student’s behavior if the student is:

(a) Suspended under §C(1)(b) of this regulation; or

(b) Enrolled in a public prekindergarten program, kindergarten, first grade, or second grade and:

(i) Is disruptive to the school environment; or

(ii) Commits an act that would be considered an offense subject to suspension but for the student’s grade.

(2) Intervention and support provided under §H(1) of this regulation includes:

(a) Positive behavior interventions and supports;

(b) A behavior intervention plan;

(c) A referral to a student support team;

(d) A referral to an individualized education program team;

and

(e) A referral for appropriate community-based services.

(3) The school system, to the best of its ability, shall remedy the impact of a student’s behavior on school climate through appropriate intervention methods including restorative practices.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

13B.08.19 Institutional Audit Requirements for Educational Excellence Awards

Authority: Education Article, §§11-105(u), 18-204(c), and 18-307, Annotated Code of Maryland

Notice of Proposed Action

[18-127-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—.06 under a new chapter, **COMAR 13B.08.19 Institutional Audit Requirements for Educational Excellence Awards**. This action was considered at a public meeting of the Commission held on December 13, 2017.

Statement of Purpose

The purpose of this action is to adopt new regulations to require institutional audits of financial aid awards made under the Howard P. Rawlings Program of Educational Excellence Awards.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Institutions of higher education will audit their performance in awarding Educational Excellence Awards. This will result in costs to the institution, but may result in savings to the State due to the return to the State of any improperly granted awards.

Revenue (R+/R-)

Expenditure

II. Types of Economic Impact. (E+/E-)

Magnitude

A. On issuing agency:

Return of improperly granted
awards (R+)

Unknown

- B. On other State agencies: NONE
C. On local governments: NONE

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Cost of audits	(-)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. The audits will result in the return of any improperly granted awards to the State.

D. The institutions will incur costs in performing audits.

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 Donna Thomas, Director, Office of Student Financial Assistance, Maryland Higher Education Commission, 6 N. Liberty St, Ground Floor, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov. Comments will be accepted through June 25, 2018. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Auditor" means an independent certified public accountant.

(2) "Commission" means the Maryland Higher Education Commission.

(3) "EEA Program" means the Howard P. Rawlings Educational Excellence Awards Program under Education Article, §§18-301 — 18-310, Annotated Code of Maryland.

(4) "OSFA" means the Office of Student Financial Assistance within the Commission.

(5) "Secretary" means the Secretary of Higher Education for the State of Maryland.

.02 Scope and Purpose.

A. This chapter applies to financial aid awards under the EEA Program.

B. The purpose of this chapter is to provide for the independent audit of awards made under the EEA Program.

.03 Performance of Audit Review.

A. Beginning in fiscal year 2019, each institution of higher education that enrolls students who participate in the EEA Program shall procure annually an independent audit of the institution's implementation of the EEA Program.

B. The institution shall submit each audit to the Commission in accordance with Regulation .04 of this chapter.

.04 Audit Requirements.

A. The audit required by Regulation .03 of this chapter shall be conducted in accordance with the standards of the American Institute of Certified Public Accountants, and in compliance with generally accepted auditing standards.

B. The audit shall determine whether and to what extent the institution has complied with the statutory and regulatory requirements of the EEA Program during the fiscal year.

C. In determining EEA Program compliance under §B of this regulation, the audit shall assess the following factors as they relate to the EEA Program:

(1) Compliance with federal regulations of institutional policies and procedures regarding satisfactory academic progress (SAP), housing, and Title IV financial aid verification requirements;

(2) Compliance with State residency requirements;

(3) Compliance with the institution's enrollment and credit completion requirements;

(4) Accuracy of award eligibility determination performed by the institution;

(5) Adequacy of reporting by the institution to the Office in the Institutional Student Information Record;

(6) Estimation of State awards disbursed by the institution; and

(7) Verification of completed and signed Maryland College Aid Processing System (MDCAPS) Individual User Agreements.

D. The audit report shall provide:

(1) Detail of discrepancies and the nature of noncompliant student records identified during review;

(2) Recommendations provided to the institution to resolve findings; and

(3) The total amount of award payments that were made improperly by the institution.

E. The auditor shall issue a management letter to the institution, which shall contain a listing of all material weaknesses in the institution's system of internal controls.

F. By June 1 of each year, a copy of the audit, the management letter, and the institution's response to each item in the management letter shall be filed with the Commission.

G. The Commission may request additional information from the auditor or from the institution.

H. Noncompliance with the auditor's recommendations shall be noted in future management letters and may result in payment remittance required of the institution as determined by the Commission.

.05 Extensions of Time.

A. A written request for an extension of time to file the required reports and the management letter shall be received by the Commission no later than 30 days before the original due date as noted in Regulation .04 of this chapter.

B. A request for a reasonable extension of time may be granted by the Secretary if:

(1) Detailed reasons are stated that indicate why the reporting deadline cannot be met;

(2) The request indicates the estimated date the audit will be completed and the report filed; and

(3) The request is signed by the president of the college.

.06 Payment Remittance.

A. The Commission shall require an institution to return to the Commission any overpayments of EEA Program funds that were not awarded and paid consistent with statute and regulation.

B. Except as provided in §C of this regulation, the institution may elect to remit payment to the Commission in one of the following ways:

(1) A check payable to the Maryland Higher Education Commission;

- (2) *Electronic Funds Transfer (EFT)*; or
 (3) *Deduction from the initial payment from the Commission to the institution in the subsequent award year.*

C. If the return of funds relates to the Campus Based EEA Program, then the institution shall return the funds to the Commission by check.

D. The Commission may discontinue an institution's eligibility to participate in the EEA Program if the institution fails to return funds pursuant to §A of this regulation within the time frame specified by the Commission.

JAMES D. FIELDER, JR., Ph.D.
 Secretary of Higher Education

Title 21 STATE PROCUREMENT REGULATIONS

Subtitle 10 ADMINISTRATIVE AND CIVIL REMEDIES

Notice of Proposed Action [18-126-P]

The Board of Public Works proposes to:

- (1) Amend Regulation .02 under **COMAR 21.10.02 Protests**; and
 (2) Repeal Regulations .01—.03 under **COMAR 21.10.03 Bid Protests Concerning Architectural Services and Engineering Services Contracts**.

This action was considered at a Board of Public Works meeting held on March 28, 2018.

Statement of Purpose

The purpose of this action is to align the regulations with changes to the State Procurement Law requiring protests of architectural or engineering services procurements to be processed in the same manner as protests of procurement contracts generally. The Procurement Advisor, the Departments of General Services and Transportation, and the Maryland State Board of Contract Appeals concur with this recommendation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Gabriel Gnall, Procurement Advisor, Board of Public Works, 80 Calvert Street, Room 117, or call 410-260-7335, or email to gabriel.gnall@maryland.gov, or fax to 410-974-5240. Comments will be accepted through June 11, 2018. A public hearing has not been scheduled.

21.10.02 Protests

Authority: State Finance and Procurement Article, §§12-101 and 15-201—15-223, Annotated Code of Maryland

.02 Filing of Protest.

A. (text unchanged)

A-1. An interested party may not protest:

[(1) A contract for architectural services or engineering services;]

[(2)] (1) — [(3)] (2) (test unchanged)

A-2. — C. (text unchanged)

SHEILA McDONALD
 Executive Secretary

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS

31.03.06 Surplus Lines

Authority: Insurance Article, §§2-109, 3-304, 3-306, 3-307, 3-311—3-313, 3-316, 3-325(c), 9-301(f), 9-303(5), [9-401(i)(1)] 9-401(j)(2), and 9-405(b), Annotated Code of Maryland

Notice of Proposed Action [18-125-P]

The Insurance Commissioner proposes to amend Regulation .02 under **COMAR 31.03.06 Surplus Lines**.

Statement of Purpose

The purpose of this action is to amend regulations to be consistent with Insurance Article, §3-316, Annotated Code of Maryland, which was updated during a recent legislative session. The update changed the expiration date for surplus lines brokers' certifications of qualification from expiring on June 30 of odd-numbered years to 2 years from issue across the board. In addition, the word license is being replaced with "certificate of qualification", consistent with that statute, and the word licensee is being replaced with "broker", consistent with the Insurance Article sections that deal with "surplus lines brokers".

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020.

Comments will be accepted through June 11, 2018. A public hearing has not been scheduled.

.02 Maryland Surplus Lines Brokers' Licenses.

Before placing any surplus line or otherwise acting as a surplus lines broker, where Maryland is the Home State of the insured, it will be the responsibility of each individual so acting to acquire a valid Maryland surplus lines broker's [license] *certificate of qualification*. The [licensee] broker will be held responsible for securing timely renewals of the [licensee's license] *broker's certification of qualification* in order to place new business and provide a continuity of service to clients for whom the [licensee] broker has previously acted. Each original surplus lines broker's [license] *certificate of qualification* shall be issued for a term expiring [on June 30 of the next odd-numbered year following the date of issuance] *every other year on the date stated on the certificate of qualification* and may be renewed biennially thereafter.

ALFRED W. REDMER, JR.
Insurance Commissioner

Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS

31.03.18 Public Adjusters

Authority: Insurance Article, §§2-109, 2-209, and 10-408, Annotated Code of Maryland

Notice of Proposed Action

[18-123-P]

The Insurance Commissioner proposes to amend Regulations .02 and .03 and adopt new Regulations .04—.16 under COMAR 31.03.18 Public Adjusters.

Statement of Purpose

The purpose of this action is to amend regulations pursuant to Insurance Article, §10-408(i), Annotated Code of Maryland. These changes are being made to detail the process for regulation of continuing education courses for public adjusters. Specifically, the holders of expired licenses seeking reinstatement requirements; the requirements for nonresident public adjusters; the responsibilities of licensed public adjusters; the approval of courses, course coordinators, and instructors; the requirements on providers of courses; the advertising of courses; the prohibited practices; the powers of the Commissioner; and the waiver of continuing education requirements are all laid out.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Director of Regulations, Maryland Insurance Administration, 200 Saint Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregrev.mia@maryland.gov, or fax to 410-468-2020.

Comments will be accepted through June 11, 2018. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) "*Course completion date*" means the date when a student has submitted all necessary information to the education provider and, when applicable, successfully met the course attendance requirements or passed the final examination, or both.

(4) "*Course completion roster*" means a listing of candidates who have completed a continuing education course, provided in a format determined by the Commissioner, which includes the following:

(a) The course name, the designated course number, and the course completion date;

(b) The provider's identification number;

(c) The instructor's license number, if applicable; and

(d) For each student who completes the course:

(i) The student's name;

(ii) The student's national producer number or the student's license number, or both; and

(iii) The number of hours of continuing education earned by the student.

(5) "*Course coordinator*" means an individual who is responsible for organizing a continuing education course, getting it approved by the Insurance Commissioner, and supervising the administration of the course after its approval.

(6) "*Expiration date*" means the date the license expires as stated on the license.

(7) "*Hours of continuing education*" means 50 minutes of work in a course that has been approved by the Commissioner to receive continuing education credit.

(8) "*Instructor*" means a subject matter expert, approved by the Commissioner, presenting course activities or information in a course approved by the Commissioner.

[(3)] (9)—[(4)] (10) (text unchanged)

(11) "*Provider*" means an entity that has been approved by the Commissioner to offer continuing education courses to licensed insurance producers in the State.

[(5)] (12)—[(6)] (13) (text unchanged)

(14) "*Renewal year*" means the 12-month period from January 1 until December 31 in which a license renewal occurs.

(15) "*Self-study course*" means a course that is not presented in a classroom, is not delivered in person, and does not require interaction with an instructor.

(16) "*Successfully complete*" means to complete and meet all requirements of an approved course for which a valid certificate of course completion has been issued.

(17) "*Teleconference*" means the live exchange of information among several persons who are separately located but linked by audio or video, or both, that provides for opportunities for interactions between student and instructor.

.03 General Continuing Education Requirements.

A.—C. (text unchanged)

D. *Course of Continuing Education—Passing Scores.* Passing scores received on or after the expiration date for the public adjuster's license shall result in hours of continuing education that may be used for the next renewal period.

E. A course instructor shall earn 1-1/2 hours of continuing education for each approved hour of instruction of an approved course.

F. A public adjuster or a course instructor may not earn hours of continuing education for attending or instructing a subsequent offering of the same course in the same renewal period.

.04 Holders of Expired Licenses Who Seek Reinstatement.

A. The holder of an expired license who seeks reinstatement of the license under Insurance Article, §10-408.1, Annotated Code of Maryland, shall fulfill the continuing education requirements for the renewal period that concluded on the day before the immediately preceding expiration date of the licensed public adjuster's license in order to qualify for reinstatement.

B. A licensed public adjuster who does not have sufficient hours of continuing education on the day before the most recent expiration date of the license will have all hours of continuing education earned on or after the expiration date credited toward the requirement for the renewal period that concluded on the day before the license expired.

.05 Nonresident Licensed Public Adjusters.

A. A nonresident licensed public adjuster whose state or residence has a continuing education requirement shall fulfill all of the requirements of the state of residence, and the continuing education requirements of Maryland may not be applicable to the licensed public adjuster.

B. A nonresident licensed public adjuster whose state of residence does not have a continuing education requirement shall fulfill Maryland continuing education requirements, which may be fulfilled entirely through correspondence courses.

.06 Licensed Public Adjuster Responsibilities.

A. A licensed public adjuster shall:

(1) Maintain a record of the certificate of course completion received for 4 years following the date that the course was completed; and

(2) Upon request, submit with the renewal application each certification of course completion needed to fulfill the licensed public adjuster's hours of continuing education for the renewal period.

B. Under Insurance Article, §10-410, Annotated Code of Maryland, the Commissioner may suspend or revoke a license if a licensed public adjuster is found to have knowingly:

(1) Falsified a certification of course completion; or

(2) Submitted a falsified certification of course completion.

.07 Approval of Courses.

A. A continuing education course shall be submitted to the Commissioner for approval. The Commissioner may approve a course only if the course imparts substantive and procedural knowledge relating to the insurance field.

B. The Commissioner may not approve a course covering any of the following subject areas:

(1) A course in office or business skills, including typing, speed reading, or the use of computers, calculators, or other machines or equipment;

(2) A course in office management, client relations, or other matters aimed at improving the operating of the person's business; or

(3) A course in salesmanship or product promotion, stress management, time management, psychology, motivation, or written or oral communications.

C. Except for a self-study course, a course submitted to the Commissioner for approval does not need to require a textbook or an examination in order to receive approval.

D. The Commissioner shall assign to each approved course:

(1) The number of hours of continuing education that an individual taking the course may receive for successful completion of the course;

(2) A designated course number that is provided on all certificates of course completion, all correspondence relating to the course, and on all forms filed with the Commissioner relating to the course;

(3) A designation of "Public Adjuster", "Property/Casualty" or "Ethics"; and

(4) A course expiration date.

.08 Submission of Courses for Approval.

A. A provider shall submit to the Commissioner:

(1) A fully completed course approval package consisting of the following forms provided by the Commissioner:

(a) Request for approval of continuing education course;

(b) Course coordinator information;

(c) Course instructor information and approval form;

(d) Certificate of course completion; and

(e) Checklist of items that must accompany the course approval package;

(2) A statement of the educational objectives;

(3) A full and detailed description of the course content including the amount of time allotted to each subject covered by the course on an hour-by-hour basis;

(4) All course materials, including textbooks, written materials in place of textbooks, course syllabus, policy forms, and any other items used by the instructor;

(5) Promotional materials; and

(6) A statement of the refund policy, which shall include:

(a) Full refund of course fees due to cancellation by the sponsor; and

(b) The refund policy when the licensed insurance producer:

(i) Withdraws from the course before commencement;

and

(ii) Fails to complete the course after it has commenced.

B. The provider shall submit a course approval package to the Commissioner as follows:

(1) A course previously approved in another state or jurisdiction that has adopted the "NAIC Uniform Declaration Regarding Continuing Education Reciprocity Course Approval Guidelines" shall be submitted using the NAIC Uniform Continuing Education Reciprocity Course Filing Form at least 30 days before the first date on which the course is to be taught; or

(2) A course that has not been previously approved in a state that has adopted the "NAIC Uniform Declaration Regarding Continuing Education Reciprocity Course Approval Guidelines" shall be submitted at least 45 days before the first date on which the course is to be taught.

C. The Commissioner shall notify the provider in writing of a course approval and the period of time of the approval, which shall be from the date of the approval until the second anniversary of the date the course was approved.

D. A provider may offer only a course approved by the Commissioner.

.09 Submission of Courses for Renewal.

A. At least 90 days prior to the expiration of a course's approval, the Commissioner shall mail to the provider of the approved course a notice that states:

(1) The course name, the course content code, the course number, and the date on which the course approval expires;

(2) The date by which the Commissioner must receive the request to renew; and

(3) The fee charged for reviewing continuing education courses submitted for renewal.

B. In order to renew a course, a provider shall comply with the provisions of Regulation .08 of this chapter.

.10 Providers.

A. A provider shall:

- (1) Comply with this chapter for each of the provider's approved courses;
- (2) Use in all communication with the Commissioner or the Commissioner's designee the provider identification number assigned by the Commissioner;
- (3) Use a course coordinator who meets the qualifications specified in Regulation .11 of this chapter;
- (4) Use an approved instructor; and
- (5) Notify the Commissioner of the replacement of a course coordinator.

B. A provider who is an insurer authorized to do business in Maryland may not require an appointed insurance producer to obtain hours of continuing education by attending an approved course that the insurer is providing.

C. Within 15 days of the completion of a course, the provider shall submit a course completion roster to the Commissioner or the Commissioner's designee in an electronic format specified by the Commissioner.

.11 Course Coordinators.

A. The provider shall ensure that each approved continuing education course has at least one course coordinator who is responsible for:

- (1) Supervising the administration of the course; and
- (2) Compliance with this chapter.

B. A course coordinator shall possess one or more of the following qualifications:

- (1) A minimum of 5 years experience as an actively licensed public adjuster;
- (2) A minimum of 3 years experience as an administrator of an education program;
- (3) A degree in education and at least 2 years experience as a licensed public adjuster; or
- (4) Full-time employment in the insurance education field as a coordinator with at least 6 months experience.

C. A course coordinator shall:

- (1) Assure compliance with this chapter;
- (2) Notify the Commissioner of:
 - (a) Any change in the instructor for an approved course;
 - (b) The date, time, and location of a course offering and the name of the instructor not less than 14 calendar days in advance of the date that the course offering is scheduled to begin; and
 - (c) The cancellation of a course offering as soon as reasonably possible;
- (3) Assure that students are provided with current and accurate information;
- (4) Create an accurate record of student attendance and successful course completion for each offering of an approved course;
- (5) Supervise and evaluate courses and instructors;
- (6) Investigate complaints relating to course offerings and instructors;
- (7) Maintain accurate records relating to course offerings, instructors, student attendance, and student course completion for a minimum of 4 years following the date of the course offering; and
- (8) Within 15 days of the student's completion of the course, provide each student with a certificate of course completion on a form approved by the Commissioner.

.12 Instructors.

A. The provider shall ensure that each continuing education course approved by the Commissioner is taught by an instructor who has been approved by the Commissioner as meeting the qualifications specified in this chapter.

B. The provider shall submit to the Commissioner a course instructor information and approval form for each instructor of an approved course.

C. An instructor shall possess one or more of the following qualifications:

- (1) A minimum of 2 years experience in the subject matter being taught;
- (2) A degree in the subject matter being taught; or
- (3) A minimum of 2 years recent experiences as a licensed public adjuster and a minimum of 6 months practical experience in the subject matter being taught.

D. The Commissioner may not approve as an instructor a licensed public adjuster:

- (1) Who has been fined; or
- (2) Whose license has been suspended or revoked.

E. An instructor shall:

- (1) Comply with the requirements of this chapter; and
- (2) Provide students with:
 - (a) Current and accurate information on the subject matter of the course; and
 - (b) A course syllabus that shall contain at least the following information:
 - (i) Course title and designated course number assigned by the Commissioner;
 - (ii) Times and dates of the course offering;
 - (iii) Names, addresses, and telephone numbers of each course coordinator; and
 - (iv) Detailed outline of the subject matter of the course.

F. The Commissioner may revoke the approval of any course that is not taught by an approved instructor.

.13 Advertising of Approved Courses.

A. Except as provided in §D of this regulation, a provider may not advertise or distribute promotional materials unless the course has been approved by the Commissioner.

B. Advertisements and promotional materials may not be deceptive or misleading and shall, at a minimum, clearly identify the number of hours of continuing education for which a course has been approved and the fee for taking the course.

C. A provider of an approved course who advertises or promotes a course that has not been approved or a course that is not eligible for approval shall prominently state that no hours of continuing education can be earned by taking the course.

D. A provider may request, in writing, permission to advertise a course before approval is obtained from the Commissioner by submitting:

- (1) A letter specifically requesting permission to advertise the course before approval is obtained; and
- (2) With the course approval package, all advertisements or promotional materials that will be used before approval and which shall prominently include the words "approval from the Insurance Administration pending".

E. The Commissioner shall issue the provider a written response either granting or denying the provider's request for course approval. The provider may not advertise the course until the Commissioner has granted the request.

.14 Prohibited Practices.

The following practices by a provider, course coordinator, or instructor are prohibited:

A. Offering or teaching a course that is not approved or that is not in substantial conformity with the course completion package submitted to and approved by the Commissioner;

B. Promoting a particular public adjuster, insurance agency or insurance company or products of the agency or company; and

C. Requiring, as a condition of receiving a certificate of course completion, that students participate in other programs or services offered by the provider, course coordinator, or instructor.

.15 Powers of the Commissioner.

A. The Commissioner, or the Commissioner's designee, may audit all course offerings with or without notice to the provider, course coordinator, or instructor of the course.

B. The Commissioner may suspend or revoke the approval of a course for any of the following violations of this chapter:

(1) Failure of the instructor to follow the approved course content;

(2) Failure to use a course coordinator meeting the qualifications specified in this chapter;

(3) Failure to use an approved instructor;

(4) Failure to notify the Commissioner of the date, time, location, and instructor of a course offering in accordance with Regulation .11C(2)(b) of this chapter; or

(5) Failure to submit a course completion roster in accordance with Regulation .10C of this chapter.

C. The Commissioner may suspend or revoke all approved courses of a particular provider for a violation of this chapter or refuse to approve a course submitted by a specific provider if the Commissioner determines that a past course offering by that provider was not in compliance with this chapter.

D. The Commissioner may suspend or revoke the approval of any instructor, course coordinator, or course provider who fails to comply with this chapter.

.16 Waiver of the Continuing Education Requirement.

A. Subject to §B of this regulation, the continuing education requirements may be waived for a licensed insurance producer who:

(1) Submits a written request for a waiver; and

(2) Is determined by the Commissioner, in the Commissioner's discretion, to warrant a waiver.

B. A waiver request shall be accompanied by supporting documentation.

ALFRED W. REDMER, JR.
Insurance Commissioner

Subtitle 08 PROPERTY AND CASUALTY INSURANCE

31.08.15 Underwriting Period

Authority: Insurance Article, [§§2-109(a)(1) and 12-106(a)—(d), and (f)(1) and (2)] §§2-109, 11-205, 11-306, 12-106, and 19-406, Annotated Code of Maryland

Notice of Proposed Action

[18-122-P]

The Maryland Insurance Commissioner proposes to amend Regulations .04 and .05 under **COMAR 31.08.15 Underwriting Period**.

Statement of Purpose

The purpose of this action is to amend COMAR 31.08.15.04 to add examples of acceptable reasons for the increase or reduction in the premium, to specify what must be included in an insurer's form if an insurer utilizes a form other than the one contained in COMAR 31.08.15.05, and to update the mailing notice requirements. This action also updates the form contained in COMAR 31.08.15.05.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, or call 410-468-2007, or email to insurancereview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through June 11, 2018. A public hearing has not been scheduled.

.04 Discovery of Material Risk Factor During Underwriting Period.

A. — B. (text unchanged)

C. Reason for Increase or Reduction in Premium.

(1) In stating the [reason] *reasons* for the increase or reduction in the premium, the insurer shall:

(a) Identify] *identify* each material risk factor that was discovered during the 45-day underwriting period[;] and,

(b) With respect to] *for* each material risk factor, [explain with specificity] *provide an explanation* why the material risk factor required the premium to be recalculated in language that is reasonably understandable to the average policyholder.

(2) *Examples of acceptable reasons required by §C(1) of this regulation include, but are not limited to:*

(a) *Premium recalculated due to [NAME OF DRIVER] moving violation on [DATE OF EVENT];*

(b) *Safe driver discount removed due to [NAME OF DRIVER] at fault loss on [DATE OF EVENT];*

(c) *[NAME OF DRIVER] was not listed on the application. Policy must be re-rated or signed driver exclusion must be completed;*

(d) *Applicant does not currently have an automobile policy with the Company, Multi Policy Discount removed;*

(e) *Policy was issued without the auto/home discount; or*

(f) *Premium recalculated due to lack of a central alarm system.*

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

D. Form of Notice.

(1) (text unchanged)

(2) *If an insurer utilizes a form other than the one contained in Regulation .05 of this chapter, the form shall:*

(a) *Include a statement that the insured may contact the insurer or, if applicable, the insured's insurance producer for additional information concerning the reason for the insurer's action and how the action affected the premium charged; and*

(b) *Provide the telephone number for the insurer that the insured may use to obtain additional information about the insurer's action, or, in lieu of the insurer's contact information, provide the telephone number for the insured's insurance producer.*

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

E. Delivery of Notice.

(1) An insurer that is required to provide a written notice under §B of this regulation shall send the notice to the policyholder not later than the end of the 45-day underwriting period by:

(a) [Certificate of mailing] *First-class mail tracking method;* or

(b) (text unchanged)

(2) (text unchanged)

.05 Notice of Recalculated Premium Form.

NOTE: The amended version of this form appears at the end of the Notice of Proposed Action section of this issue of the Maryland Register.

ALFRED W. REDMER, JR.
Insurance Commissioner

Subtitle 10 HEALTH INSURANCE — GENERAL

31.10.18 Denials of Coverage Based on Medical Necessity

Authority: Insurance Article, §2-109 and Title 15, Subtitle 10A, Annotated Code of Maryland

Notice of Proposed Action

[18-121-P]

The Insurance Commissioner proposes to amend Regulations .05 and .11 under **COMAR 31.10.18 Denials of Coverage Based on Medical Necessity**.

Statement of Purpose

The purpose of this action is to amend the standards for an emergency case for which an expedited review of a grievance is required and to amend the standards to demonstrate a compelling reason to file a complaint without first exhausting the carrier's internal grievance process.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The cost to the agency may increase slightly as consumers can file a complaint with the Maryland Insurance Administration before going through the insurance company's internal grievance process first, which may result in more complaints that the Administration must review.

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

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

A. The cost to the agency may increase slightly as consumers can

file a complaint with the Maryland Insurance Administration before going through the insurance company's internal grievance process first, which may result in more complaints that the Administration must review

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700 Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through June 11, 2018. A public hearing has not been scheduled.

.05 Procedures for Emergency Cases.

A. An expedited review of an adverse decision in accordance with this regulation is required if the:

(1) (text unchanged)

(2) Services are necessary to treat a condition or illness that, without immediate medical attention, would:

(a) Seriously jeopardize the life or health of the member of the member's ability to regain maximum functions[, or];

(b) Cause the member to be in danger to self or others[.]; or

(c) Cause the member to continue using intoxicating substances in an imminently dangerous manner.

B. (text unchanged)

.11 Demonstration of Compelling Reason to File Complaint.

A. A member, a member's representative, or a health care provider on behalf of a member may file a complaint without first exhausting the internal grievance process of a carrier if the complaint demonstrates to the satisfaction of the Commissioner a compelling reason to do so[.]. A *compelling reason includes* [including a] showing that the potential delay in receipt of a health care service until after the member or health care provider exhausts the internal grievance process and obtains a final decision under the grievance process could result in:

(1) [loss] Loss of life[.];

(2) [serious] Serious impairment to a bodily function[.];

(3) [serious] Serious dysfunction of a bodily organ[, or];

(4) [the] The member remaining seriously mentally ill or using intoxicating substances with symptoms that cause the member to be in danger to self or others[.]; or

(5) The member continuing to experience severe withdrawal symptoms.

B. A member is considered to be in danger to self or others if the member is unable to function in activities of daily living or care for self without imminent dangerous consequences.

[B.] C. (text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner

Subtitle 10 HEALTH INSURANCE — GENERAL

Notice of Proposed Action

[18-124-P]

The Insurance Commissioner proposes to amend:

- (1) Regulations .01 and .03 under **COMAR 31.10.20 Certification of HMO Medical Directors**; and
- (2) Regulations .01 and .02 under **COMAR 31.10.21 Private Review Agents**.

Statement of Purpose

The purpose of this action is to amend regulations to address an issue regarding the Maryland Insurance Administration not being able to reach Medical Directors and Private Review Agents when the agency has inquiries of them.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through June 11, 2018. A public hearing has not been scheduled.

31.10.20 Certification of HMO Medical Directors

Authority: Insurance Article, §§2-109 and 15-10C-02, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (4) (text unchanged)

(5) “Contact information” means an individual’s name, job title and department, address, telephone number, facsimile number, and email address.

[(6)] (7) — [(10)] (11) (text unchanged)

.03 [Application for] Certification.

A. — D. (text unchanged)

E. A medical director shall submit to the Commissioner the contact information of one person who will be available to respond to inquiries from the Maryland Insurance Administration. If the contact information for the designated person changes, the medical director shall:

(1) Notify the Commissioner in writing within 30 days; and

(2) Provide new contact information.

[E.] F. — [F.] G. (text unchanged)

31.10.21 Private Review Agents

Authority: Insurance Article, §§2-109(a)(1) and 15-10B-03(h), Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (7) (text unchanged)

(8) “Contact information” means an individual’s name, job title and department, address, telephone number, facsimile number, and email address.

[(8)] (9) — [(21)] (22) (text unchanged)

.02 [Application for] Certification.

A. (text unchanged)

B. A private review agent shall submit to the Commissioner the contact information of one person who will be available to respond to inquiries from the Maryland Insurance Administration. If the contact information for the designated person changes, the private review agent shall:

(1) Notify the Commissioner in writing within 30 days; and

(2) Provide new contact information.

[B.] C. (text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner

Insurer's Name
NOTICE OF RECALCULATED PREMIUM

Date of Notice:
Insured's Name
Insured's Address

Producer's Name (if Applicable)
Insurer/Producer's T/P Number

RE: Policy Number:
Effective Date:

Dear **[INSURED'S NAME]**:

Thank you for choosing **[NAME OF INSURER]** to provide your **[LINE OF INSURANCE BUSINESS]** policy.

Your binder or policy is subject to a 45-day underwriting period beginning on the effective date of coverage. In accordance with § 12-106 of the Insurance Article, Annotated Code of Maryland if **[NAME OF INSURER]** discovers a material risk factor during the underwriting period, the company may recalculate your premium from the effective date of the policy.

While reviewing your binder or policy, we discovered the following material risk factor or factors that resulted in a premium change:

[IDENTIFY THE MATERIAL RISK FACTOR AND PROVIDE AN EXPLANATION OF WHY THE MATERIAL RISK FACTOR CAUSED THE COMPANY TO RECALCULATE THE PREMIUM IN LANGUAGE THAT IS REASONABLY UNDERSTANDABLE TO THE AVERAGE POLICYHOLDER.]

[REPEAT FOR EACH MATERIAL RISK FACTOR DISCOVERED DURING THE UNDERWRITING PERIOD.]

As a result, the premium on the policy was recalculated and has **[INCREASED OR DECREASED]**.

The initial, quoted premium amount was – **[\$CURRENT PREMIUM]**.

The new premium amount is – **[\$NEW PREMIUM]**.

[OPTIONAL: If an additional premium amount is due, **[EXPLAIN HOW THE INSURED WILL BE BILLED]**. If your premium amount has decreased, **[EXPLAIN HOW THE PREMIUM WILL BE CREDITED OR REFUNDED]**.

By law, **[NAME OF INSURER]** must also inform you of your right to terminate the policy and receive a pro-rata refund of any premium paid by notifying us of the termination. For additional information regarding the reason for this action and how it affected your policy's premium or to terminate the policy, please contact **[NAME OF COMPANY OR PRODUCER, (IF APPLICABLE)]** at the contact information printed above.

Sincerely,
[NAME OF AUTHORIZED COMPANY REPRESENTATIVE]

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Special Documents

DEPARTMENT OF THE ENVIRONMENT

CLEAN WATER ACT SECTION 401 CERTIFICATION FOR THE CONOWINGO HYDROELECTRIC PROJECT

FERC Project No. P-405 / MDE WSA Application No. 17-WQC-02

Certification Issued To:
Exelon Generation Company, LLC
300 Exelon Way
Kennett Square, PA 19348

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Attachments:

1. MDE Fish Passage Improvement Plan
 - Appendix A – Calculation of Fishway Capacity for a 6,500 Gallon Hopper
 - Appendix B – Calculating Trap and Transport Credit
 - Appendix C – Trap and Transport Mortality Study
 - Appendix D – Upstream and Downstream Migration Periods for Certain Species
 - Appendix E – Diagram of Fish Passage Definitions
2. MDE Eel Passage Improvement Plan
3. MDE Invasive Species Mitigation Plan
4. Minimum Flow Regime
5. Year 10 Flow Regime

1. Authority

This Certification is issued to Exelon Generation Company, LLC (the “Licensee”) by the Maryland Department of the Environment (“MDE” or the “Department”) pursuant to Section 401 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1341 et seq. (the “Clean Water Act”), Title 9, Subtitle 3 of the Environment Article, and Section 26.08.02 of the Code of Maryland Regulations (“COMAR”), with respect to the Conowingo Hydroelectric Project, FERC Project Number P-405 (the “Project”).

2. Definitions and Administrative Provisions

A. Definitions

In addition to terms defined elsewhere in this Certification, the following terms have the following meaning when used in this Certification and the Attachments hereto:

“Application” means that certain Application for a Maryland Water Quality Certificate for the Conowingo Hydroelectric Project submitted to the Department by the Licensee with respect to the Project on May 17, 2017, as amended, supplement, or modified.

“Authorization” means any applicable license, permit, approval, consent, exemption or authorization from a federal, State or local governmental authority.

“Bay” means the Chesapeake Bay and its tidal tributaries.

“cfs” means cubic feet per second.

“CPI” means the Consumer Price Index for All Urban Consumers (CPI-U; U.S. City Average; all items, not seasonally adjusted; 1982-84=100 reference base) published from time to time by the U.S. Bureau of Labor Statistics.

“Dam” means the Conowingo Dam, as described in Section 1.1 of the FERC Application.

“DNR” means the Maryland Department of Natural Resources.

“DO” means dissolved oxygen.

“DO Non-Attainment Area” means the portion of the Bay consisting of Chesapeake Bay segments CB4MH (Middle Central Chesapeake Bay Mesohaline deep water and deep channel) and the Maryland portion of CB5MH (Lower Central Chesapeake Bay Mesohaline deep water).

“DOI” means the United States Department of the Interior.

“EAV” means emergent aquatic vegetation.

“Eel” means American eel (*Anguilla rostrata*).

“East Fish Lift” or “EFL” means the east fish lift at the Project.

“Environment Article” means the Environment Article of the Annotated Code of Maryland.

“FERC” means the Federal Energy Regulatory Commission.

“FERC Application” means that certain Application for New License for Major Water Power Project-Existing Dam submitted to FERC by the Licensee with respect to the Project on or about August 9, 2012, as amended, supplemented, or modified.

“Herring” means, interchangeably and collectively, alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*). “Holtwood” means the Holtwood Hydroelectric Project, FERC Project Number 1881.

“Laws” means applicable laws, statutes, regulations, rules, administrative orders, and judicial orders.

“Lower River” means the River from the Dam to its confluence with the Bay.

“Marietta Gage” means the water stage gage located on the River approximately one mile downstream of Marietta, Pennsylvania, USGS station #01576000.

“MDE-AEPIP” means the MDE American Eel Passage Improvement Plan set forth in Attachment #2 to this Certification, which is incorporated herein by reference.

“MDE-FPIP” means the MDE Fish Passage Improvement Plan, set forth in Attachment #1 to this Certification, which is incorporated herein by reference.

“MDE-ISMIP” means the MDE Invasive Species Mitigation Plan, set forth in Attachment #3 to this Certification, which is incorporated herein by reference.

“Minimum Flow Regime” means the operational flow requirements set forth in Attachment #4 to this Certification, which is incorporated herein by reference.

“Muddy Run” means the Muddy Run Pumped Storage Project, FERC Project Number 2355.

“New License” means the license for the Project to be issued by FERC.

“NMFS” means the National Marine Fisheries Service.

“Peach Bottom” means the Peach Bottom Atomic Power Station.

“PCBs” means polychlorinated biphenyls.

“ppt” means parts per thousand.

“Reservoir” means the water impounded by the Dam, which is sometimes referred to as the Conowingo Pond or Conowingo Pool.

“River” means the Susquehanna River.

“Safe Harbor” means the Safe Harbor Hydroelectric Project, FERC Project Number 1025.

“SAV” means submerged aquatic vegetation.

“Secretary” means the Secretary of the Environment of the State of Maryland, and any successor thereto.

“Shad” means American shad (*Alosa sapidissima*).

“Shoreline Management Plan” or “SMP” means the Licensee’s Shoreline Management Plan dated August 2012, included the Application and in Volume 3 of the FERC Application, which is incorporated herein by reference.

“Station 643” means DO and temperature monitoring station 643, located approximately 0.6 miles downstream of the Dam, which was established at such location by the Licensee in consultation with DNR.

“Sturgeon” means Atlantic and shortnose sturgeon (*Acipenser brevirostrum*, *Acipenser oxyrinchus oxyrinchus*).

“Tailrace” means the area downstream of the Dam that is in the hydraulic influence of Project operations.

“Tailwaters” means the Tailrace, extending to the downstream tip of Rowland Island.

“Term” means the term of the New License.

“TMDL” means a total maximum daily load for a body of water, pursuant to the Clean Water Act.

“USFWS” means the United States Fish and Wildlife Service.

“West Fish Lift” or “WFL” means the west fish lift at the Project.

“Year 10 Flow Regime” means the operational flow requirements set forth in Attachment #5 to this Certification, which is incorporated herein by reference.

“WQS” means applicable Maryland water quality standards.

B. Construction and Interpretation

All references herein to Sections or Attachments are references to Sections of or Attachments to this Certification, unless otherwise indicated. All Attachments to this Certification are deemed to be incorporated by reference and made a part of this Certification. All documents incorporated by reference into this Certification that are not attached hereto are qualified by the provisions, requirements and conditions of this Certification. Whenever the words “include,” “includes,” or “including” are used in this Certification, they shall be deemed to be followed by the words “without limitation.” Every reference herein to any Law shall be deemed to be a reference to such Law as it may be amended, supplemented, modified, renumbered, or re-codified from time to time. The Table of Contents and Section headings contained in this Certification (including the Attachments hereto and documents incorporated herein by reference) are for convenience only and shall not in any way affect the meaning or interpretation of this Certification. All references herein to temperatures are expressed in degrees Fahrenheit, unless otherwise noted. All references herein to “days” are calendar days unless otherwise noted. All references herein to governmental entities are to such governmental entities and any successor(s) thereto.

C. Plans

Where the Licensee is required by this Certificate (including any Attachment hereto) to submit to MDE for review and approval any plans, reports, or other documents, including the NCAP (defined below), the 643 Monitoring Plan (defined below), the Fish Kill Monitoring Plan (defined below), the Chlorophyll-A Monitoring Plan (defined below), the Chlorophyll-A Reduction Plan (defined below), the SMP Updates (defined below), the Bog Turtle Plan (defined below), the Map Turtle Plan (defined below), the Waterfowl Plan (defined below), the Tailrace Gage Plan (defined below), the Sturgeon Plan (defined below), the HIP Plan (defined below), the Fish Protection Plan (defined below), the FPP Updates (defined below), and the Stranding Minimization Plan (defined below) (each, a “Plan”), the following procedures shall apply, unless otherwise specified in this Certification:

i. MDE may approve any Plan, in whole or in part, or decline to approve it and provide written comments. MDE may also request additional information. The Licensee shall consult with MDE at least thirty (30) days prior to submission of any Plan about the subject matter thereof. To be effective, any approval by MDE hereunder must be provided in writing.

ii. MDE may solicit public comments and may hold, or require the Licensee to hold, one or more public hearings or meetings with respect to any Plan submitted by the Licensee. MDE may consult and share relevant information with, and may require the Licensee to consult and share relevant information with, other governmental entities or third parties having particular expertise in connection with the review, implementation, and/or oversight of any Plan, including DNR, USFWS, NMFS, the Susquehanna River Basin Commission and the Eel Passage Advisory Group. In connection with each proposed Plan, the Licensee shall provide MDE with (a) documentation regarding consultation with other governmental entities and third parties, (b) an explanation of how the proposed Plan addresses comments or recommendations from governmental entities or third parties, and (c) an explanation of why any such comments or recommendations are not addressed in the proposed Plan.

iii. Upon approval by MDE in writing, the Plan is incorporated into this Certification, and Licensee shall comply with such Plan as approved by MDE. Any failure to comply with an approved Plan, including any deadlines set forth therein, shall be deemed noncompliance with this Certification.

iv. In the event of MDE’s disapproval, in whole or in part, of any Plan, MDE shall specify any deficiencies in writing to the Licensee. The Licensee shall correct the deficiencies within thirty (30) days from receipt of disapproval by MDE unless MDE grants an extension, and submit the corrected Plan to MDE for review.

v. If the Licensee takes exception to all or part of MDE’s disapproval of any Plan, the Licensee shall submit a written statement of the grounds for the exception to MDE within fifteen (15) days from receipt of disapproval by MDE. Representatives of MDE and the Licensee may confer in person or by telephone in an attempt to resolve any disagreement. If a resolution is reached, that resolution shall be reduced to writing and signed by representatives of each party. In the event that resolution is not reached within fifteen (15) days, unless MDE grants an extension, the Licensee shall modify the Plan as required by MDE. vi. Each Plan shall include (a) periodic reporting by the Licensee to MDE at such intervals as MDE deems reasonably necessary; and (b) a timeline for implementation of the Plan.

vii. The Licensee shall (a) provide all data and reports, including monitoring results, collected or developed pursuant to any Plan to MDE in electronic format, (b) make all such data and reports publicly available on the Web Portal (defined below), (c) make all Plans publicly available on the Web Portal contemporaneously with submission thereof to MDE, and (d) make all approved Plans publicly available on the Web Portal upon receiving approval thereof from MDE.

viii. To the extent any Plan requires sampling, the number of samples, techniques used to obtain samples, and sampling locations shall be subject to approval by MDE.

3. Certification

The Department hereby certifies that the Project’s operations and discharge into navigable waters will comply with applicable effluent limitations, other limitations, and water quality standards and requirements issued or approved under Sections 301, 302, 303, 306, and 307 of the Clean Water Act or applicable State Law, provided that Licensee complies with all of the provisions, requirements, and conditions in this Certification.

4. Summary Project Description

The Project consists of (1) the Dam, (2) a spillway, (3) the Reservoir, (4) an intake and powerhouse, and (5) the West Fish Lift and the East Fish Lift, all of which are located on the River approximately 10 miles north of the River’s confluence with the Bay.

The West Fish Lift, adjacent to the Dam’s right abutment, is currently operated under an agreement with USFWS for Shad egg production and other research purposes. The newer East Fish Lift, located near the midpoint of the Dam, is used primarily to pass Shad, Herring, and other migratory fish during the March-June migration season. The Project also includes a new Eel passage facility on the west side that began operation in May 2017.

The Reservoir serves as the lower reservoir for Muddy Run. It also serves as the source of cooling water for Peach Bottom and the York Energy Center. The Reservoir is also a public water supply source, with the City of Baltimore and Chester Water Authority (in Pennsylvania) having permitted withdrawals of 250 million gallons per day and 30 million gallons a day, respectively.

The powerhouse is integrated with the Dam. There are 13 turbine-generator units, associated draft tubes, and transformer bays. Water flowing through the turbines is discharged via the draft tubes into the Tailrace.

The Project area includes 15 recreation facilities and public access areas: Lock 13, Lock 15, Muddy Creek Boat Launch, Cold Cabin Boat Launch, Dorsey Park, Line Bridge, Broad Creek Public Landing, Glen Cove Marina, Conowingo Swimming Pool and Visitor's Center, Peach Bottom Marina, Conowingo Creek Boat Launch, Funk's Pond, Conowingo Dam Overlook, Fisherman's Park/Shures Landing, and Octoraro Creek Access.

5. Applicable Maryland Water Quality Standards & Criteria

A. Reservoir

The Reservoir has been designated as a Class I-P water, i.e., the Reservoir is to be used for water contact recreation, habitat for non-tidal warmwater aquatic life, and public water supply. The water quality criteria that are currently applicable to the Reservoir and relevant to this Certification are:

- i. DO of at least 5 mg/L;
- ii. Bacteriological criteria;
- iii. PCBs in fish tissue;
- iv. Chlorophyll-A (10 ug/l 30 day average, 90th percentile not greater than 30 ug/l); v. Turbidity (150 max, 50 average); turbidity levels may not exceed levels detrimental to aquatic life;
- vi. pH (6.5-8.5);
- vii. Temperature (not to exceed 90 degrees); and
- viii. Narrative criterion that prohibits waters from being polluted with any material in amounts sufficient to: (1) be unsightly; (2) produce taste or odor; (3) change the existing color to produce aesthetically objectionable color; (4) create a nuisance; or (5) interfere directly or indirectly with designated uses.

B. Downstream

The discharge from the Project impacts water quality in the River below the Dam and in the Bay. Applicable water quality standards for these waters, including designated uses, relevant to this Certification are as follows:

- i. *The mainstem of River from the Dam to the confluence with the Bay.* This water has been designated as a Class II-P water. This water is to be used for water contact recreation, public water supply, habitat for non tidal warmwater aquatic life, estuarine and marine aquatic life and shellfish harvesting, migratory spawning and nursery, seasonal shallow water submerged aquatic vegetation (SAV), and Open-Water Fish and Shellfish. The water quality criteria which are currently applicable to this water and relevant to this Certification include:
 - a. Narrative criterion that prohibits the water from being polluted with any material in amounts sufficient to: (1) be unsightly; (2) produce taste or odor; (3) change the existing color to produce aesthetically objectionable color; (4) create a nuisance; or (5) interfere directly or indirectly with designated uses; and
 - b. DO criteria for Class II-P waters are the same as Class I-P waters ("the [DO] concentration may not be less than 5 milligrams/liter at any time"), except for the following subcategories applicable in the reach downstream of Dam:
 1. Seasonal and Migratory Fish Spawning and Nursery: From February 1 through May 31, the DO level must be greater than or equal to 6 milligrams/liter (mg/l) for a 7-day averaging period, with an instantaneous minimum requirement of greater than or equal to 5 mg/l. For all other times during the year, the DO levels are as follows: (A) greater than or equal to 5.5 [mg/l] for a 30-day averaging period . . . in tidal fresh waters (salinity less than or equal to 0.5 ppt); (B) greater than or equal to 5 [mg/l] for a 30-day averaging period . . . (salinity greater than 0.5 ppt); (C) greater than or equal to 4.0 [mg/l] for a 7-day averaging period; (D) greater than or equal to 3.2 [mg/l] as an instantaneous minimum; and (E) for protection of the endangered shortnose sturgeon, greater than or equal to 4.3 [mg/l] as an instantaneous minimum at water column temperatures greater than 77 degrees;
 2. Seasonal Shallow-Water SAV: Same as items (A) through (E) in Section 5.B.i.b.1, year-round; and
 3. Open-Water Fish and Shellfish: Same as items (A) through (E) in Section 5.B.i.b.1, year-round;
 - c. Temperature (not to exceed 90 degrees);
 - d. pH: Normal pH values may not be less than 6.5 or greater than 8.5;
 - e. Turbidity may not exceed levels detrimental to aquatic life. With regard to turbidity resulting from any discharge, such turbidity "may not exceed 150 units at any time or 50 units as a monthly average" (measured in Nephelometer Turbidity Units);
 - f. Color in the surface water may not exceed 75 units as a monthly average. Units shall be measured in Platinum Cobalt Units;
 - g. Concentrations of chlorophyll a in free-floating microscopic aquatic plants (algae) may not exceed levels that result in ecologically undesirable consequences that would render tidal waters unsuitable for designated uses; and
 - h. Class II-P waters are subject to MDE's toxic substances criteria for protection of fresh water and freshwater-adapted estuarine aquatic organisms and to protect public water supplies and the

- wholesomeness of fish and shellfish for human consumption (MDE's regulations set forth criteria for some 112 toxic substances, including inorganic substances, organic compounds, polycyclic aromatic hydrocarbons and phthalates, and pesticides and chlorinated compound).
- ii. *The Bay.* The Bay has designated uses of aquatic life, fishing, seasonal migratory fish spawning and nursery, seasonal shallow water SAV uses from April 1 to October 30 to a depth of 1 meter, open-water fish and shellfish uses, seasonal deep-water fish and shellfish, seasonal deep-channel refuge, and narrative criteria that prohibits waters from being polluted by materials or substances which are unsightly, putrescent, odorous, create a nuisance, or interfere directly or indirectly with designated uses. The numeric water quality criteria that are currently applicable and most relevant to this Certification are the DO criteria (and in particular, the DO criteria for the DO Non-Attainment Area), including:
 - a. Seasonal Migratory Fish
 1. From February 1-May 31: DO must be greater than or equal to 6 mg/L for a 7 day averaging period with an instantaneous minimum requirement of greater than or equal to 5 mg/L; and
 2. From June 1-January 31: Same as Open-Water Fish and Shellfish.
 - b. Open-Water Fish and Shellfish:
 1. DO must be greater than or equal to 5.5 mg/L for a 30 day average (salinity less than or equal to 0.5 ppt);
 2. DO must be greater than or equal to 5.0 mg/L for a 30 day average (salinity greater than 0.5 ppt);
 3. DO must be greater than or equal to 4.0 mg/L for a 7 day averaging period and greater than or equal to 3.2 mg/L as an instantaneous minimum; and
 4. For protection of shortnose sturgeon, DO must be greater than or equal to 4.3 mg/L as an instantaneous minimum when water column temperatures exceed 77 degrees.
 - c. Seasonal Shallow-Water SAV: Year-round, same as Open-Water Fish and Shellfish.
 - d. Seasonal Deep Water Fish and Shellfish:
 1. DO must be greater than or equal to 3.0 milligrams/liter for a 30-day averaging period from June 1 through September 30;
 2. DO must be greater than or equal to 2.3 milligrams/liter for a 1-day averaging period from June 1 through September 30;
 3. DO must be greater than or equal to 1.7 milligrams/liter as an instantaneous minimum from June 1 through September 30; and
 4. The open-water fish and shellfish subcategory criteria apply from October 1 to May 31.
 - e. Seasonal Deep Channel Refuge: DO must be greater than or equal to 1.0 milligrams/liter as an instantaneous minimum from June 1 to September 30 except for Bay segments subject to variances.

6. Summary of Findings

In light of all the evidence before the Department, including the Application, comments and testimony received, and all other studies, modeling, and information reviewed during the Application review process, the Department has determined that the Project adversely impacts water quality in the State of Maryland, including but not limited to the following ways:

A. The Project has significantly and adversely impacted biota in the Lower River and the northern Bay over the past 90 years of operation, as a result of: (i) its highly unnatural operational flow regimes; (ii) the Dam serving as a barrier to fish passage upstream; and (iii) the Dam serving as an obstacle to fish passage and coarse-sediment transport for habitat downstream. Aquatic habitat in the Tailrace is adversely affected by daily peaking flows and the elimination of movement of some coarse-grained sediments that are stored in the Reservoir. Daily peaking hydropower operation also results in high velocities and excessive turbulence in water discharged through the Dam, which reduces deposition of any available coarse-grained sediment and affects the amount of Lower River habitat available to species such as Shad, Herring, Sturgeon, Eels, turtles, and freshwater mussels, as well as SAV and macro-invertebrate communities.

B. When initially constructed and for many decades of its initial operation, the Project had no provision for fish to move upstream and did not maintain any minimum level of water flowing downstream. Fish kills occurred downstream and the quantity and quality of suitable habitat for riverine species in the River were adversely impacted. The duration of time before the Project was required to maintain any amount of daily minimum flow downstream throughout the year, and before any working fishlift was constructed to allow fish to move by their own volition upstream, has had significant consequences for the health of the aquatic system from above the Dam to the northern Bay.

C. As currently operated, the Project's peaking flow regime, characterized by drastic daily changes in water depth below the Dam and velocities of discharge over a period of one hour, continues to cause fish kills downstream by stranding fish in shallow pools with insufficient water and subjecting them to increased threat of predation. The flow regime also delays upstream movement of important migratory spawning species such as Shad and Herring, and adversely impacts downstream habitat and the integrity of the downstream aquatic system.

D. Additional provision for fish passage is necessary to assist in the recovery of historic fish populations. Prior to the construction and operation of the Project, species such as Shad and Herring spawned in prime spawning habitat in the River above the current location of the Dam. The River and northern Bay were vibrant and active fisheries for these species. With a healthy aquatic system, millions of Shad and Herring should be passing upstream in the River every year; in 2017, only 15,000 Shad and 65 Herring passed the Dam. Millions of Eel, an important host species for freshwater mussels that filter pollution out of waters, should be present in the Lower River, including areas upstream of the Dam; in 2017, only thousands were collected at the base of the Dam and transported upstream. Consequently freshwater mussel populations have declined dramatically in the system. The River should support tens of millions of freshwater mussels; today, the freshwater mussel population is significantly diminished above and below the Dam such that it is considered unviable.

E. The Reservoir, formed by the construction of the Project, replaced 14 miles of flowing, dynamic River habitat with an impoundment and fundamentally altered aquatic habitat. The Reservoir lacks suitable habitat for freshwater mussels, which has adverse consequences for water quality, as these organisms provide important ecosystem services of filtration and transformation of sediment and nutrient pollution. Reservoir-

adapted fish such as gizzard shad have replaced and continue to threaten populations of riverine species that would typically be dominant. The Reservoir has elevated levels of chlorophyll-A during summer months with increased water temperatures, which impact drinking water supply uses of the water. Elevated PCB levels in fish tissue in fish in the Reservoir and below the Dam impact fish consumption-related uses, and have triggered the development of TMDLs to address these impairments.

F. Invasive fish species, which may be more likely to proliferate in a degraded system, passing the Dam have the potential to suppress native species, alter the food web, and reduce biodiversity. Invasive species including the blue catfish (*Ictalurus furcatus*) and northern snakehead (*Channa argus*) have spread throughout the Bay watershed. Based on information from Licensee, a snakehead or blue catfish has already passed volitionally through a fishlift at the Project in 2017. The blue catfish and snakehead are both top predators in areas where they have become established and would further threaten the ecological balance of the River.

G. Although the Dam has in the past trapped and stored sediment and nutrients and served as a barrier to downstream transport to the Bay, the Reservoir is now full, as no efforts have been undertaken over the life of the Project, such as routine dredging, to maintain any trapping function. As a result, sediments and nutrients move downstream, and during large storm events, significant amounts of trapped sediment and nutrients are scoured from the behind the Dam and discharged downstream. By releasing significant amounts of sediment and nutrients through scouring during storm events, the Dam has altered the nature, timing, and delivery method of these materials with adverse consequences for the Lower River and the Bay. Nutrients discharged as a result of the in-filled state of the Reservoir adversely impact DO levels and thus aquatic life in the DO Non-Attainment Area.

H. In-filling of the Reservoir with sediment increases the velocity of water in the Reservoir, and the altered hydrological dynamics result in unfavorable substrate conditions and a generally sparse invertebrate community in the lower two-thirds of the Reservoir. Increased water velocity also increases bed shear and induces additional scour and movement downstream of sediment and associated nutrients.

I. The Project traps trash and debris behind the Dam, which accumulates over time, threatening recreational uses of the Reservoir and potentially concentrating pollutants, and if not removed regularly is vulnerable to sudden downstream transport during moderate to large storm events. Significant amounts of trash and debris moving downstream in single events creates hazards for recreational uses and blocks water supply intakes downstream.

J. Absent the Dam, there would be 24 miles of open river between the dam at Holtwood and the Bay, and there would be some natural transformation and attenuation of sediment and nutrients, as the River would be better connected to its floodplain and there would be coarse sediment regularly moving downstream. This would support larger SAV beds, and the area downstream of the head of tide (about 5 miles from the mouth of the River) would have a larger delta formed from deposition of sediment carried by the River as its flow enters the slower moving water in the Bay. More coarse sediment, floodplain connection, and SAV would make the River system more resilient, including its ability to attenuate nutrients and minimize damage associated with moderate to large rainfall events.

7. Requirements and Conditions

A. Compliance with WQS, Generally

The Project shall comply with all WQS and other applicable Laws and Authorizations.

B. Fish Passage

i. The Licensee shall implement and comply with all provisions of:

- (a) the MDE-FPIP;
- (b) the MDE-AEPIP; and
- (c) the MDE-ISMP.

ii. The Licensee shall take such actions as may be necessary to permit at least 5,000,000 Shad and at least 12,000,000 Herring that approach the Project to pass the Dam each year during the Term on a schedule to be determined by MDE as the Licensee implements the MDE-FPIP.

iii. Notwithstanding any provision of the MDE-FPIP to the contrary, if the Shad population immediately upstream of York Haven Dam is determined to be less than 150,000 (using a counting methodology approved by MDE) as of December 31, 2039, MDE will reassess the trap and transport crediting aspects of the MDE-FPIP, and MDE will decide, in consultation with DNR and, as MDE deems appropriate, other fisheries experts, whether and how to adjust such crediting. The Licensee shall be bound to apply whatever adjustments that MDE makes at that time to the crediting aspects of the MDE-FPIP from that point forward.

iv. Notwithstanding any provision of the MDE-FPIP to the contrary, if the Shad population immediately upstream of York Haven Dam is determined to be less than 400,000 (using a counting methodology approved by MDE) as of December 31, 2054, MDE will reassess the trap and transport crediting aspects of the MDE-FPIP, and MDE will decide, in consultation with DNR and, as MDE deems appropriate, other fisheries experts, whether and how to adjust such crediting. The Licensee shall be bound to apply whatever adjustments that MDE makes at that time to the crediting aspects of the MDE-FPIP from that point forward.

C. Aquatic Life and Seasonal Migratory Fish - Operational Flow Regime Impacts

i. The Licensee shall operate the Project in accordance with the Minimum Flow Regime beginning on September 1, 2018 and ending on December 31, 2028.

ii. The Licensee shall operate the Project in accordance with the Year 10 Flow Regime starting on January 1, 2029, *provided, however*, if MDE determines, based on Adaptive Management Flow Studies, that modifications to the Year 10 Flow Regime are likely to result in benefits to the aquatic system greater than or equal to the benefits MDE expects if the Year 10 Flow Regime is implemented without such modifications, the Secretary will notify the Licensee of such determination in writing prior to January 1, 2029, in which case the Licensee shall operate the Project in accordance with the Year 10 Flow Regime, modified in accordance with such notice from the Secretary (the “Modified Year 10 Flow Regime”), starting on January 1, 2029.

iii. For purposes of this Section 7.C, “benefits to the aquatic system” includes statistically significant improvement in (a) the percentage of Shad and Herring moving from the Tailrace and being captured in the fishlifts within three days of their entry into the Tailrace; (b) the quality of downstream aquatic life as evidenced by reduction in the number of fish strandings; (c) the quality and abundance of the macroinvertebrate community and freshwater mussel community; and (d) the abundance of SAV within the segment of the River between the Project and the head of tide.

iv. For purposes of this Section 7.C, “Adaptive Management Flow Studies” means scientifically sound studies voluntarily completed by or for the Licensee as described more fully below, subject to independent external scientific peer review and submitted by the Licensee to MDE. For each Adaptive Management Flow Study, the Licensee shall develop a study design, with the objective of testing one or more component parts of the Year 10 Flow Regime to determine whether such component part(s) provide benefits to the aquatic system. The Licensee shall subject the study designs to independent external scientific peer review by at least five qualified and independent scientists with specialties in the appropriate scientific disciplines, and incorporate any consensus recommendations into the study design as a result of that process. The Licensee shall provide to MDE for approval a copy of each final study design with the results of the independent external scientific peer review prior to initiating the Adaptive Management Flow Study. For each Adaptive Management Flow Study, a report containing the data collected and an analysis of results shall be subjected to independent external scientific peer review by at least five qualified and independent scientists with specialties in the appropriate scientific disciplines. Once independent external scientific peer review of the Adaptive Management Flow Study results is completed, the Licensee shall incorporate and/or address any consensus-based comments and provide to MDE the study report and copies of all independent external scientific peer review comments. The study report and the results of independent external scientific peer review shall be submitted to MDE by January 1, 2027, so that MDE has adequate time to review and consider the need for potential changes to the Year 10 Flow Regime.

v. If compliance with the Minimum Flow Regime, the Year 10 Flow Regime, or the Modified Year 10 Flow Regime, as the case may be (each, “Applicable Flow Requirements”), would cause the Licensee, any of its affiliates, or any subsequent owner or operator of Peach Bottom or Muddy Run to violate or breach any Law, Authorization, or agreement with any governmental entity, including the Nuclear Regulatory Commission license for Peach Bottom and any agreement with the City of Baltimore, the Licensee may deviate from the Applicable Flow Requirements to the least degree necessary in order to avoid such violation or breach. In such circumstances, the Licensee shall provide to MDE, within one week of each such deviation, a written report identifying the Law, Authorization, or agreement that necessitated the deviation, describing the actual minimum flows provided during the deviation period, the duration of the actual minimum flows under these circumstances, and any observed adverse impacts to aquatic life (e.g., fish kills, additional observed delays in migratory fish reaching the fishlifts, etc.).

D. Dissolved Oxygen (DO) in the Chesapeake Bay

i. The Licensee shall ensure that Project operations and discharges do not adversely impact DO levels, and consequently aquatic life, in the Bay in any manner that would constitute a violation of WQS including designated and achieved uses.

ii. To ensure the Project’s compliance with DO WQS including designated and achieved uses, beginning with calendar year 2025, the Licensee shall annually reduce the amount of nitrogen included in the Project’s discharges by six million (6,000,000) pounds and the amount of phosphorus in the Project’s discharges by two hundred sixty thousand (260,000) pounds (or such different amounts of phosphorus and nitrogen reductions as may be approved by MDE, provided that such different amounts of nitrogen and phosphorus reductions provide the equivalent protection of DO levels in the DO Non-Attainment Area that would be provided by six million (6,000,000) pounds of nitrogen reductions and two hundred sixty thousand (260,000) pounds of phosphorus reductions) (the “Required Nutrient Reductions”).

iii. If, in a final watershed implementation plan intended to mitigate the water quality impacts of the Reservoir in-fill (the “Conowingo WIP”), one or more of Maryland, the District of Columbia, New York, Delaware, Virginia, West Virginia, and Pennsylvania (each, a “Bay Jurisdiction”) has committed to actions that will result in some portion(s) of the Required Nutrient Reductions being achieved, the Licensee may credit against its Required Nutrient Reduction obligation the nitrogen and/or phosphorus reductions that are actually achieved by the Bay Jurisdictions. To obtain any such credit, the Licensee shall submit a written request therefor, with supporting documentation, to MDE.

iv. The Licensee shall provide to MDE for review and approval, no later than December 31, 2019, a nutrient corrective action plan (the “NCAP”) for achieving the Required Nutrient Reductions and otherwise ensuring that DO levels in the DO Non-Attainment Area are not adversely impacted by Project operations and discharges. The NCAP may propose any combination of corrective action strategies, including:

- (a) Payment of an in-lieu fee annually at \$17.00 per pound of nitrogen and \$270.00 per pound of phosphorus in accordance with payment instructions provided by MDE from time to time; *provided*, that the in-lieu fee amounts of \$17.00 and \$270.00 are deemed effective as of January 1, 2019 and shall be adjusted for inflation on January 1, 2020 and on January 1 of each year thereafter, based on the cumulative change in the CPI;
- (b) Installation of best management practices and/or ecosystem restoration actions (e.g., restoration of buffers, land conservation, stream and wetland restorations, re-forestation, and/or freshwater mussel and oyster restoration); and/or
- (c) Dredging the Reservoir, subject to Licensee obtaining all necessary Authorizations for such dredging.

v. Subject to the other provisions of this Section 7.D.v, the Licensee shall comply with the NCAP as approved by MDE in writing during the Term. If MDE determines during the Term that the Required Nutrient Reductions are, in whole or in part, either not necessary or not sufficient to meet DO criteria in the River and/or the Bay, MDE may re-open this Certification pursuant to Section 7.Q.xvii to reduce, eliminate, or increase the Required Nutrient Reductions. If MDE re-opens this Certification to increase or reduce the Required Nutrient Reductions, the Licensee shall submit a revised NCAP to MDE for approval within 60 days after MDE notifies the Licensee in writing that this Certification is being re-opened.

vi. The Licensee shall develop and submit for MDE review and approval no later than December 31, 2019, a Sediment & Nutrient Monitoring Plan, the purpose of which shall be to: (a) quantify changes in the extent and amount of sediment and nutrients being discharged from the Dam over the Term; (b) understand the impacts of changing sediment and nutrient conditions on living resources in the Bay; and (c) understand nutrient and sediment changes and impacts resulting from major storm events of greater than 400,000 cfs.

E. DO in the River Downstream of the Dam as Measured at Station 643

i. The Licensee shall ensure that Project operations and discharges do not adversely impact DO levels, and consequently aquatic life, in the River in any manner that would constitute a violation WQS including designated and achieved uses.

ii. No later than June 30, 2019, the Licensee shall submit to MDE for approval a plan for monitoring DO at Station 643 (the “643 Monitoring Plan”). The 643 Monitoring Plan shall provide for continuous monitoring of DO levels in the Tailrace at Station 643 beginning no later than December 31, 2019. The 643 Monitoring Plan shall include a description of data collection and analysis procedures, equipment maintenance and calibration procedures, and schedules for reporting results to MDE.

iii. If the monitoring conducted under the 643 Monitoring Plan identifies violations of the daily average or instantaneous standard, the Licensee shall, within 30 days, notify MDE of the exceedance in writing and submit a plan to MDE for approval proposing corrective actions to prevent similar exceedances in the future. The Licensee shall implement such corrective action plan after it is approved by MDE.

iv. No later than June 30, 2019, the Licensee shall submit to MDE for approval a plan for monitoring and reporting any fish kills exceeding 50 fish in the Reservoir and/or the Tailrace (the “Fish Kill Monitoring Plan”). The Fish Kill Monitoring Plan shall include data collection procedures, analysis methods, and reporting commitments.

F. Trash and Debris in Reservoir and Movement Downstream

i. The Licensee shall employ clamming (or any other equally or more effective measures of its choosing approved by MDE), to remove floating and water surface trash and debris that accumulates in the Reservoir behind the Dam at least weekly (unless storm conditions preclude removal in a particular week). During clamming/trash and debris removal events, the Licensee shall remove all visible trash and debris. Removal shall occur at least forty (40) times per year between January 1 and November 1, starting in January 2019. The Licensee shall monitor and record the duration of the clamming/trash and debris removal events (number of hours), and the amount of debris and trash removed and subsequently disposed of during each clamming/trash and debris removal event (in cubic yards). The Licensee shall submit these data to MDE each year by November 30 and, after 3 years of this effort, and, based on these data, the Licensee may request from MDE a reduction in the required frequency of clamming/trash and debris removal events, and MDE may reduce the required frequency of clamming/trash and debris removal events based on a review of the data.

ii. The Licensee shall, no later than December 31, 2019, employ on a daily basis the use of a self-propelled skimmer barge (unless storm conditions preclude its use during a particular timeframe). If the Licensee seeks to reduce the requirement to use this skimmer barge on a daily basis, the Licensee shall provide MDE with data collected over a 3 year period documenting the days and hours of operation and the amount of material collected and disposed of (in cubic yards) for each week of operation. Based on the data collected, the Licensee may request a from MDE a modification to this requirement for daily operation of the skimmer barge, and MDE may modify the requirement to use a self-propelled skimmer barge daily based on a review of the data.

iii. The Licensee shall respond to any complaint from a marina operator or public boat ramp “monitor” (e.g., DNR) about accumulated trash and debris interfering with recreational uses in the Reservoir by removing any accumulated trash and debris that is interfering with recreational uses within 48 hours of a complaint during the recreational season (between Memorial Day and Labor Day) and properly disposing of removed materials. The Licensee shall maintain for MDE review, records of complaints filed (name, date, time, location, nature of the trash and/or debris issue and amount), and corrective actions taken (date, time, description of action, and, amount of trash and/or debris removed).

iv. The Licensee shall sponsor at least two annual community-based cleanups of the Reservoir, tributaries upstream of the Project that feed the Reservoir, and the River and tributaries downstream of the Project. The Licensee shall advertise each event, provide all needed supplies, and arrange and pay for the disposal of collected materials.

v. After any storm event which has resulted in trash and debris moving downstream and blocking downstream water supply intakes in the River, the Licensee shall ensure that trash and debris that is blocking downstream water supply intakes is removed as soon as it is safe to enter the water after the storm event.

vi. No later than December 31, 2019, the Licensee shall perform and submit to MDE a study regarding the feasibility of using one or more water wheel trash interceptors powered by solar panels or other renewable sources (a “Trash Wheel”), to remove floating and water surface trash and debris in the Reservoir. If Licensee determines that using one or more Trash Wheels to aid compliance with WQS would be reasonably practical, the Licensee shall submit to MDE for approval a plan for the installation thereof at the Project.

G. Chlorophyll-A Levels in the Reservoir

i. No later than June 30, 2019, the Licensee shall submit to MDE for approval a plan for monitoring chlorophyll-A levels in the Maryland portion of the Reservoir (the “Chlorophyll-A Monitoring Plan”). The Chlorophyll-A Monitoring Plan shall provide for collection of three (3) years of data on chlorophyll-A levels in the Maryland portion of the Reservoir between May 1 and September 30, in accordance with a monitoring protocol to be provided by MDE no later than March 31, 2019, and shall be designed to determine with a high level of statistical confidence whether chlorophyll-A WQS are exceeded in the Maryland portion of the Reservoir between May 1 and September 30 in any particular year.

ii. Pursuant to the Chlorophyll-A Monitoring Plan, the Licensee shall provide MDE with (a) annual reports of all measured chlorophyll-A levels and dates and locations of monitoring in the Maryland portion of the Reservoir by December 31 of the year in which the monitoring occurred; and (b) a final report that analyzes and presents the results of all chlorophyll-A monitoring completed by June 30 of the year after the final year of monitoring.

iii. If any of the reports required by Section 7.G.ii reflect that chlorophyll-A levels in the Maryland portion of the Reservoir exceed WQS, the Licensee shall, within six (6) months after the date on which such report was submitted to MDE, submit to MDE for approval a plan to reduce chlorophyll-A levels in the Maryland portion of the Reservoir between May 1 and September 30 to meet WQS for chlorophyll-A within five (5) years (the “Chlorophyll-A Reduction Plan”).

iv. If MDE determines at any time that chlorophyll-A levels in the Maryland portion of the Reservoir exceed WQS, and the City of Baltimore withdrew water from the Reservoir and incurred necessary additional treatment costs associated with elevated chlorophyll-A levels in that year, the Licensee shall promptly reimburse the City of Baltimore for such additional costs.

H. PCB Levels in Fish Tissue

i. The Licensee shall ensure that Project operations and discharges do not cause or contribute to PCB levels in fish tissue in violation of WQS including designated and achieved uses.

ii. MDE is reviewing available information on the potential sources of PCBs in the Reservoir and downstream of the Project to determine the need for additional data collection and/or corrective actions to address elevated PCB levels in fish tissue in the Reservoir and downstream. MDE may, in the future, require the Licensee to undertake data collection (e.g., sampling of sediment for PCBs) and/or actions to reduce PCB levels in the Reservoir and/or in the Project’s discharges to the River.

iii. Should MDE determine that the Licensee needs to undertake data collection and/or reduce PCB levels in the Project’s discharges to the River and/or in the Reservoir, MDE may re-open this Certification pursuant to Section 7.Q.xvii to require the Licensee to develop a plan for MDE review and approval for data collection and/or corrective actions to reduce PCB levels in the Reservoir and/or in the Project’s discharges

to the River. The Licensee shall prepare and submit for MDE approval any such plan requested by MDE within twelve (12) months of MDE's request.

I. Shoreline Management Plan (SMP)

- i. The Licensee shall comply with the SMP, subject to the other provisions of this Section 7.I.
- ii. Non-Project use of Project Land. If the Licensee intends to make any non-Project use of any Project land, or receives any request from a third party for non-Project use of any Project land, the Licensee shall (a) prepare, or require the third-party requestor to prepare, a written assessment of the impacts on water quality of the proposed use; (b) provide this assessment to MDE for MDE's review and decision regarding whether the proposed use is consistent with WQS including designated and achieved uses; and (c) not engage in or allow such use until MDE notifies the Licensee in writing that MDE has no objections to such proposed use.
- iii. Shoreline Vegetation Management. If the Licensee intends to make any modifications to the shoreline vegetation for viewshed maintenance and development and recreation access within the Project boundary, the Licensee shall (a) prepare a written assessment of the impacts on water quality of the proposed modifications; (b) provide this assessment to MDE for MDE's review and decision regarding whether the proposed modifications are consistent with WQS including designated and achieved uses; and (c) not undertake any such modifications until MDE notifies the Licensee in writing that it has no objections to such proposed use.
- iv. Sensitive Natural Resources Protection Overlay and Policies. The Licensee shall consult with MDE regarding any proposed modification of an existing use of Project lands in cases where such use may affect any sensitive aquatic resource identified by the Licensee in the "sensitive resources overlays" included in the SMP.
- v. SMP Updates. No later than January 1 of 2028, 2038, 2048, and 2058, the Licensee shall submit to MDE for approval proposed improvements to the SMP (each, an "SMP Update"). Each SMP Update shall include an assessment of the impacts of deleted, revised, or new measures on water quality.

J. Turtle Management Plans

- i. Notwithstanding anything to the contrary in the SMP, the Licensee shall, no later than September 1, 2019, submit to MDE for approval, a plan for the protection and enhancement of the bog turtle population associated with Project lands (the "Bog Turtle Plan"). The Bog Turtle Plan shall include (a) the restriction of mowing in the wetlands within the Project boundaries that are documented to support bog turtles; (b) invasive plant and woody plant control, particularly red maples and reed canary grass, in the areas around the wetlands within the Project boundaries that are documented to support bog turtles; (c) limits on public access to the wetlands within the Project boundaries that are documented to support bog turtles without advertising the reason; and (d) an assessment of the impacts, if any, of the specific measures planned to be implemented on WQS including designated and achieved uses.
- ii. Notwithstanding anything to the contrary in the SMP, the Licensee shall, no later than September 1, 2019, submit to MDE for approval, a plan for the protection and enhancement of the northern map turtle population associated with Project lands (the "Map Turtle Plan"). The Map Turtle Plan shall include (a) annual monitoring of the northern map turtle population at the Project for 10 years, followed by population monitoring every 5 years during the Term; (b) a study to determine the amount of artificial basking habitat needed over the normal range of generation flows to support current and future populations of northern map turtles within the Reservoir and all areas of the downstream River affected by generation flows; (c) a study to determine the proper locations for deployment of artificial basking platforms; (d) nest management and protection measures; (e) annual monitoring of the use and success of both the mitigation and protection measures; (f) an assessment of the northern map turtle's response to changes in operating practices at the Project that are required by this Certification or the New License; and (g) methods of altering or amending protection and mitigation measures as a result of the monitoring, in consultation with MDE.

K. Waterfowl Nesting Protection Plan

Notwithstanding anything to the contrary in the SMP, the Licensee shall, no later than September 1, 2019, submit for MDE approval a waterfowl nesting protection plan (the "Waterfowl Plan"). The Waterfowl Plan shall: (i) identify specific Project-related effects on nesting waterfowl, such as flooding during the nesting season; (ii) identify which species of nesting waterfowl (including the black-crowned night heron) are affected by the Project, if any; (c) if Project-related effects are identified, describe appropriate protection or mitigation measures; and (d) provide an assessment of the impacts of such protection and mitigation measures on water quality.

L. Monitoring Stream Flows in the Tailrace

Notwithstanding anything to the contrary in the SMP, the Licensee shall, no later than September 1, 2019, submit to MDE for approval a plan for the re-design, installation, and maintenance of best available real-time flow telemetry at the stream gage in the Tailrace (USGS Station Gage #01578310) (the "Tailrace Gage Plan"). The Tailrace Gage Plan shall provide for Licensee to submit monitoring results from the Tailrace Gage to MDE no less than annually, by December 31 of each year, which results shall be included in the Minimum Stream Flow Operation Plan (MSFOP) annual report.

M. Sturgeon Protection

Notwithstanding anything to the contrary in the SMP, the Licensee shall, no later than September 1, 2020 (or sooner, if required by a federal governmental agency), submit to MDE for approval a plan for the protection and enhancement of the Sturgeon populations associated with the Project (the "Sturgeon Plan"). The Sturgeon Plan shall include: (i) provisions to monitor and report stranded Sturgeon within Project boundaries and in the River downstream from the Project; (ii) provisions to eliminate stranding of Sturgeon as a result of Project operations; (iii) procedures for trapping, handling, and safely returning Sturgeon lifted at any fish lift to the Tailrace; (iv) monitoring of water quality in any tanks used to hold Sturgeon; and (v) procedures for monitoring tagged Sturgeon and other tagged fish below the Dam and in the Bay including Environmental DNA.

N. Habitat Improvement Projects

- i. No later than September 1, 2019, the Licensee shall submit to MDE for approval a plan for implementing Habitat Improvement Projects ("HIPs") in the River extending approximately 4.5 miles downstream of the Dam to the island complex that includes Robert and Spencer Islands (the "HIP Plan"). The HIPs shall target habitat improvements for Shad, Herring, freshwater mussels, native EAV and SAV, shortnose sturgeon, smallmouth bass, and macroinvertebrates at the following locations: (a) the mouth of Octoraro Creek; (b) the north end of Sterret Island; (c) McGibney Island; (d) the Robert, Wood, and Spencer Island complex; (e) the mouth of Deer Creek; (f) Snake Island; (g) downstream of Bird Island; (h) Rowland Island; and (i) the Fish Pot area along the western shore, located southwest of Bird Island. The objectives of the HIPs shall include creating, enhancing, or protecting (1) habitat for Shad and Sturgeon at the spawning and fry life stages; (2)

natural vegetation (while minimizing the potentially negative impacts of working near invasive vegetative species); and (3) habitat for other aquatic species.

ii. The Licensee shall develop conceptual HIP designs based on a review of the latest Habitat Suitability Index maps, water surface elevations, depths, velocities, and substrate mapping. Hydraulic analysis shall be used to assist in determining the final location, length, height, and structural design of HIP structures to meet HIP objectives. The HIP Plan shall include for each HIP a description of the proposed HIP, the current habitat suitability, the limiting factors for specific flow regimes, a preliminary assessment of feasibility, and any potential constraints.

O. Lower River Fisheries Survey

i. No later than September 1, 2019, the Licensee shall submit to MDE for approval a plan for monitoring and protection of fish in the Lower River, specifically targeting the federally-endangered Maryland Darter (“Darter”) and the State-threatened Chesapeake Logperch (“Logperch”) population(s) (the “Fish Protection Plan”). The Fish Protection Plan shall (a) include monitoring by Licensee of the River tributaries’ fish populations and the lower riffle habitats of Deer Creek, Octoraro Creek, Broad Creek, and Conowingo Creek during spring, summer, and fall every five years; (b) provide for monitoring by electrofishing (conventional and trawl), snorkeling, and/or seine surveys, or otherwise as approved by DNR; and (c) require each sampling event in riverine habitat to include sampling technique(s) targeting Darter and Logperch.

ii. No later than September 1 of each year during the Term after 2019, the Licensee shall submit to MDE a comprehensive fisheries report including (a) analysis of fish population trends and correlations with abiotic data, if available, based on data obtained through implementation of the Fish Protection Plan; and (b) the Licensee’s recommendations for continued protection and enhancement of the fish populations below the Dam and statistical methodologies used to estimate sample size and/or extinction probabilities.

iii. No later than September 1 of 2024, 2029, 2034, 2039, 2044, 2049, and 2054, the Licensee shall submit to MDE for approval proposed improvements to the Fish Protection Plan (each, an “FPP Update”).

P. Spillway Modifications/Fish Stranding Minimization

No later than September 1, 2019, the Licensee shall submit to MDE for approval a plan for modifying the spillway Tailrace and/or modifying operational flow practices at the Project to reduce the numbers of rare, threatened, or endangered fish species stranded by Project operations (the “Stranding Minimization Plan”). If the Stranding Minimization Plan includes physical alterations in the spillway tailrace area, the Licensee shall include proposed methods to excavate new exit channels and/or the fill the designated isolated pools. If the Stranding Minimization Plan includes newly constructed exit channels, such new exit channels shall direct fish and other aquatic species towards the River’s thalweg and shall be designed to prevent fish from avoiding the proposed channel exit to the Tailrace.

Q. General Requirements and Conditions

i. Other Authorizations. This Certification does not relieve the Licensee of the responsibility to obtain any other Authorizations related to the Project.

ii. Compliance with WQS / No Unauthorized Discharge or Other Work: The Licensee shall meet all applicable WQS including designated and achieved uses associated with the operations of and discharge from the Project. Except as specifically set forth herein (if at all), this Certification does not authorize the discharge of any pollutants. The Licensee shall not discharge any waste or wastewater from the Project, unless specifically authorized by MDE. This Certification does not authorize any work to occur in waters of the State, including any dredging or the construction or placing of any physical structures, facilities, fill, or debris or the undertaking of related activities in any waters of the State.

iii. Civil and Criminal Liability: In issuing this Certification, MDE does not waive or surrender any right to proceed in administrative, civil, or criminal action for any violations of any Law occurring before issuance of this Certification. Nothing in this Certification shall be constructed to preclude the institution of any legal action for any reason or relieve the Licensee from any civil or criminal responsibilities, liabilities, or penalties for violation of any Law, including the Environment Article and the Clean Water Act.

iv. Penalties for Noncompliance with Law and Violations of Certification: The Licensee shall comply at all times with the provisions, requirements, and conditions of this Certification, the Environment Article, the Clean Water Act, and all other applicable Laws and Authorizations. MDE may seek criminal, civil, and administrative penalties to the full extent provided by law for any violations of the provisions, requirements, and conditions set forth in this Certification, or for noncompliance with the Environment Article, the Clean Water Act, or other applicable Laws and Authorizations.

v. Record Keeping: All records and information resulting from the monitoring, sampling, record keeping, inspection, and reporting activities required by this Certification shall be retained during the Term, plus 5 years. This period shall be extended automatically during the course of litigation, or when requested by MDE. For any measurements or sampling taken to satisfy the requirements of this Certification, the Licensee shall record (a) the exact place, date, and time of sampling or measurement; (b) the person(s) who performed the sampling or measurement; (c) the dates and times the analyses were performed; (d) the person(s) who performed the analyses; (e) the analytical techniques or methods used; and (f) the results of all required analyses. The sampling and analytical methods used to shall conform to procedures for the analysis of pollutants as identified in 40 CFR Part 136 - “Guidelines Establishing Test Procedures for the Analysis of Pollutants” unless otherwise specified by MDE in writing.

vi. Right of Entry: In addition to any other right of entry provided for by law, MDE, or its authorized representatives, shall have the right to enter at reasonable times the premises or property that is the subject of this Certification (including the Reservoir and all land within Project boundaries) or where any records are required to be kept under the provisions, requirements, and conditions of this Certification. This right of entry shall include the right to:

- a. Access and copy, at reasonable times, any records that are required to be kept under the provisions, requirements, and conditions of this Certification;
- b. Inspect, at reasonable times, any monitoring equipment or monitoring method required in this Certification;
- c. Inspect, at reasonable times, any discharge facilities subject to this Certification;
- d. Conduct sampling, at reasonable times, of any discharge or of the water column in the River or Reservoir;

- e. Take soil or sediment borings or core samples, at reasonable times, in the bed of the River or the Reservoir; and
- f. Take photographs.

vii. **Duty to Provide Information:** The Licensee shall submit to MDE, within the time frame stipulated by MDE, any information that MDE may require to determine compliance with this Certification. The Licensee shall also submit to MDE, upon request, copies of any records required to be kept by this Certification. When the Licensee is required to submit to any other federal or State resource agencies any reports that relate to the Project, the Licensee shall also submit a copy to MDE. Subject to the Maryland Public Information Act, all information submitted to MDE or collected as a condition of this Certification may be made publicly available.

viii. **Property Rights:** The issuance of this Certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of federal, State, or local Laws.

ix. **Notice / Reporting of Noncompliance:** Unless MDE provides different instructions in writing from time to time, any notice or other submission due to MDE under this Certification shall be provided in writing to:

Maryland Department of the Environment
Water and Science Administration
1800 Washington Boulevard
Baltimore, Maryland 21230

For any violations of the provisions, requirements, or conditions of this Certification, the Licensee shall promptly notify MDE by telephone within twenty four (24) hours of discovery of the violation, at 410-537-3510. In addition, within five (5) days, Licensee shall provide MDE with the following information in writing:

- a. A description of the violation, including the date, time, location, and estimated discharge volume (if applicable), and impact on receiving water;
- b. The cause of the violation, to the extent known;
- c. The anticipated time the cause of the violation is expected to continue, or, if the condition has been corrected, the duration of the period of the violation;
- d. Steps taken by the Licensee to eliminate or correct the violation;
- e. Steps planned or implemented by the Licensee to prevent the recurrence of the violation; and
- f. A description of the Licensee's accelerated or additional monitoring to determine the nature of any impact or harm caused by the violation.

Any notice or other submission due under this Certification to any governmental agency other than MDE shall be provided in writing to such agency in accordance such agency's written instructions from time to time.

x. **Web Portal:** The Licensee shall maintain at all times during the Term a web site or page specifically designed to provide the public with access to the information contemplated by Section 2.C.vii (the "Web Portal").

xi. **Annual Reporting:** The Licensee shall submit annual reports to MDE by September 1 of each calendar year following the issuance of this Certification and shall contemporaneously post such reports on the Web Portal. The annual reports shall summarize all work performed by the Licensee to comply with the provisions, requirements, and conditions of this Certification, and shall be in a format approved by MDE.

xii. **No Waivers:** MDE's failure to enforce any provision, requirement, or condition of this Certification shall not constitute a waiver of MDE's right to enforce any such provision, requirement, or condition, or otherwise relieve the Licensee from compliance with any obligations imposed by this Certification.

xiii. **Additional Monitoring:** The Licensee shall undertake additional monitoring, studies, or other measures relating to compliance with WQS including designated and achieved uses if MDE determines that there is a likelihood that any violations of WQS including designated and achieved uses have occurred or may occur.

xiv. **Transfer:** The Licensee shall notify MDE in writing upon transferring property ownership or responsibility for compliance with these conditions to another person. The new owner/operator shall request in writing transfer of this Certification to its name.

xv. **Severability:** The provisions of this Certification are severable. If any provision of this Certification is held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Certification is held invalid, its application to other circumstances must not be affected. In the event any provision of this Certification is held invalid, and the Department determines that any applicable effluent limitation, other limitations, or water quality standards or requirements issued or approved under Sections 301, 302, 303, 306, and 307 of the Clean Water Act or applicable State Law will not be met (including the failure to sustain a designated or achieved use) or that State or federal Law will be violated, or that further conditions are necessary to assure compliance, the Department may reevaluate and modify this Certification in accordance with Section 7.Q.xvii to include additional conditions necessary to assure compliance with all such limitations, standards, or requirements.

xvi. **No Third Party Beneficiaries:** No provisions of this Certification are intended, nor will be interpreted, to provide or create any third party beneficiary rights. No third party shall have any legally enforceable rights, claims, or benefits under this Certification as to the Department, nor shall forbearance to enforce any term of this Certification by the Department be construed as creating any rights, claims, or benefits for any third party. No third party shall have any rights to enforce the terms of this Certification against the Licensee except as may be expressly be provided by federal law, including the citizen suit provisions of the Clean Water Act. This Certification does not affect and is not intended to influence any third party's rights to independently investigate, evaluate, respond to, and file claims regarding any impacts from groundwater or surface water pollution.

xvii. **Adaptive Management:** This Certification may be re-opened to be modified in order to comply with any applicable effluent limitation, other limitations, or water quality standards or requirements issued or approved under Sections 301, 302, 303, 306, and 307 of the Clean Water Act or applicable State law if the limitation, standard, or requirement so issued or approved contains different conditions or is otherwise more stringent than any requirements of this Certification. If MDE determines that any applicable effluent limitation, other limitations, or water quality standards or requirements issued or approved under Sections 301, 302, 303, 306, and 307 of the Clean Water Act or

applicable State law are not being met (including the failure to sustain a designated or achieved use) or that State or federal law are being violated, or that further conditions are necessary to assure compliance, MDE may reevaluate and modify this Certification to include requirements or conditions necessary to assure compliance with all such limitations, standards, or requirements. This includes:

- a. Additional requirements or conditions are necessary to address adverse or potentially adverse Project effects on water quality or designated or achieved uses that did not exist or were not reasonably apparent when this Certification was issued;
- b. There is a change in the Project or its operations that was not contemplated by this Certification that might adversely affect water quality or designated or achieved uses;
- c. The re-licensing of Holtwood and/or Safe Harbor, as well as any changes associated with Muddy Run's FERC license or the Section 401 water quality certification for Muddy Run, requires alignment of flow, fish passage, sediment, nitrogen, and phosphorus-related conditions in this Certification;
- d. Future TMDLs or modifications to existing TMDLs (not otherwise addressed in this Certification) identify impairments that justify additional conditions in order to ensure that WQS including designated and achieved uses are met over the Term;
- e. Revised conditions related to trap and transport credits for fish passage are necessary based on review in subsequent years of the federal license of whether numeric targets for the number of Shad upstream of the York Haven Dam are being met;
- f. MDE obtains any information providing a sound, science-based rationale for modifying any Plans or any requirements or conditions in this Certification, including information pertaining to climate change; or
- g. Any typographical error is found in this Certification.

Any modified conditions of this Certification shall, so long as it is in effect, become a condition of any federal Authorization that is hereafter issued for the Project, and MDE may seek, in accordance with applicable Law, to have any modified Certification condition incorporated into any existing federal Authorization for the Project.

xviii. **Reimbursement of Oversight Costs:** The Licensee shall reimburse MDE and DNR for the reasonable and actual costs incurred by MDE, DNR and their contractors in connection with the direct administration and oversight of Licensee's compliance with this Certification, including any costs for conducting environment health monitoring or testing, collecting and analyzing soil samples, surface water samples, or groundwater samples, or reviewing any data, plans or information submitted by the Licensee. The maximum amount of costs for which Licensee shall be required to reimburse MDE pursuant to this Section 7.Q.xviii shall be Two Hundred Fifty Thousand (\$250,000) per year, and the maximum amount of costs for which Licensee shall be required to reimburse DNR pursuant to this Section 7.Q.xviii shall be Two Hundred Fifty Thousand (\$250,000) per year *provided*, that each of the foregoing amounts shall be adjusted for inflation after the date of this Certification on July 1, 2019 and on July 1 of each year thereafter, based on the cumulative change in the CPI.

xix. **Final Decision; Appeal Rights:** This is a final decision on the Application. Any person aggrieved by the Department's decision to issue this Certification 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 (a) the reason why the final decision should be reconsidered; and (b) a detailed description of the requestor's specific legal right, duty, privilege, or interest which may be adversely affected by the Department's final decision. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. After issuance of notice of the Department's decision on the request for reconsideration, a contested case hearing shall be available in accordance with the applicable provisions of State Government Article, § 10-201, et seq., Annotated Code of Maryland. Any request for an appeal does not stay the effectiveness of this Certification.

DATED this 27th day of April, 2018.

D. Lee Currey
Director
Water and Science Administration
Maryland Department of the Environment

ATTACHMENT #1

To Clean Water Act Section 401 Certification For the Conowingo Hydroelectric Project FERC Project No. P-405 / MDE WSA Application No. 17-WQC-02

MDE Fish Passage Improvement Plan ("MDE-FPIP")

This MDE-FPIP is based on the requirements of DOI's Modified Prescription for Fishways Pursuant to Section 18 of the Federal Power Act for the Project, dated June 8, 2016 (the "Prescription"), which shall be authoritative guidance for purposes of interpreting this MDE-FPIP and defining the Licensee's obligations hereunder. Notwithstanding the foregoing, in the event of any conflict between this MDE-FPIP and the Prescription, this MDE-FPIP shall govern and control.

Without limiting the generality of Section 2.C.ii of the Certification, in all cases where this MDE-FPIP requires the Licensee to consult with or make any submission to MDE, the Licensee shall also consult with, or make such submission to DNR, unless otherwise specified.

1. Initial Fishlift Capacity

The Licensee shall provide a fish lift capacity of at least 7 million pounds of fish per season immediately after issuance of the New License. Two 6,500-gallon hoppers sharing the same holding pool, with a cycle time of 15 minutes, provides capacity to move 7 million pounds of fish in a single season. Based on projected numbers of a successful Shad restoration using the population model, a fish lift capacity of 7 million pounds of fish should provide safe passage at the Project for approximately half of the Term (assuming that the gizzard shad population does not grow larger than 4.4 million fish). For details on calculating fish lift capacity, refer to Appendix A to this MDE-FPIP.

2. Final Potential Fishlift Capacity

The Licensee shall construct sufficient fishlift capacity during the Term to ensure that as populations of Shad and Herring grow in the system, that fishlift capacity is increased as necessary to ensure that upstream passage is not impeded by undersized fishlift capacity

preventing the attainment of the restoration objectives. MDE recognizes the potential lack of capacity during the later years of Shad and Herring restoration, and will re-open this Certification to address this issue at a later date if fishway capacity appears to be a limiting factor to population restoration, as reflected in declining upstream fish passage efficiency due to lack of fishway capacity.

3. Design Flows for Fishways/Fishlifts

The Licensee shall design new fishlifts to ensure operation under River flows in the range of 6,330 cfs to 143,000 cfs. However, the Licensee shall not be required to operate the fishlifts at flows greater than 113,000 cfs unless data available at the time demonstrates that operation of fishlifts at flows greater than 113,000 cfs is necessary to achieve the target efficiency. Furthermore, the fishlifts shall be designed with sufficient freeboard (or other protection) to minimize damage from River flows of up to the 50-year return interval.

4. Efficiency Criteria

The Licensee shall meet the SRAFRC (2010, 2013) and the USFWS (2015b) upstream and downstream passage efficiency criteria for the River basin that are the basis for the Department of the Interior (DOI) 2016 Modified Fishway Prescription (and the requirements of this Certification). MDE defines upstream fish passage efficiency as the proportion of the fish in the Tailwaters that successfully move through the fishlift and continue upstream migrations, calculated as a percentage. Downstream fish passage efficiency is the proportion of the fish that approach the upstream side of the Project and survive unharmed as they pass the Project and continue downstream migrations. Definitions for certain fish passage terms used in this MDE-FPIP are provided in Section 18 of this MDE-FPIP. Where no numeric efficiency criteria are set, MDE's goal is to minimize Project impacts to migratory fish populations, with a goal of 100 percent passage and the understanding that no project is likely to fully achieve that goal despite application of the best available technology. Where MDE, based on DNR analysis, has information or modeling indicating that restoration may be achieved with less than 100 percent passage, MDE has adopted numeric targets that will achieve restoration, and measures to reach those targets.

4.1 Criteria for Upstream Shad Passage Efficiency

The Licensee shall operate the Project to achieve the upstream passage efficiency criterion of passing 85 percent of all adult Shad that enter the Tailwaters ("Target Efficiency"). The Licensee can receive additional credit toward achieving the upstream passage efficiency criterion for adult Shad by trapping at the Project and transporting Shad to upstream of York Haven Dam and thus avoiding upstream passage impediments at the intervening hydroelectric projects on the River (see Section 13 of this MDE-FPIP).

4.2 Criteria for Downstream Shad Passage Efficiency

The Licensee shall operate the Project to achieve the downstream survival efficiency criterion of at least 80 percent of the adult Shad moving downstream past the Dam. The Licensee shall operate the Project to achieve the downstream survival efficiency criterion of at least 95 percent of the juvenile Shad moving downstream past the Dam.

4.3 Criteria for Upstream Herring Passage Efficiency

The Licensee shall operate the Project to provide safe, timely and effective upstream migration for adult Herring that approach the Tailwaters. MDE reserves the right to develop numerical criteria for upstream Herring passage efficiency in the future when additional information about Herring populations becomes available and re-open this Certification in the future to establish required numeric targets for upstream passage efficiency for Herring. Any needed change in fishlift requirements resulting from such new targets is not provided for in this Section 4 and would also be considered a basis for re-opening the Certification.

4.4 Criteria for Downstream Herring Passage Efficiency

The Licensee shall operate the Project to achieve the downstream survival efficiency criterion of at least 80 percent of the adult Herring moving downstream past the Dam. The Licensee shall operate the Project to achieve the downstream survival efficiency criterion of at least 95 percent of the juvenile Herring moving downstream past the Dam.

5. Seasonal Implementation of Fish Passage

5.1 The Licensee shall operate a fishlift for upstream passage of anadromous fish daily during the Shad and Herring upstream Migration Period, as set forth in Appendix D to this MDE-FPIP. The Licensee shall operate the fish lift(s) daily during the upstream Migration Period, and begin releasing attraction flows at least one hour prior to the start of daily lift operations. The fish lift(s) will operate at the following times during the Migration Period: (1) in March, from 7 a.m. to 7 p.m.; (2) in April, from 6:30 a.m. to 7:30 p.m.; and (3) in May and June from 6:00 a.m. to 8:00 p.m.

5.2 The Licensee shall ensure prior to the start of the Migration Periods that all mechanical elements of the fishlifts are working properly. The Licensee shall repair, maintain, and test fishlifts as necessary in advance of the migration period, in accordance with the Fishlift Operation and Maintenance Plan ("FOMP") so as to begin operations when required.

5.3 The Licensee shall maintain and operate fishlifts to maximize fish passage effectiveness throughout the upstream and downstream migration periods, as set forth in Appendix D to this MDE-FPIP.

6. Fishlift Operation and Maintenance Plan

6.1 The Licensee shall develop and submit a FOMP to MDE approval. The Licensee shall keep the FOMP updated on an annual basis, to reflect any changes in fishlift operation and maintenance planned for the year. If MDE requests a modification of the FOMP, the Licensee shall respond to the requested modification within 30 days of the request by filing a written response with MDE.¹ Any modifications to the FOMP by the Licensee shall require approval by MDE. The FOMP shall include:

- (a) Schedules for routine maintenance, pre-season testing, and the procedures for routine fishlift operations, including seasonal and daily periods of operation, and associated Dam and powerhouse operational measures needed for proper fishlift operation;
- (b) Details of how the Project shall be operated during the migration season to provide for adequate fish passage conditions, including:
 - (i) Pre-season preparation and testing;
 - (ii) sequence of turbine start-up and operation under various flow regimes to enhance fishlift operation and effectiveness;
 - (iii) debris management at the fishway entrance, guidance channels, and the exit; and
 - (iv) plant operations to provide near- and far-field attraction flows required for the fishlift zone of passage in the tailrace;

- (c) Trap and transport logistics plan and design plans for west and east fish lift modifications needed for trap and transport, including provisions for planning trap and transport logistics so as to avoid, to the extent possible, trapping a population unrepresentative of the migrating population as a whole.
- (d) Procedures for removing invasives (see Attachment #3 for invasive species requirements) and sturgeon handling;
- (e) Standard operating procedures for monitoring and enumerating fish passage by species;
- (f) Standard operating procedures for collecting biological samples from target species to assess restoration efforts;
- (g) Standard operating procedures for monitoring and reporting operations that affect fish passage;
- (h) Standard operating procedures in case of emergencies and Project outages to first, avoid, and second, minimize, potential negative impacts on fishway operations and the effectiveness of upstream and downstream passage for target species; and
- (i) Plans for post-season maintenance, protection, and winterizing the fish lifts and Eel passage facilities.

6.2 The Licensee shall provide written documentation to MDE that all fishlift operational personnel have reviewed and understand the FOMP and it shall be signed by the operations manager of the Project. Copies of the approved FOMP and any modifications shall be provided to MDE on an annual basis.

6.3 By December 31 of each year, the Licensee shall provide an annual report to MDE detailing: the implementation of the FOMP, including any deviations from the FOMP and a process to prevent those deviations in the future; any proposed modifications to the FOMP, or in the case of emergencies or Project outages, the steps taken by the Licensee to minimize adverse effects on fisheries including any proposed modifications to those steps to further enhance their effectiveness in the future; and operational data for both fishlifts and the Project to allow MDE and others identified by MDE to examine correlations between particular operational patterns and successful or unsuccessful fishlift operation; and to confirm, once an operational regime with known effectiveness is settled upon, that the Project continues to operate under that regime. MDE understands that details of operation constitute confidential business information, and agrees to protect them from disclosure as such to the extent it is able to do so by law. The annual report shall also include:

- (a) Description of routine maintenance as well as repairs made to the fishways or Eel passage facilities during the previous fish passage season;
- (b) Average daily flows at the Marietta Gage;
- (c) Daily water temperature and DO readings in the fish lift and Tailwater areas;
- (d) Hourly individual turbine unit operations and discharge, hourly total discharge from the powerhouse, hourly discharge over the spillway, and hourly passage counts of all fish species at each lifted hopper;
- (e) Index for every lift of each hopper's "fullness" through visual observations and shall be developed in consultation with MDE; provided, that if technology becomes available to quantify the bucket "fullness", then after a written request from MDE, the Licensee shall incorporate this technology;
- (f) Thirty-minute recordings of total flow discharging from behind the hopper, total flow discharging from the attraction water supply diffuser, water surface elevation immediately upstream from the entrance gates, water surface elevation at the Tailwaters, elevation to the crest of the entrance weir gates, and any irregularities such as the identification of a visible boil in the zone over the floor diffusers;
- (g) Number of fish by species trapped and transported, including date, time, and location of release; and
- (h) Daily collection of biological information from adult Shad, gizzard shad, Herring, or other species as designated by MDE to include sex ratio, condition, length, weight, and age.

6.4 In addition to the annual report, the data for daily flows, water quality, Project operations, fishlift operations and fish passage as described above shall be recorded in a database during the fish passage season and MDE and its designees shall be provided open access to that database. Data shall be entered into the database no later than one week after collection. These data shall be used to assess the impacts of River conditions and hydropower operations on successful fish passage through the lifts, with the goal of achieving a better diagnosis of potential fish passage issues at the Project.

6.5 By January 31 of each year, the Licensee shall consult with MDE to discuss the FOMP. This meeting shall occur no later than January 31 of each year unless the Licensee and MDE agree on a different date. At this annual meeting the participants shall discuss the fish passage results from the previous year, review regulatory requirements for fish lift operations, and discuss any modification or testing the Licensee shall conduct during the upcoming season.

7. Sequencing of Upstream Fish Passage Construction and Implementation

Timely construction, operation, and maintenance of fishlifts is necessary to ensure their effectiveness and to achieve restoration goals. Therefore, the Licensee shall: (1) notify, and (2) obtain approval from MDE for any extension of time to comply with conditions MDE has required.

7.1 Trap and Transport of Shad and Herring

The Licensee shall trap and transport Shad and Herring to areas upstream of York Haven Dam annually. The number of Shad and Herring trapped and transported annually will be up to 80 percent of the number of each species captured in the fish lifts up to a maximum of 100,000 of each species annually. Trap and transport operations shall continue until the Licensee achieves a measured 85 percent upstream passage efficiency for Shad at the Project without reliance on the trap and truck credit as provided for in Section 13 of this MDE-FPIP.

7.2 Initial Construction

Unless otherwise stated, the Licensee shall implement the requirements of Section 10.1 of this MDE-FPIP by September 1, 2021. Construction shall be conducted in a way as to allow for trap and transport operations as well as volitional passage at the EFL to continue uninterrupted during this time period. A fish trap shall be constructed in the EFL no later than September 1, 2019. It shall be capable of trapping and holding target fish while continuing to pass fish. Safe and effective transfer of fish from the trap to the tailrace is required. The design must be approved by MDE prior to construction.

7.3 Operation in the First Passage Season after License Issuance

No later than September 1, 2019, trap and transport operations from the EFL and WFL shall begin. A total of 80 percent of the run, up to 100,000 Shad and 100,000 Herring per year shall be trapped and transported to the mainstem River upstream of York Haven.

8. Efficiency Testing and Triggering of Subsequent Modifications

8.1 No later than September 1, 2023, the Licensee shall begin the "Initial Efficiency Test" of fish passage at the Project. The Licensee shall conduct the Initial Efficiency Test as defined in Section 12.2 of this MDE-FPIP in order to evaluate passage performance relative to upstream efficiency criteria for Shad and Herring as described in Section 4 of this MDE-FPIP. Gizzard shad or other designated species (to be designated by MDE with input from DNR) shall be included in all efficiency tests to understand how they affect efficiency for Shad and Herring. In the 5th year after the year in which the New License is issued, the Licensee shall also assess mortality of Shad during the trap and transport process.

8.2 If at the end of the Initial Efficiency Test, the combined results of the three-year study (the combination of measured efficiency of the Initial Efficiency Test and the "Trap and Transport Credit" (as described in Section 13 of this MDE-FPIP) resulting in an "Adjusted Efficiency") meet the Target Efficiency of 85 percent for upstream passage of Shad, the Licensee shall operate the Project using the FOMP implemented during the Initial Efficiency Test. The Licensee shall then conduct a two-year "Periodic Efficiency Test" as defined in Section 12.2 of this MDE-FPIP in every 5th year thereafter to ensure that the upstream-prescribed efficiency criterion continues to be met through the Term.²

8.3 If at the end of the Initial Efficiency Test or after any Periodic Efficiency Test thereafter during the Term, or after any subsequent "Post-Modification Efficiency Test" as defined in Section 12.2 of this MDE-FPIP, the study results indicate that the Licensee is not meeting the required Adjusted Efficiency, the Licensee shall conduct an evaluation of the radio telemetry data and any other data available to MDE and/or the Licensee to determine why passage efficiency is inadequate. Concurrent with the submission of the final report from an efficiency study, the Licensee shall propose a course of action most likely to achieve the Target Efficiency. MDE has designated a tiered list of options and the types of passage or capacity problems which the tiers may address. If the reason for not achieving the Target Efficiency is insufficient fishlift attraction, then the Licensee shall follow the actions in Section 10.2 of this MDE-FPIP.

If the fish lift capacity is insufficient then the Licensee shall follow the actions in Section 11 of this MDE-FPIP. In the event that both fishlift attraction and fish lift capacity are limiting factors to achieving the Target Efficiency, the Licensee shall address items listed under both Sections 10.2 and 11 of this MDE-FPIP, but only to the extent both attraction and capacity measures are necessary to achieve the required Target Efficiency and alleviate over-capacity. The list of measures in Sections 10.2 and 11 of this MDE-FPIP is not exclusive and does not preclude MDE or the Licensee from identifying and proposing other measures commensurate with the required level of improvement and corresponding tier. MDE shall react to the Licensee's proposal for improving fish passage efficiency within 90 days of receipt. It may:

- (a) Say nothing, in which case the Licensee shall proceed with its proposed course of action;
- (b) Agree affirmatively with the Licensee's proposed course of action, in which case the Licensee shall proceed;
- (c) Propose a different option, not on the tiered list of options, which the Licensee shall proceed with if it agrees;
- (d) Require, instead, that the Licensee implement an option or options from the appropriate (or lower numbered) tier to address each problem. MDE will choose that option (s) it deems most likely to achieve the *Target Efficiency*. MDE may select an option from a higher-numbered tier only if all options from an appropriate or lower-numbered tier have been implemented. If two or more options appear equally likely to achieve the efficiency criterion, MDE will present the Licensee with the choice, and the Licensee may proceed with whichever it prefers. MDE shall explain, in writing, its reasons for finding that its choice(s) is more likely than the Licensee's to lead to the desired passage efficiency. The Licensee shall then proceed with the selected course of action.

9. General construction requirements.

All functional (i.e., 30 percent, 60 percent, and 90 percent) and final design plans, operation and maintenance plans, construction schedules, and hydraulic model studies for the new fishlifts or modifications to existing fishlifts described herein shall be submitted to MDE for approval. The planning and design process for structures shall generally include computational fluid dynamics (CFD) modeling prior to construction and post-construction shakedown and testing to confirm modeling.

MDE, DNR, and USFWS shall be consulted during the design and construction of the fishlifts and MDE must approve all plans in writing prior to construction initiation. Upon a decision to build or modify, the Licensee shall meet with MDE, DNR, and USFWS to develop detailed construction plans and schedules, which shall be submitted for MDE approval no later than March 1, 2019, and thereafter, by January 31 of each construction year for approval by MDE. The detailed construction schedules shall be designed to minimize interruption of the fishlift operations and, to the extent possible, fishlift operation interruptions shall be scheduled during the month of June.

10. Fish Passage Facilities

10.1 Initial Construction Items

(a) East Fish Lift Modifications. The Licensee shall modify the EFL facility to provide 900 cfs attraction flow to the EFL. If the attraction flow cannot be provided within the current EFL structure without exceeding USFWS design specifications, flow in addition to internal EFL flow will be provided to achieve a total of 900 cfs. Modifications to the EFL facility will include replacing spillway gates A & B, replacing the crowder system, addressing structural vibration issues, replacing diffuser gates A and B, replacing the control system, and upgrading the electrical system to allow for a 15 minute lift cycle.

(b) Replace the current 3,300-gallon hopper with two 6,500-gallon hoppers at the EFL. The Licensee shall remove the current hopper and install two 6,500-gallon hoppers within the existing superstructure of the EFL. One hopper will replace the current 3,300-gallon hopper and the second hopper will be located immediately upstream from the current location of the existing EFL hopper (see Figure 10 from the DOI Modified Fishway Prescription of June 2016 showing the conceptual drawing of proposed modifications to the EFL). Access to both hoppers will be provided by the current entrance gates (A, B, and C) and the hoppers will share the same holding pool.

(c) Trap and Transport Facilities at the EFL. The Licensee shall reduce cycle time at each hopper at the EFL to be able to lift fish four times per hour and complete modifications to the EFL structure to allow for trapping and sorting fish at the EFL facility and transporting them to the western side of the Dam to a truck for transport upstream. Modifications to the EFL shall include two new sorting tanks; a loading tank; and a by-rail truck and forklift, or functionally similar equipment, to facilitate movement of Shad from sorting tanks at the EFL to the west shore. These improvements shall be accomplished without losing a season of the passage provided by the EFL.

(d) Trap and Transport Facilities at the WFL. WFL modifications shall be made to facilitate trap and transport including: decreasing lift cycle time by replacing the crowder linkage system and raising the elevation of the sorting tank(s), and providing a mechanism to allow for direct sluicing of fish into tanks mounted on the transport vehicle. These initial improvements shall be accomplished without losing a season of the passage provided by the EFL or trap and transport from the WFL.

(e) *Provide a Zone of Passage (ZOP) to the Fish Passage Facilities.* The Licensee shall construct and maintain structures, to provide Shad and Herring a ZOP (i.e., route of passage) as described in this Section 10.1(e). In advance of any ZOP development and/or construction, MDE and the Licensee will review CFD modeling results from the tailrace. The Licensee shall run the model under a predetermined number of structures arrangements (e.g., different angles, different spacing between the weirs, different weir slopes). In consultation with MDE, the Licensee shall choose to construct the configuration of structures that provides the most conducive hydraulic conditions for fish passage of Herring. The area to be considered for potential ZOP improvements includes approximately 2,500 feet on the west bank and 3,500 feet on the east side of Rowland Island. Based on CFD modeling results that analyze discharge velocities and turbulence, the Licensee shall provide stone weirs, and/or other suitable alternatives or measures that provide a contiguous ZOP from the southern tip of Rowland Island to one or both of the lifts. The Licensee shall install up to ten stone weirs, with the option of considering other configurations for structures. Model results will guide the placement and formation of these structures to provide for the hydraulic conditions necessary for the weakest swimmers (Herring) to reach the lifts. Specifically, the ZOP must be designed to maintain instantaneous velocities below 3 feet per second, separated only by brief regions of higher velocity that Herring may traverse in seconds at burst speeds up to 6 feet per second, over the full range of operational flows for the EFL, and in all generation scenarios. After ZOP construction is completed, the Licensee shall assess the ZOP for upstream migrating Herring under the full range of the current fish passage design flows (i.e., up to 113,000 cfs of River flow). These structures shall also minimize or eliminate sheltering areas for predators. The ZOP shall be subject to approval by MDE.

10.2 Improving Attraction Efficiency

Presented below is a list of physical and operational modifications to the Project intended to address observed deficiencies in fishlift attraction efficiency. The tiered process for improving attraction efficiency is based on passage efficiency during the most recent efficiency test. The items included in the different tiers were developed to be commensurate with the degree of shortfall from the *Target Efficiency*. If, based on the *Adjusted Efficiency* of the current test, all appropriate options from the corresponding tier, including any option proposed by the Licensee and approved by MDE have been exhausted, the items from the next highest numbered tier may be required, regardless of the current Project passage efficiency. More than one item from a tier may be completed at one time depending on the degree of the *Adjusted Efficiency* shortfall.

(a) *Tier I (Adjusted Efficiency 70%-85%).* In the year following any failure by the Licensee to reach the *Target Efficiency* due to inadequate fishway attraction, the Licensee shall implement one or more of the modifications to Project operations and facilities described in this Section 10.2(a).

(i) *Correct any Technical Operational Problems and/or Implement Internal Modifications.* The Licensee shall correct any technical operational problems that may have been detected during the fish passage season and/or implement internal modifications to the WFL and/or EFL (e.g., energy dissipation, hydraulic attraction).

(ii) *Implementation of preferential turbine operating schemes.* The Licensee shall develop a turbine operation scheme that can range from simply first on/last off to modification of specific Francis and Kaplan unit operation to ensure that fish are able to successfully locate and access the fish lift entrances.

(iii) *Increase attraction flow at the EFL.* The Licensee shall construct an alternative attraction water structure as part of the EFL which shall be constructed to allow more than 1,000 cfs during the fish and Eel migration season and be adaptable for fish and Eel attraction and maintain velocities at or below USFWS criteria. The alternative attraction water structure and velocities must use field verification for the target species.

(b) *Tier II (Adjusted Efficiency 55%-69%).* Within 2 years following any failure to meet the *Target Efficiency*, the Licensee may implement either one of the modifications to the Project facilities described in this Section 10.2(b) to reach upstream passage efficiency.³

(i) *Relocate EFL Entrances A & B.* If the CFD modeling results indicate modifications to Entrances A & B will improve guidance to and accessibility of the lift entrances, then the Licensee shall extend the entrance channel at entrance A with two 45-degree turns in the fish passage facility channel, so as to discharge into the area behind the catwalk piers and upstream from the Kaplan turbine discharge/boil. The attraction flow should be effective along the catwalk and through the space between the piers. The Licensee shall also modify the existing entrance B so that the centerline of the discharge plume will be at a 45-degree angle to the River flow.

(ii) *Construct new Entrances with a separate crowder and holding pool.* No later than December 31, 2033, the Licensee shall build new entrances with a separate crowder and holding pool (Figure 10). The hopper will be accessed from the new entrance and through a proposed collection gallery that will span the full length of the Kaplan turbine section of the powerhouse. The new entrances and the collection gallery are intended to provide access to the EFL from the Francis turbine section of the powerhouse. The new collection gallery will be located against and along the powerhouse wall.

(c) *Tier III (Adjusted Efficiency less than 55%).* Following any failure by the Licensee to reach upstream passage efficiency, the Licensee may implement one or more of the modifications to Project operations and facilities described in this Section 10.2(c).

(i) *Construct an Auxiliary Water Supply (AWS) at the EFL.* The Licensee shall construct a new AWS stilling basin and system so the energy from up to 4,300 cfs can be dissipated and incorporated into effective attraction flows emanating from the multiple fish lift entrances.

(ii) *WFL Construction.* No later than December 31, 2043, the Licensee shall construct a new WFL (as described below, in parts 1-5) in the west corner of the powerhouse tailrace. The Licensee shall operate the new WFL as a Tailwater to headpond fish lift with a collection facility for fish sampling that could be used as a fish trap and transport facility. If MDE requires construction of the WFL for reasons of passage efficiency, it agrees not to subsequently require the EFL AWS stilling basin and system before 10 years after the completion of the WFL.

(A) *WFL Construction, Part 1.* The Licensee shall construct a facility that provides the capability of enumerating fish passage by species, allows for two independent trapping and holding facilities for biological sampling while continuing to pass fish, and that can also be used for trapping and transporting Shad and Herring with the potential for captured fish to be transported upstream of the York Haven Dam.

(B) *WFL Construction, Part 2.* The Licensee shall install two 6,500-gallon hoppers, with separate crowders, in the new WFL, capable of operating simultaneously.

(C) *WFL Construction, Part 3.* The Licensee shall construct the WFL to have the ability to provide up to 5 percent of hydraulic capacity of the Project (or up to 4,300 cfs) for attraction flow to the fishway entrance(s). During the design phase and during preconstruction, the Licensee shall conduct CFD modeling and other supporting analysis to develop appropriate fish lift entrance attraction flows, velocities, and hydraulic conditions. The Licensee shall operate the WFL to provide attraction flow of at least 2,600 cfs (3 percent of hydraulic capacity of the Project) during the Upstream Migration Period for Shad and Herring. With the goal of improving fish passage efficiency at the WFL following

initial start-up of the new WFL, MDE may require the lift operator to modify operation of the fish lift, the allocation of flows through its AWS, and/or the total amount of flow being supplied to the WFL (up to a maximum of 4,300 cfs or 5 percent of the Project hydraulic capacity).

(D) WFL Construction, Part 4. The Licensee shall design and construct an AWS that meets science-based criteria for energy dissipation of the attraction flow while maintaining water quality standards.

(E) WFL Construction, Part 5. The Licensee shall conduct an assessment of the ZOP downstream of the WFL to ensure that it continues to be passable over the range of flows in which the WFL is operational.

11. Improving Fish Lift Capacity

Presented below are physical and operational modifications to the Project intended to address deficiencies in fish lift capacity. Implementation of modifications in the capacity tiers is independent of the implementation of similar items used to improve passage efficiency. Both attraction and capacity improvements can be required simultaneously if deemed appropriate from the most recent study results and capacity calculations.

Capacity shall be deemed exceeded if daily capacity is exceeded more than 5 days in a passage season. If an index of fullness indicates that one hopper is consistently fuller than the other, capacity shall be prorated based on that index. Over the Term, depending on the length of the migratory run (as defined by the cumulative five percent to ninety-five percent) the number of days designated to define overcapacity may be changed by MDE in consultation with the Licensee.

11.1 Tier I (Adjusted Efficiency 70% — 85%)

Within 2 years following the Project having been deemed by MDE to have exceeded capacity, the Licensee shall submit to MDE for approval a plan to implement

new additional entrances with a separate crowder and holding pool. The new hopper will be accessed from the new entrance and through a proposed collection gallery that will span the full length of the Kaplan turbine section of the powerhouse. The new entrances and the collection gallery are intended to provide access to the EFL from across the Kaplan section and the Francis turbine section of the powerhouse. The new collection gallery will be located against and along the powerhouse and shall be adaptive for fish including Eels. The new collection gallery shall be located against and along the powerhouse wall.

11.2 Tier II (Adjusted Efficiency less than 70%)

Within 3 years following any failure by the Licensee to reach upstream passage efficiency due to inadequate fishlift capacity, the Licensee shall submit to MDE for approval a plan to implement a new WFL (as described in Section 10.2(c)(ii) of this MDE-FPIP) in the west corner of the powerhouse tailrace. The Licensee will operate the new WFL as a Tailwater to headpond fish lift with a collection facility for fish sampling that could be used as a fish trap and transport facility. The WFL shall have a trap system with two independent holding facilities allowing passage while both traps are being operated.

12. Fish Passage Effectiveness Monitoring

Efficiency testing of both upstream and downstream fish passage, and determining mortality rates of Shad when using trap and transport are critical to evaluating the success of fish passage structures and operations, diagnosing problems, and determining both when modifications are needed and what modifications are likely to be effective. These measures are essential to ensuring the effectiveness of fishlifts over the Term, particularly in cases where the increasing size of fish populations as a result of improved upstream passage may also lower upstream fish passage efficiencies due to migrating fish crowding and exceeding daily or annual lift capacity, thus keeping some fish from successfully passing the Dam and limiting net effectiveness.

12.1 Fishway Effectiveness Monitoring Plan

The Licensee shall submit to MDE for approval a Fishway Effectiveness Monitoring Plan (“FEMP”) no later than March 1, 2019. The FEMP will contain the plans for the studies described in Sections 12.2 through 16 of this MDE-FPIP. If MDE requests a modification of the FEMP, the Licensee shall file a written response with MDE within 30 days. Any modifications to the FEMP by the Licensee will require approval by MDE prior to implementation.

The Licensee shall submit yearly interim study reports to MDE following the conclusion of each study year. The interim and final reports for upstream passage studies will be submitted to MDE by December 31st of each study year. The interim and final reports for downstream passage studies will be submitted to MDE by August 1 following each study year. The final study report will include results for each life stage and type of study conducted with a determination of the Licensee’s success or failure in achieving the passage efficiency criteria established in this Plan. In conjunction with submitting the final study report(s), the Licensee shall also provide electronic copies of all data collected from studies to MDE.

The Licensee shall consult with MDE to discuss the FEMP. This meeting will occur no later than January 31 each year unless the Licensee and MDE agree on a different date. At this annual meeting the participants shall discuss with the fish passage results from the previous year, review regulatory requirements for fish lift and Eel passage operations, and discuss any upcoming modification or testing the Licensee proposes for the upcoming fish passage season.

12.2 Initial Efficiency Test, Post-Modification Efficiency Tests, and Periodic Efficiency Tests for Upstream Passage of Shad and Herring

The *Initial Efficiency Test* and any *Post-Modification Efficiency Tests* will consist of a three-year fish tagging and monitoring study of Shad and Herring using radio telemetry, or other best tracking technology. If after two years the criteria cannot mathematically be obtained by a third year of study, the initial efficiency test will be concluded. The *Periodic Efficiency Tests* will consist of a two-year Shad-tagging study using the same techniques unless the Licensee elects, with MDE concurrence, to conduct an additional one year of study. The *Initial Efficiency Test* will begin in the 5th passage season after New License issuance. The *Post-Modification Efficiency Test* will begin in the first fish passage season immediately following any required modification implemented from the tiers. The *Periodic Efficiency Test* will be conducted on every 5th year after a previous study determines that the *Adjusted Efficiency* of the Project is achieving 85 percent passage efficiency for Shad. Early Periodic Efficiency Tests may be delayed by up to two years to coincide with the schedule for tests at Muddy Run agreed upon in the 2015 Settlement Agreement between USFWS and the Licensee.

These studies will use sufficient numbers of test fish to account for drop-back and other fish loss. These fish will be collected from a downstream location, and be representative of the migrating population as a whole. Specific details of the telemetry studies such as sample sizes, collection of and release location of tagged Shad and Herring, arrangement of telemetry receivers, and appropriate statistical analyses shall be

developed by the Licensee in conjunction with MDE and other resource agencies. The Licensee shall submit final study plans to MDE for approval prior to initiating any study.

13. Trap and Transport Credit for Shad

The Licensee shall receive additional credit toward the upstream passage efficiency criterion for adult Shad that are trapped and transported upstream of York Haven Dam. MDE will recognize the benefits to the species by giving credit towards the calculation of whether the efficiency criterion for upstream Shad passage is met, due to the value to restoration of avoiding the passage of impediments at the upstream hydroelectric projects. Details of the credit toward the efficiency criterion are provided in Appendix A to this MDE-FPIP. Part of the calculation of the credit toward efficiency criterion requires an estimate of the mortality associated with trap and transport operations. Beginning January 1, 2023, the Licensee shall work with MDE and other resource agencies to develop a one-year study to estimate the mortality of fish which are trapped and transported to areas upstream of York Haven Dam. Such a study will include assessment of immediate mortality (mortality occurring during transport) as well as delayed mortality (mortality occurring during some time period after release). The results of the study will be used to modify, as necessary, the mortality input utilized in the trap and truck credit. MDE adopts the Service's proposed methodology for this study as described in Appendix C to this MDE-FPIP; however the Licensee and MDE must reach agreement on the final methodology and final study design post-licensing.

14. Downstream Adult and Juvenile Shad and Herring Effectiveness Testing

The Licensee shall conduct downstream passage effectiveness studies of Shad and Herring in 2027 in coordination with MDE. As part of the FEMP for downstream passage, the Licensee shall evaluate both juvenile and adult life stages using a study protocol developed cooperatively with MDE to include a Reservoir route of passage study and an evaluation of passage survival. A route of passage study will be conducted to determine the routes chosen by downstream migrating fish through the Project under various generation conditions to determine if there are preferred routes of passage at the Dam and variations on survival through each of the routes. The route of passage study will be conducted for 2 years to account for inter-annual variation in flow conditions. The Licensee has the option to extend the route of passage study for an additional year.

If the above study is insufficient to determine survival, a one year separate and discrete passage study for both adult and juvenile Shad and Herring shall be conducted to estimate survival through the Kaplan and Francis turbines under best gate efficiency. This study will commence in the year following the completion of the above study. The effects of trauma due to changes in barometric pressure, such as the expansion and rupture of a fish's swim bladder, during turbine passage will be included as part of the turbine survival studies for all life stages when possible. Results of the studies will be used to determine through-Project survival (i.e. via spill, Francis turbines, Kaplan turbines, etc.), and immediate and latent mortality for each route to achieve the passage criteria. If Licensee is unable to achieve the efficiency criteria for survival based on the results of the downstream studies, MDE may re-open the Certification to address this issue.

15. Fishway Inspections

The Licensee shall provide MDE personnel, DNR personnel, and other MDE-designated representatives, timely access to the fish passage facilities at the Project and to pertinent Project operational records for the purpose of inspecting the fishlifts to determine compliance with the MDE-FPIP.

16. Pre-License Actions Agreed to by the Licensee

16.1 The Licensee agreed to develop and finalize a detailed logistics plan and operating protocol for trap and transport of Shad and Herring from both the EFL and WFL. The Logistics plan was required to address near-term operations, as well as logistics necessary to support the collection and transport of up to 80 percent of the Shad and Herring passing the Project with a maximum transport of 100,000 Shad and 100,000 Herring annually. This plan was to be completed by December 31, 2017. The Licensee shall provide MDE with a status report on the logistics plan and operating protocol for trap and transport of Shad and Herring no later than September 1, 2018. If these items have not yet been completed, Licensee shall complete these items and submit them to MDE by no later than January 1, 2019.

16.2 The Licensee also agreed develop detailed Computational Fluid Dynamics (CFD) models of the zones of passage, in consultation with the Service, to the EFL and WFL to assess the ability of fish to reach the lifts. The Licensee shall provide MDE with a status report on these models no later than September 1, 2018. If these items have not yet been completed, Licensee shall complete these items and submit them to MDE no later than January 1, 2019.

16.3 The Licensee also agreed to develop its initial FOMP (as described earlier) by September 30, 2017. The Licensee shall provide MDE with a status report on the initial FOMP no later than September 1, 2018. If the initial FOMP has not yet been completed, the Licensee shall complete the initial FOMP and submit to MDE no later than September 30, 2018.

17. Items to be completed in 2017 – 2018

The Licensee shall finalize design plans for initial fishlift improvement and improvements to facilitate the trap and transport program by no later than December 31, 2018.

18. Definitions of Certain Terms

In addition to terms defined elsewhere in the Certification and this MDE-FPIP, the following terms have the following meaning when used herein:

Adjusted Efficiency - The calculated fish passage efficiency that accounts for the biological benefit of fish trapped and transported from the Project to areas upstream of other mainstem dams. This calculated efficiency gives credit towards efficiency targets for the number of fish that are trapped and transported.

Anadromous - migratory fish that spawn in freshwater rivers but spend most of their life in the ocean.

Attraction Efficiency - The proportion of the migrating population that successfully passes a designated downstream point at the Project (i.e. the downstream end of Rowland Island), and successfully enters the fish lift.

Fish Ladder - an engineered ramp-like structure, typically constructed of concrete and/or metal, used to provide upstream fish passage.

Fish Lift - an elevator-like structure with a hopper used to convey fish from the Tailwaters to the headpond of high dams.

Fish Passage Facility - the physical structure of the fishway used to convey fish upstream; with the term being synonymous with "fish lift" at this Project.

Hopper - the structural part of the fish lift used to hold fish as they are transported from the Tailwaters to the head pond.

Safe Passage - the movement of fish through the zone of passage that does not result in any unacceptable stress, incremental injury, or

death of the fish.

SRAFRFC - Susquehanna River Anadromous Fish Restoration Cooperative.

Trap and Transport or T&T - fish that are collected at a downstream project and loaded in a tank truck and transported and released into some location upstream of that project.

Upstream Fish Passage Efficiency - the percentage of the fish present in the Tailwaters that successfully move through the fish lift and continue upstream migrations; e.g. the proportion of fish that start at point B (downstream end of Rowland Island in the case of the Dam) and passes point E in the diagram set forth in Appendix E to this MDE-FPIP.

Volitional Passage - a fish passage facility that allows fish to swim unimpeded from the Tailwaters to the headpond; fish lifts are not considered volitional passage because the fish rely on the operation of the lifts in order to pass upstream into the headpond.

Zone of Passage (ZOP) - The contiguous area of sufficient lateral, longitudinal, and vertical extent in which adequate hydraulic and environmental conditions are maintained to provide a route of passage through a stream reach influenced by a dam (or stream barrier); e.g. the area between point A and point E in the diagram set forth in Appendix E to this MDE-FPIP.

Appendix A to Attachment #1 Calculation of Fishway Capacity for a 6,500-Gallon Hopper

Biological Parameters:

$\lambda_m = 0.052$ (season/day)	Season-to-season run compression coefficient empirically determined design parameter
$\beta = 0.15$ (day/hr)	Hour-to-hour run compression coefficient empirically determined design parameter
$T = 15$ min	Lift cycle time (recommended)

Hopper Size:

$Vol_H = 868.9 \text{ ft}^3$	Estimate of proposed hopper volume (6,500 gallons)
$Vol_{FH} = 0.1 \text{ (ft}^3 \text{ / lbf)}$	Volume required per fish-pound, USFWS criterion; for lift times greater than 15 minutes, a 30 percent increase in Vol_{FH} is recommended

Allowable peak biological loadings:

$Flb_h = (Vol_H / v_{FH} * T)$	$Flb_h = 34,756 \text{ lbf/hr}$	Allowable loading of fish in pounds per peak hour
$Flb_d = Flb_h / \beta$	$Flb_d = 231,706 \text{ lbf/day}$	Allowable loading of fish in pounds during the peak day
$Flb_s = Flb_d / \lambda_m$	$Flb^s = 4,455,897 \text{ lbf/season}$	Allowable loading of fish in pounds during an entire season

Appendix B to Attachment #1 Calculating Trap and Transport Credit

Credit Towards an Overall Efficiency Criterion (85 percent of fish entering the Tailrace)

For a given number of Shad trapped and transported we can estimate the number that would need to pass the Dam via the fish lift to result in the same number of spawners upstream of York Haven Dam. This number is termed "lift equivalents" (L_e) and is calculated as:

$$[1] \quad L_e = \left(\sum_{i=1}^n TT_i \right) \cdot (1 - TT_m) / D$$

Where TT_i refers to the number trapped and transported each year during a single or multi-year study to measure passage efficiency, and TT_m is the mortality associated with trapping and transporting Shad. Harris and I lightower (2011) estimated mortality of trapped and transported Shad in the Roanoke River to be 15 percent. However, SRAFRFC (1997) gave estimates of mortality for holding Shad prior to trap and transport, mortality during the transport, and delayed mortality following release. When all these factors are considered, the overall mortality associated with trap and transport operations was 6 percent, which was used in this model. The denominator (D) in equation [1] will be calculated using the maximum efficiency of each of the two upstream dams with the highest passage efficiency over the three year study and the average of these efficiencies. For example, if the highest efficiencies of Holtwood, Safe Harbor, and York Haven Dams over the three year study were 0.60, 0.78, and 0.50, respectively, then the denominator would be calculated as $D = 0.60 \cdot 0.78 \cdot (0.60 + 0.78) / 2 = 0.3229$. It was assumed that other than the mortality associated with trap and transport operations, no other negative impacts on their fitness occurred compared to Shad that would migrate via multiple fish passage facilities to areas upstream of York Haven Dam.

The L_e can be added to the observed number that were lifted past the Dam during the study period to arrive at an adjusted total number that are passed via the fish lift (L_a).

$$[2] \quad L_a = L_e + \sum_{i=1}^n P_i L_i$$

where L_i is the observed number lifted in each year.

During a radio telemetry study at the Dam, an estimate of passage efficiency will be made and given the total number of Shad actually passed (lifted and released into the Reservoir + trapped and transported upstream), an estimate of the total number of Shad downstream of the Dam during all years of the study can be made.

$$[3] \quad N = (\sum_{i=1}^n P_i) / E_a$$

where P_i is the total number passed each year and E_a is the estimated passage efficiency during the study. Equation [3] also assumes that no mortality is suffered while attempting to pass the Dam.

The variance of N can be estimated by the delta method using the estimated variance of E_a .

$$[4] \quad \text{Var}(N) = [\text{Var}(E_a) / E_a^4] \cdot (\sum_{i=1}^n P_i)^2$$

The adjusted passage efficiency is then the adjusted number that are lifted during the study divided by the total number of Shad downstream of the Dam during all years of the study.

$$[5] \quad E_a = L_a / N$$

The associated variance from the delta method is:

$$[6] \quad \text{Var}(E_a) = [\text{Var}(N) / N^4] \cdot L_a^2$$

The 95 percent confidence interval for E_a can be approximated as:

$$[7] \quad 95\% \text{ C.I. is approximately equal to } 1.96 \cdot \text{square root of } \text{Var}(E_a)$$

If the upper 95% confidence limit is greater than or equal to the efficiency criterion, then the criterion is considered to be met.

Appendix C to Attachment #1 Trap and Transport Mortality Study

To assess the mortality associated with trap and transport of Shad collected at the Dam and transported to areas upstream of York Haven Dam, a study design similar to that of Millard et al. (2005) will be employed. This study will have both a treatment group (Shad trapped and transported) and a control group (Shad not trapped and transported). The purpose of having both a treatment and a control group is to evaluate both the immediate and delayed mortality associated with T&T operations while controlling for mortality associated with handling stress while carrying out the study.

Control groups will consist of Shad that are caught in the lifts at the Dam, sorted from non-target species, and rather than being loaded into a truck and transported upstream, they will be released to a large holding tank located at the Dam (size to be determined) and monitored for 72 hours post-release.

Treatment groups will consist of Shad that are caught in the lifts at the Dam, sorted from non-target species, loaded into a truck, and driven around in the truck for a length of time equivalent to the trip duration to areas upstream of York Haven Dam. After simulating transport, the Shad will be placed into a holding tank located at the Dam and monitored for 72 hours post-release.

Experimental tanks for both treatment and control groups will be located at the Dam in order to eliminate any confounding effects of differences in water temperature/chemistry between treatment and control groups and to isolate the effects of transport. Experimental tanks will be set up with flow through conditions using water pumped from the Tailrace.

Each week throughout the fish passage season, a truck load's worth of fish (exact number yet to be determined) will be used in both treatment and control groups. Thus, the experiment will be temporally replicated for 4 to 8 weeks depending on the duration of the spawning run in a given year. This will allow assessment of mortality over the range of water temperatures experienced by Shad throughout the season.

During the 72 hour monitoring period, dead Shad will be removed from the tank as soon as they are noticed. Mortality will be quantified as the number of dead Shad divided by the number of Shad that entered either the treatment or control group. Mortality in the treatment group will include all Shad that died during the entire process from loading them into the truck to those found dead at the end of the 72 hour monitoring period.

Statistical Analysis

It will be assumed that total mortality of the treatment group consists of two components: 1) mortality associated with transport and release of the Shad; and 2) mortality associated with experimental handling of the Shad. Thus, total mortality of the treatment group = T&T mortality + handling mortality. The control group would only experience mortality associated with experimental handling. The instantaneous handling mortality rate (m_h) will be estimated from the control group as

$$M_h = -\ln(S_c)$$

where S_c is the survival of the control group over all replicates throughout the season. The instantaneous total mortality in the treatment group will be estimated as

$$M_t = -\ln(S_t)$$

where S_t is the survival of the treatment group over all replicates throughout the season. The conditional mortality associated with trap and transport (conditioned on handling mortality) is

$$u_{TT} = A \cdot M_h / \ln(1 - A)$$

where A is the fraction of fish that die from all causes ($1 - S_t$). This equation is based on the traditional fisheries expression $u = A \cdot F / Z$ where u = the expectation of death from fishing, A = total mortality rate from all causes, F = the instantaneous fishing mortality rate, and Z = the total instantaneous mortality rate. Estimation of the conditional mortality associated with trap and transport (u_{TT}) according to the above equation is preferred because it accounts for the probability that the two sources of mortality, trap and transport stress and handling stress, occur simultaneously over the monitoring period (Millard et al. 2005).

Literature cited:

Millard, M.J., J.W. Mohler, A. Kahnle, and A. Cosman. 2005. Mortality associated with catch-and-release angling of striped bass in the Hudson River. *North American Journal of Fisheries Management*. 25:1533-1541

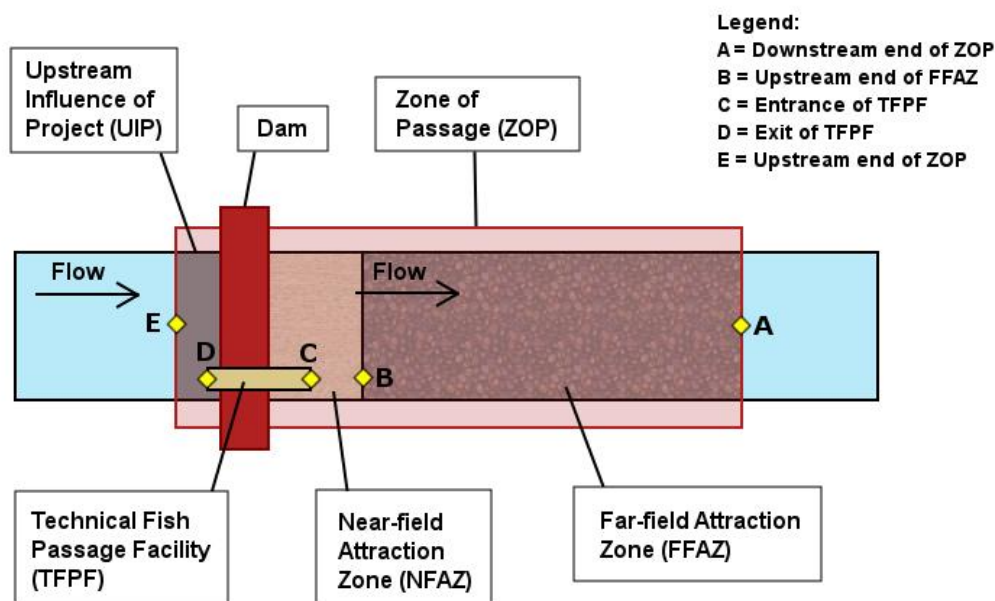
**Appendix D to Attachment #1
Upstream and Downstream Migration Periods for Certain Species**

<i>Species</i>	<i>Upstream Migration Period</i> ^{1,2,3}	<i>Downstream Migration Period</i> ^{1,2,3}
Shad	Starting when River temperature reaches 50 ° F, until River temperatures rise above 72 ° F for four consecutive days, but ending no earlier than June 1, and no later than June 15 ²	July 1 through November 15 (juv.) May 1 through July 1, as long as river temperature is above 65 ° F ² (adult)
Herring	Starting when River temperature reaches 50 ° F, until River temperatures rise above 72 ° F for four consecutive days, but ending no earlier than June 1, and no later than June 2,3,4	June 15 through October 14 (juv.) April 15 1 through July 1 (adult)

Notes:

- Any of these migration periods may be changed during the Term by MDE, based on new information. At any time during the Term, Licensee may submit new information to MDE in support of a request to change the migration periods. In the event MDE seeks to require downstream passage by means other than through the units, the downstream migration periods automatically will be reviewed jointly by MDE, other fishery agencies, and the Licensee.
- Water temperatures shall be monitored once daily at 11 a.m. at Station 643 or some other location agreed upon by the Licensee and MDE
- MDE recognizes that, because of factors outside of the Licensee's control, safety considerations may preclude the personnel from performing duties necessary to commence fish passage measures at the Project by the commencement date. When such conditions arise, the Licensee shall notify MDE, and MDE and the Licensee shall consult regarding the anticipated schedule for commencing such measures
- This migration period is based on alewife migration timing from other tributaries to the Bay (Sutherland 2000, p. 9; Eyler et al. 2002, p. 59; Slacum et al. 2003, p. 13).

**Appendix E to Attachment #1
Diagram of Fish Passage Definitions**



ATTACHMENT #2
To Clean Water Act Section 401 Certification For the Conowingo Hydroelectric Project
FERC Project No. P-405 / MDE WSA Application No. 17-WQC-02

MDE American Eel Passage Improvement Plan (MDE-AEPIP)

The Licensee shall construct, operate, and maintain Eel fishways at the Dam to pass upstream migrating Eels that arrive at the Project in a safe, timely, and efficient manner. The Project shall also be operated to provide safe, timely, and effective downstream passage of Eels.

Without limiting the generality of Section 2.C.ii of the Certification, in all cases where this MDE-AEPIP requires the Licensee to consult with or make any submission to MDE, the Licensee shall also consult with, or make such submission to DNR, unless otherwise specified.

A. General Provisions

1. For purposes of this MDE-AEPIP, “Upstream Eel Migration Season” is defined as May 1 through November 1 or when fall mean daily River temperature below the Dam is 10 degrees Celsius or less for three consecutive days, whichever is later.

2. For purposes of this MDE-AEPIP, “Downstream Eel Migration Season” is defined as September 15 through February 15 (or whenever River temperature is above 37 degrees Fahrenheit for four consecutive days).

3. Water temperatures shall be monitored hourly at Station 643 or some other location agreed upon by the Licensee and MDE. This initial operational period is based on preliminary data on Eel migration timing from other tributaries to the Bay.

4. MDE, in consultation with DNR, will use the results from the downstream Eel effectiveness monitoring studies conducted pursuant to Section B.18 of this MDE-AEPIP to further refine the Downstream Eel Migration Period throughout the Term.

B. Eel Passage Requirements and Conditions

1. During the Eel passage season starting May 1, 2019, the Licensee shall document congregations of juvenile Eels visually via bi-weekly nighttime surveys during the migration period, unless another method is approved in writing by MDE. The locations surveyed shall focus on the EFL area including inside the EFL and stilling pool(s) and the Dam spillway adjacent to the EFL. Based on the results of the site-determination studies and engineering analysis, the Licensee shall submit an Eel siting report by February 1, 2020 and then shall design, install, operate and maintain temporary mobile traps to inform the potential location of one or more additional permanent Eel trapping facility(s).

2. No later than March 15, 2020, the Licensee shall submit to MDE for approval a plan to construct and operate temporary, exploratory traps at various locations below the Dam, based on the visual assessments, during multiple years, to assess the ability to collect Eels at locations where they congregate (the “Eel Collection Plan”). Collection facilities for the temporary site determination study shall be similar to those used in the 2011 study conducted by the Licensee. The Eel Collection Plan shall include (a) locations of Eel fishways, (b) description of substrates, (c) attraction flow at the ramps, (d) attraction flow from the spill gates, (e) description of holding tanks, and (f) frequency of trap checks with contingency for likely high collection periods.

3. No later than March 15, 2022, the Licensee shall submit to MDE for approval an “Eel Passage and Restoration Plan”, which shall include (a) detailed plans for the design and construction of new permanent East Eel Fishway(s) (“EEF”) located in one or more areas that have high potential to capture Eels migrating up the east side of the mainstem River in the Tailrace; (b) details regarding the annual operation and maintenance of all current and proposed Eel Fishways; and (c) proposed attraction flow speed and volume, slopes of the ramps, matting, and methods to reduce predation.

4. The Licensee shall design and install the EEFs within 12 months of MDE approval of the Eel Passage and Restoration Plan, using paired ramps with different substrates, tanks, etc. to provide sufficient capacity for captured Eels. The number of EEFs and their locations, dependent on survey results, will be determined by MDE. If the number of Eels attempting to migrate within an EEF exceeds the maximum capacity of Eels per unit of ramp area, the Licensee shall redesign and construct the EEF to reduce crowding. In addition, the Licensee shall ensure the holding tank has continuous temperature, DO and water flow exchange monitoring devices with alarms that sound in a permanently staffed location if levels of any parameter are outside established limits. Upon observation, the Licensee shall remove, enumerate and report dead Eels. The holding tank shall be designed and operated to hold Eels at densities not exceeding 10 elvers per liter unless otherwise approved by MDE. If deemed necessary by MDE, the Licensee will provide aeration to the holding tanks. Licensee shall provide daily reports to MDE, DNR, and other resource agencies designated by MDE.

5. Upon completion of the EEFs and thereafter as necessary, the Licensee shall consult at least yearly by February 1, with MDE concerning modifications and adjustments to the passage facilities to improve their operation and efficiency and previous year’s data.

6. The Licensee shall not make any modifications to any EEF, undertake any construction associated with any EEF, or make any changes to the operation of any EEF without MDE’s written approval in advance.

7. Upon modification to any fish lifts, the Licensee shall investigate Eel congregation locations and follow the procedures outlined in Section B.1 of this MDE-AEPIP to assess the need for additional facilities or modification to the existing Eel collection facilities.

8. The Licensee shall include within the Eel Passage and Restoration Plan detailed plans for the conversion of the EEF(s) and the existing West Eel Fishway (“WEF”) to volitional passage, which shall be operational by the Upstream Eel Migration Season in 2031 unless MDE states otherwise in writing. Based on the status of Eel passage at the Holtwood, Safe Harbor and York Haven dams and the results of Eel stocking studies, MDE may delay or eliminate the requirement to convert to volitional passage if the continuation of the trap and transport program is a preferred option for Eel restoration.

9. The Licensee shall operate the existing WEF annually during each Upstream Shad Migration Season in accordance with the approved Eel Passage and Restoration Plan.

10. The Licensee shall operate the WEF and EEF (interchangeably and collectively, the “Eel Fishways”) continuously (24 hours per day, 7 days per week) during each Upstream Eel Migration Season during the Term, regardless of whether the Eel Fishways are operated as a trap or a volitional fishway. If the Eel Fishway(s) is located within the EFL during the Shad passage season, the Eel Fishway(s) will be operated at night when the EFL is not lifting unless MDE modifies this requirement in writing.

11. Unless MDE determines that no effective technology is available to enable such testing, the Licensee shall submit to MDE upstream Eel Fishway efficiency studies (each, an “Efficiency Study”) for approval, in accordance with this Section B.11. Each Efficiency Study shall be conducted with juvenile Eels in the vicinity and within the Eel Fishways in 2019, or once technology is available, and once every ten years

thereafter. Each Efficiency Study shall determine the Eel upstream passage efficiency of all Eel Fishways during the Upstream Eel Migration Season and any issues that impact Eel survival and efficiency through the Eel Fishways. Each Efficiency Study will consist of two components: determining attraction efficiency to the facility and passage efficiency within the facility once an Eel enters the Eel Fishway. If not already tested at the WEF prior to issuance of the Certification, internal Eel Fishway efficiency at the WEF shall be tested in 2019, regardless of testing for attraction and overall passage efficiency. At all other Eel Fishways, internal Eel Fishway efficiency shall be tested in the year immediately after the year in which the Eel Fishway is completed, regardless of testing for attraction and overall passage efficiency. Efficiency Studies will be repeated following all modifications to Eel Fishway operations, physical structures or the fish lifts which impact River flows or the shoreline to evaluate the success of the modifications. If MDE determines that any Efficiency Study cannot be conducted due to the lack of technology, the Licensee shall conduct visual surveys every five years after the Eel Fishway(s) are constructed to locate Eels below the Dam. The Licensee shall provide an annual report on the efficiency or visual study to MDE DNR by December 31 of the study year.

12. Within twelve months after completion of the Eel Fishways on the east side of the Project (at or near the EFL and the east bank of the River), the Licensee will submit to MDE for approval a multi-year study plan to evaluate those facilities, which plan shall include (a) substrate types, (b) attraction flow at each ramp, (c) attraction flow from the EFL attraction flow spill gates, and (d) potential adjustments to the locations of the Eel Fishways.

13. The Licensee shall yearly, or at such other interval as may be approved in writing by MDE, visually assess the numbers and density of Eels using the Eel Fishways during periods when use is anticipated to be high (e.g. increases in discharge or turbidity) to determine if capacity is exceeded.

14. No later than September 1, 2020, the Licensee shall submit to MDE for approval a plan to conduct in-River, post-stocking surveys including one year of baseline (pre-stocking) data to assess the impact of Eel reintroduction into streams (the “Eel Reintroduction Plan”). These post-stocking surveys shall be for three consecutive years and then once every five years thereafter or until MDE agrees in writing to not continue the annual surveys. Provisions in the Eel Reintroduction Plan shall include the following:

- (a) Representative stream segments of the tributaries; provided that the Licensee will propose locations and methods for this survey at least one year in advance to MDE for review and approval;
- (b) The number, length, and location of transects sampled shall be subject to approval by MDE;
- (c) Eels shall be captured by electrofishing or other methods as approved by MDE;
- (d) Block netting shall be required on tributary streams; and
- (e) Sampling shall include bivalves and crayfish.

During sampling, Licensee shall document the number of Eels captured and collect data from a representative subsample of Eels. Sampled Eels shall be scanned for passive integrated transponder (“PIT”) tags and data from recaptured Eels shall be recorded. Captured Eels larger than 200mm will be tagged with PIT tags and released. Should DNR determine that the number of Eels larger than 200mm is excessive, the Licensee shall consult with MDE and DNR to determine if a subsample of Eels may be PIT tagged. Data collected shall include a variety of life history characteristics e.g., length, weight, condition factor and a description of maturity (e.g. elver, yellow phase, silver phase). that can be assessed to determine how well stocked Eels are utilizing the River and tributaries. A portion of the subsample will be sacrificed and examined for age (otolith analysis), gender, and level of *Anguillicoloides crassus* infection.

15. No later than February 1 of each year, beginning in the year after the Eel Reintroduction Plan is implemented, Licensee shall provide MDE an annual report based on the results of the stream surveys performed in the previous year pursuant to the Eel Reintroduction Plan. The report shall include a description of (a) stream segments surveyed, (b) dispersal of the stocked Eels, (c) estimate the density of stocked Eels, (d) an evaluation of the growth, condition, age, gender, (e) level of infestation with *Anguillicoloides crassus* of Eels, (f) mussel and crayfish survey results.

16. The Licensee shall submit to MDE for approval a plan showing proposed stocking locations for collected Eels to MDE for review 90 days prior to each Upstream Eel Migration Season.

17. Transport of juvenile Eels upstream shall occur as necessary based on the capacity of holding tanks at the Eel Fishways. The holding tanks shall have an automatically engaging back up pump and an alarm that sounds in a daily staffed location if the primary pump malfunctions. The holding tank shall have continuous temperature, DO and gallon/minute water exchange monitoring devices with alarms that sound in a daily staffed location if levels of any parameter are outside of established limits. All Eels shall be moved within one week of capture. Eels from the holding tank(s) shall be transferred to a transport vehicle equipped with an insulated transport container(s) that shall be covered and aerated. The transport vehicle(s) shall have an automatically engaging back up pump and an alarm that sounds in the cab of the vehicle(s). The transport vehicle shall have continuous temperature and DO monitoring devices with alarms that sound in the vehicle cab if levels of any parameter are outside of established limits. The transport vehicle(s) shall be designed and operated to hold Eels at densities not exceeding 10 juvenile Eels per liter unless otherwise permitted by MDE in writing. Eels shall be trucked to appropriate release locations on the same day of removal from holding. Upon observation, dead Eels shall be removed, enumerated, and reported.

18. The trigger date for initiation of downstream Eel passage studies shall be the date on which MDE, determines that available data indicates that Eels are maturing upstream of the Project in sufficient numbers to require downstream Eel passage studies at the Dam (“Downstream Study Trigger Date”). Within six months after receiving written notice from MDE that the Downstream Study Trigger Date has occurred, the Licensee shall submit to MDE for approval a plan to conduct a silver Eel downstream survival study (the “Downstream Survival Plan”). The Downstream Survival Plan shall (a) be designed to demonstrate continued compliance with the 85% downstream silver Eel survival target; and (b) include balloon tagging study(ies). The Licensee shall provide a report of the study results from implementation of the Downstream Survival Plan within 180 days after the date of study completion. If such results indicate that the Licensee can operate the Project so that it achieves at least 85% downstream passage of Eel through the Project, the Licensee shall incorporate into the Eel Passage and Restoration Plan all operational measures needed to meet this survival rate. If such results do not indicate that the Project can be operated to achieve at least 85% downstream passage survival of Eel, the Licensee shall propose a plan and schedule for mitigation to achieve the maximum possible downstream Eel passage.

19. No later than September 1, 2021, the Licensee shall submit to MDE for approval a plan for implementing radio telemetry monitoring of Eel at the Project year-round for at least three consecutive years (the “Telemetry Plan”). The Telemetry Plan must include route of passage, delay estimates, and project related mortality. If there are an insufficient number of Eels after three years of implementing the approved

SPECIAL DOCUMENTS

Telemetry Plan to determine route of passage, delay estimates, and project related mortality, the Licensee shall continue the Telemetry Plan until such determinations can be made.

ATTACHMENT #3

**To Clean Water Act Section 401 Certification For the Conowingo Hydroelectric Project
FERC Project No. P-405 / MDE WSA Application No. 17-WQC-02**

MDE Invasive Species Mitigation Plan (MDE-ISMP)

In order to minimize the introduction and spread of aquatic invasive species (“AIS”) into the River through the fish lifts at the Dam, the Licensee shall, beginning in September of 2018:

1. The Licensee shall notify DNR and USFWS in accordance with Section 7 of this MD-ISMP if an AIS is (a) collected in the WFL, (b) collected in the EFL, or (c) passed in the EFL into the Reservoir.
2. During EFL Operations, the Licensee shall:
 - (a) View the hopper dumping into the fish exit trough. If an AIS is viewed in the hopper or chute, close the gate at the viewing window immediately, and institute a draw-down to remove the AIS from the trough before releasing the remaining fish into the Reservoir.
 - (b) Remove any AIS that are observed while conducting tagging operations in the EFL trough.
3. During WFL Operations, the Licensee shall remove any invasive species that are collected in the WFL.
4. The Licensee shall also:
 - (a) Retrofit/redesign the EFL no later than March 1, 2019 to remove AIS and allow tagging fish when required.
 - (b) Design fishlifts to remove all AIS prior to upstream migration or Tailrace reintroduction while not significantly impacting fish passage.
 - (c) Ensure the proper disposal of all AIS captured in the fish lifts.
5. MDE may require the Licensee to implement the following protocol beginning in the 2019 migratory fish passage season that starts when River temperatures reach 48 degrees for three consecutive days and ends when River temperatures rise above 72 degrees for four consecutive days:
 - (a) For all AIS collected at the Dam, Licensee shall kill or dispatch the AIS and place it in the freezer used for Shad heads during the tank spawning studies, for DNR and/or USFWS to dispose of such AIS.
 - (b) If freezer space for storage of AIS becomes limited the Licensee shall notify MDE and DNR.
 - (c) If freezer space for storage of AIS is not limited, at the end of the season, Licensee shall send the frozen AIS with the Shad heads to the Van Dyke Hatchery and notify MDE and DNR as to the number and type of frozen AIS sent to the Van Dyke Hatchery
6. MDE reserves the right to adaptably modify conditions for invasive species control, based on a sound science and after consultation with DNR, USFWS and the Licensee. Licensee shall implement any modifications to these conditions as required by MDE on a schedule established by MDE.
7. Agency Notification Protocol: If an AIS is captured and removed or passed in a fish lift, the Licensee shall notify DNR and USFWS within 24 hours. Notification shall include: (a) species name and number observed/collected; (b) disposition of the AIS observed/collected; (c) approximate size of AIS observed/collected; (d) date and time of passage; and (e) estimated flow through the Dam at time of passage.

ATTACHMENT #4

**To Clean Water Act Section 401 Certification For the Conowingo Hydroelectric Project
FERC Project No. P-405 / MDE WSA Application No. 17-WQC-02**

Minimum Flow Regime

Time Period	Minimum Flow
January	4,000 cfs
February	4,000 cfs
March	4,000 cfs
April	18,200 cfs
May	18,200 cfs
June	7,500 cfs
July	5,500 cfs
August	4,500 cfs
September 1-14	3,500 cfs
September 15-30	3,500 cfs
October	4,000 cfs
November	4,000 cfs
December	4,000 cfs

ATTACHMENT #5
To Clean Water Act Section 401 Certification For the Conowingo Hydroelectric Project
FERC Project No. P-405 / MDE WSA Application No. 17-WQC-02

Year 10 Flow Regime

For purposes of the following table, “below normal” at the Marietta Gage means flow less than monthly Q50, and “above normal” means flow greater than or equal to monthly Q50.

Month(s)	Min Flow	Down Ramping Rate	Upramping Rate	Maximum Flow
December-January	11,000 cfs	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	None
February	12,500 cfs	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	None
March	24,000 cfs when upstream inflow at the Marietta Gage is below normal; 30,000 cfs when upstream inflow at the Marietta Gage is above normal.	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	None
April	29,000 cfs when upstream inflow at the Marietta Gage is below normal; 35,000 cfs when upstream inflow at the Marietta Gage is above normal.	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	None
May	17,500 cfs when upstream inflow at the Marietta Gage is below normal; 25,500 cfs when upstream inflow at the Marietta Gage is above normal.	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	65,000 cfs
June	10,000 cfs when upstream inflow at the Marietta Gage is below normal; 14,000 cfs when upstream inflow at the Marietta Gage is above normal.	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	65,000 cfs
July	5,500 cfs when upstream inflow at the Marietta Gage is below normal; 8,500 cfs when upstream inflow at the Marietta Gage is above normal.	Up to 10,000 cfs/hour if instream flow is less than 30,000 cfs; Up to 20,000 cfs/hour if upstream flow is between 30,000 and 86,000 cfs	Up to 40,000 cfs/hour	65,000 cfs
August	4,500 cfs when upstream inflow at the Marietta Gage is below normal; 6,000 cfs when upstream inflow at the Marietta Gage is above normal.	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	65,000 cfs
September	3,500 when upstream inflow at the Marietta Gage is below normal; 5,500 cfs when upstream inflow at the Marietta Gage is above normal.	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	65,000 cfs
October	4,500 cfs when upstream inflow at the Marietta Gage is below normal; 6,000 cfs when upstream inflow at the Marietta Gage is above normal.	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	None
November	6,000 cfs when upstream inflow at the Marietta Gage is below normal.; OR 11,000 cfs when upstream inflow at the Marietta Gage is above normal.	Up to 20,000 cfs/hour	Up to 40,000 cfs/hour	None

FOOTNOTES

¹Requested modifications to the FOMP will not include changes to turbine operations. Any modification to turbine operations shall be implemented only pursuant to Section 8.

²At the Licensee's election, and with MDE concurrence, the Periodic Efficiency Test may be extended an additional one year. Only after the efficiency tests are completed will the Licensee be required to propose, as may be necessary, a course of action to achieve the Target Efficiency.

³MDE may require relocation of Entrances A&B and, if the *Adjusted Efficiency* continues to be between 55% - 69%. Entrance D at a later point. But then, per Tier III (and consistent with the "not before" dates), may only require the AWS, not the WFL. Alternatively, MDE may require the relocation of Entrance A&B. and in subsequent cycles proceed to choose the WFL (again, consistent with the "not before" dates) if(a) the *Adjusted Efficiency* is below 55% and Entrance D has not been constructed or (b) the *Adjusted Efficiency* is between 55%- 69% and MDE determines that Entrance D is not likely to achieve the efficiency criterion.

[18-10-36]

SUSQUEHANNA RIVER BASIN COMMISSION**Projects Approved for Minor Modifications**

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: March 1-31, 2018.

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

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

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

Minor Modifications Issued Under 18 CFR § 806.18

Panda Hummel Station LLC, Docket No. 20081222-4, Shamokin Dam Borough and Monroe Township, Snyder County, Pa.; approval to add Shamokin Dam Borough public water supply as an additional source of water for consumptive use; Approval Date: March 1, 2018.

Sugar Hollow Water Services LLC (Bowman Creek), Docket No. 20140612-1, Eaton Township, Wyoming County, Pa.; approval to changes in the authorized water uses; Approval Date: March 30, 2018.

Sugar Hollow Water Services LLC (Martins Creek), Docket No. 20150304-1, Hop Bottom Borough, Susquehanna County, Pa.; approval to changes in the authorized water uses; Approval Date: March 30, 2018.

Sugar Hollow Water Services LLC (Susquehanna River), Docket No. 20151204-1, Eaton Township, Wyoming County, Pa.; approval to changes in the authorized water uses; Approval Date: March 30, 2018.

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

Dated: April 20, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission.

[18-10-23]

MARYLAND HEALTH CARE COMMISSION

SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following schedules to interested members of the public and sponsors of health care facility and service projects subject to Certificate of Need ("CON") review and approval.

The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria. It will be noted that the first criterion is evaluation of the project according to all relevant State Health Plan standards, policies and criteria.

This Certificate of Need review schedule updates the schedule published in the *Maryland Register*, Volume 45, Issue 7, pages 396-400 (March 30, 2018). This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate that additional capacity is needed in services subject to Certificate of Need review or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

Letters of Intent and applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m.** on the scheduled date of submission. Letters of intent for projects not covered by this review schedule may be filed at any time.

For further information about review schedules or procedures, call Kevin McDonald, Chief, Certificate of Need, at (410) 764-5982.

The Commission will use the following regional configuration of jurisdictions for the General Hospital Project, Special Hospital Project, Freestanding Ambulatory Surgical Facility Project, and Schedule Two Comprehensive Care Facility Project Review Schedules:

<u>Western Maryland:</u> Allegany, Frederick, Garrett, and Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore, Carroll, Harford, Howard, and Baltimore City
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester	<u>Montgomery & Southern Maryland:</u> Calvert, Charles, Montgomery, Prince George's, and St. Mary's

General Hospital Projects

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by general hospitals, for projects that involve: (1) capital expenditures by or on behalf of general hospitals that exceed the applicable capital expenditure threshold referenced at COMAR 10.24.01.02A(5); (2) proposed changes in bed capacity or operating room capacity at existing hospitals; (3) the relocation of a general hospital; and/or (4) a change in the type or scope of any health care service offered by a general hospital, as specified at COMAR 10.24.01.02A, except for neonatal intensive care. Please note that the following schedule does not apply to a project to establish a new general hospital.

Schedule One: All General Hospital Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 4, 2018	May 16, 2018	July 6, 2018
Central Maryland	June 1, 2018	June 13, 2018	August 3, 2018
Eastern Shore	July 6, 2018	July 18, 2018	September 7, 2018
Montgomery & Southern Maryland	August 3, 2018	August 15, 2018	October 5, 2018

Schedule Two: All General Hospital Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	November 2, 2018	November 14, 2018	January 4, 2019
Central Maryland	December 7, 2018	December 19, 2018	February 8, 2019
Eastern Shore	January 4, 2019	January 16, 2019	March 8, 2019
Montgomery & Southern Maryland	February 1, 2019	February 13, 2019	April 5, 2019

Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by special hospitals, for projects that involve: (1) capital expenditures by or on behalf of special hospitals that exceed the applicable capital expenditure threshold referenced at COMAR 10.24.01.02A(5); (2) proposed changes in bed capacity at existing hospitals; (3) the relocation of a special hospital; and/or (4) a change in the type or scope of any health care service offered by a special hospital, as specified at COMAR 10.24.01.02A. Please note that the following schedule does not apply to a project to establish a new special hospital.

Schedule One
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 4, 2018	May 16, 2018	July 6, 2018
Montgomery	May 11, 2018	May 23, 2018	July 11, 2018
Montgomery & Southern Maryland	June 1, 2018	June 13, 2018	August 3, 2018
Central Maryland	July 6, 2018	July 18, 2018	September 7, 2018
Eastern Shore	August 3, 2018	August 15, 2018	October 5, 2018

Schedule Two
Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	November 2, 2018	November 14, 2018	January 4, 2019
Central Maryland	January 4, 2019	January 16, 2019	March 8, 2019
Eastern Shore	February 1, 2019	February 13, 2019	April 5, 2019
Montgomery & Southern Maryland	March 1, 2019	March 13, 2019	May 3, 2019

Freestanding Ambulatory Surgical Facility Projects

The Commission hereby publishes the following schedules for the submission of applications to establish freestanding ambulatory surgical facilities, add operating rooms at an existing freestanding ambulatory surgical facility, or make a capital expenditure by or on behalf of a freestanding ambulatory surgical facility that requires Certificate of Need review and approval. The definition of freestanding ambulatory surgical facility can be found at Health-General Article §19-114(b).

Schedule One
Freestanding Ambulatory Surgical Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Montgomery & Southern Maryland	May 4, 2018	May 16, 2018	July 6, 2018
Central Maryland	June 1, 2018	June 13, 2018	August 3, 2018
Eastern Shore	July 6, 2018	July 18, 2018	September 7, 2018
Western Maryland	August 3, 2018	August 15, 2018	October 5, 2018

Schedule Two
Freestanding Ambulatory Surgical Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	November 2, 2018	November 14, 2018	January 4, 2019
Central Maryland	December 7, 2018	December 19, 2018	February 8, 2019
Eastern Shore	January 4, 2019	January 16, 2019	March 8, 2019
Montgomery & Southern Maryland	February 1, 2019	February 13, 2019	April 5, 2019

Comprehensive Care Facility Projects

The Commission hereby publishes the following two schedules for Certificate of Need review of proposed projects affecting comprehensive care facilities (“CCFs”). Schedule One identifies the review cycles for proposals involving the addition of CCF beds in Maryland jurisdictions in which the most recent State Health Plan need projection (COMAR 10.24.08, effective October 3, 2014) identifies a net need for beds in the forecast year of 2016 and for which no letters of intent or applications have been filed. Persons interested in submitting Certificate of Need applications involving the addition of beds in these jurisdictions should contact the Maryland Health Care Commission to ascertain the current level of net bed need, if any, identified for these jurisdictions prior to the filing of a Certificate of Need application. Schedule Two establishes submission dates for Certificate of Need applications related to all other CCF projects that do not involve an increase in CCF bed capacity in a jurisdiction. These include projects that involve a proposed capital expenditure for new construction or renovation at an existing CCF, the relocation of an existing facility, or the proposed relocation of some or all of the CCF bed capacity from an existing facility to a new site within the same jurisdiction.

Schedule One
Projects Proposing New Comprehensive Care Facility Beds

Jurisdiction	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
St. Mary’s County	May 4, 2018	May 16, 2018	July 6, 2018
Queen Anne’s County	June 1, 2018	June 13, 2018	August 3, 2018
Worcester County	July 6, 2018	July 18, 2018	September 7, 2018
Harford County	August 3, 2018	August 15, 2018	October 5, 2018

Schedule Two
Part A: Other Comprehensive Care Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 4, 2018	May 16, 2018	July 6, 2018
Central Maryland	June 1, 2018	June 13, 2018	August 3, 2018
Eastern Shore	July 6, 2018	July 18, 2018	September 7, 2018
Montgomery & Southern Maryland	August 3, 2018	August 15, 2018	October 5, 2018

Schedule Two
Part B: Other Comprehensive Care Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	November 2, 2018	November 14, 2018	January 4, 2019
Western Maryland	December 7, 2018	December 19, 2018	February 8, 2019
Central Maryland	January 4, 2019	January 16, 2019	March 8, 2019
Montgomery & Southern Maryland	February 1, 2019	February 13, 2019	April 5, 2019

Freestanding Medical Facility Projects

The Commission hereby publishes the following statewide schedule for Certificate of Need review of proposed projects to establish or relocate freestanding medical facilities (FMFs) and proposed capital expenditures by or on behalf of FMFs that require CON review and approval. Please note that these schedules do not apply to the filing of a request for an Exemption from Certificate of Need by a general hospital seeking to convert to a freestanding medical facility.

**Schedule One
Freestanding Medical Facility Projects**

Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
June 8, 2018	June 20, 2018	August 10, 2018

**Schedule Two
Freestanding Medical Facility Projects**

Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
December 7, 2018	December 19, 2018	February 8, 2019

Home Health Agency Projects

The Commission hereby publishes the following regional schedule for Certificate of Need review of proposed projects to establish new home health agencies or expand existing home health agencies into jurisdictions which the agency has not previously been authorized to serve. Persons interested in submitting Certificate of Need applications for home health agency projects should refer to the *State Health Plan for Facilities and Services: Home Health Agency Services, COMAR 10.24.16*, effective April 11, 2016. CON application acceptance rules including types of applicants which may apply as well as performance-related qualifications may be found in COMAR 10.24.16.06. Interested persons may consult the Maryland Health Care Commission's website at www.mhcc.maryland.gov/mhcc/pages/hcfs/hcfs_con/hcfs_con.aspx to learn more about eligibility qualification for CON applicants.

The Commission will use the following regional configuration of jurisdictions for the Home Health Agency Project Reviews:

<u>Western Maryland:</u> Allegany, Frederick, Garrett, and Washington	<u>Upper Eastern Shore:</u> Caroline, Cecil, Kent, Queen Anne's and Talbot
<u>Lower Eastern Shore:</u> Dorchester, Somerset, Wicomico, and Worcester	<u>Southern Maryland:</u> Calvert and St. Mary's

**Schedule
Home Health Agency Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Upper Eastern Shore	May 4, 2018	May 16, 2018	July 6, 2018

[18-10-34]

SCHEDULE FOR CERTIFICATE OF ONGOING PERFORMANCE REVIEWS

Percutaneous Coronary Intervention Services

The Maryland Health Care Commission provides the following schedule for the review of applications for Certificates of Ongoing Performance of percutaneous coronary intervention (PCI) services. This schedule replaces the schedule for PCI services published on November 13, 2017.

Applications must be submitted no later than the published due date and will only be received and reviewed in accordance with this published schedule. All applications, including the required number of copies, must be received at the offices of the Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m. on the scheduled date of submission. For further information about the review schedules or procedures, contact Eileen Fleck, Chief, Acute Care Policy and Planning, at eileen.fleck@maryland.gov or 410-764-3287.

Percutaneous Coronary Intervention Services

		Application Submission Date
Anne Arundel Carroll Howard County General Johns Hopkins Bayview MedStar Union Memorial Peninsula Regional Sinai of Baltimore The Johns Hopkins Frederick Memorial Holy Cross of Silver Spring MedStar Southern Maryland Meritus	Hospitals	
	MedStar Franklin Square	
	St. Agnes	
	UM Baltimore Washington	
	UM Upper Chesapeake	September 21, 2018
	University of Maryland	
	UM St. Joseph	
	Western Maryland	
		December 21, 2018
	UM Prince George's	
	AHC Shady Grove Suburban AHC Washington Adventist	March 22, 2019

Note: Due to the concentration of PCI programs in the Baltimore Upper Shore Health Planning Region, the performance reviews for these hospitals have been distributed over two review cycles, with the first cycle covering the Baltimore Upper Shore region hospitals that currently provide PCI services only and the second cycle covering the Baltimore Upper Shore region hospitals with both cardiac surgery and PCI services.

[18-10-24]

DEPARTMENT OF STATE POLICE

HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under the Public Safety Article, §5-405, Annotated Code of Maryland and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after **May 11, 2018**. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Marlene Jenkins, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Pikesville, Maryland 21208.

Manufacturer	Model Name	Model Number	Caliber	Additional Explanation
Aldo Uberti	Stallion		.45 LC	Caliber Addition
AWS (Advanced Weapon Systems)	Trench 12		12 Gauge	
Beretta	81 Cheetah		.32 ACP	Model/Caliber Addition
Bond Arms	Century 2000		.45 LC/410 GA .357 Mag/38 Special	Caliber Addition
Bond Arms	Old Glory		45 LC/410 GA	Model Addition
Brugger & Thomet	GH M9		9mm Luger	
Charter Arms	Target Pathfinder	52242	.22 LR	
CK Arms	Thunder Series Limited		9mm, .38 Super, .38 Super Comp, .357 Sig, .40 S&W, 10mm, .45 ACP	
Dan Wesson	715 (Revolver)		.357 Magnum	
Daniel Defense	DDM4 V7 P		223/5.56	Model Addition
Diamondback	DB 15		223/5.56, 300 Blackout	Model/Caliber Addition
Dikar (CVA)	Scout V2	CO702S	300 Blackout	Caliber Addition
E.A.A.	E.A 380 FT		.380 ACP	
E.A.A./F. Tanfoglio	Witness Elite Stock II	600617	.38 Super	Caliber Addition
F.A.P. Lli Pietta (Cimarron)	1873 SA El Malo		.357 Magnum, .38 Spl., 44/45 LC	
Glock	26 Gen 5		9mm	
Guncrafters	BC 17 Hellcat (CCO)		50 GI, .45 ACP, 10mm, .38 Super, 9mm	
Heckler & Koch	VP 40 Tactical		.40 S&W	Model Addition
I.M.I. (Israel Military Ind)	Jericho 941 FS 9	J941FS9	9mm	Caliber Addition
I.W.I. (Israel Weapon Ind)	Galil Ace SAR	GAP556SB	5.56 Nato	Caliber Addition
Iver Johnson	Hawk	IJ08	.45 ACP, 9mm	
JP Sauer & Sohn	Texas Marshall	19653	.44 Magnum	
Kimber	Micro9Eclipse	3300189	9mm	Model Addition
Kimber	Aegis Elite Custom	3000350, 3000355	9mm, .45 ACP	
Kimber	KHX Custom (1911)	3000360	.45 ACP	
Kimber	KHX Pro	3000364, 3000363	9mm	
Kimber	Classic Stainless Target	1911	.45 ACP	
Kimber	Desert Night, Desert Tan, Covert, Eclipse, TLE & Rose Gold		.380 ACP	Model Additions
Metro Arms	Pantera SPP9	SPP9	9mm	Caliber Addition
Michaels Machine	MM53	MM53	5.56 NATO	
Michaels Machine	MM51	MM51	308 (7.62 X51)	
Nighthawk Custom	Nighthawk Custom Classic		.45 ACP, 9mm	
Nighthawk Custom	Heine Kestrel		.45 ACP, 9mm	
Nighthawk Custom	Heine Personal Defense		.45 ACP, 9mm	
Nighthawk Custom	Agent 2		.45 ACP, 9mm	
Para USA	LDA Companion II		.45 ACP	
Patriot Ordinance Factory	P415 (Edge)	01127	5.56 NATO	

PTR Industries	9CT, 9C		9mm	
Remington Arms	1911 R1	96342	.45 ACP	Model Addition
Remington Arms	1911 R1 Tactical	96486	.45 ACP	Model Addition
Sarsilmaz	Kilinc 2000 Mega		9mm	
Sarsilmaz (SAR USA)	SAR 9	SAR9BL, SAR9ST	9mm	
Sarsilmaz (SAR USA)	B6C	B69CBL, B69CST	9mm	
Sarsilmaz (SAR USA)	B6	B69BL, B69ST	9mm	
Sarsilmaz (SAR USA)	K2-45	K245BL, K245ST	.45 ACP	
Sarsilmaz (SAR USA)	CM9 (Gen 2)	CM9BL, CM9ST	9mm	
Sig Sauer	P226 Elite Dark	E26R-9- DSE	9mm	Model Addition
Sig Sauer	1911 Max	1911-9-MAXN	9X19mm	Caliber Addition
Sig Sauer	1911 Max Michel Custom	911-9-MAXN	9X19mm	Model/Caliber Addition
Sig Sauer	1911 SELECT	1911R-45-SEL	.45 ACP	Model Addition
Sig Sauer	P-365	365-9-BXR3	9mm	
Smith & Wesson	M&P 9 Shield M2.0	11671	9mm	Model Addition
Smith & Wesson	Perf Center Mod 986		9mm	Model Addition
Smith & Wesson	M&P 380 Shield EZ M2.0		380 Auto	
Smith & Wesson	M&P Bodyguard 38		.38 S&W SPL +P	
Spike's Tactical	ST 15	STP3181-S7S	.300 Blackout	Caliber Addition
Springfield Armory	TRP Operator	PC9510L18, PC9610L18	10mm	Caliber Addition
Springfield Armory	MC Operator	PX9110ML	.45 ACP	Model Addition
Springfield Armory	Range Officer Elite Target	P19129E	9mm	Model Addition
STI International	DVC Carry	10-400000	9mm	
Sturm Ruger	Security 9	3811	9mm Luger	
Sturm Ruger	EC9s	3283	9mm Luger	
Sturm Ruger	SP 101	5746	.32 H&R Magnum	Caliber Addition
Sturm Ruger	SR 40 C		.40 S&W	Caliber Addition
Sturm Ruger	GP 100	1769	327 Federal Magnum	Model Addition
Taurus	TH 9	1-TH9041	9mm Luger	
Taurus	Spectrum	1-007031-11	.380 ACP	
Taurus	G2 C	1-G2C931-12 1-G2C939	9mm	
Tisas	FATiH 13		.380 ACP	
Warwick Tactical	Outlaw Target	1911	.38 Super, .355 CAL, 9mm, .40 S&W, 10mm, .45 ACP	
Wilson Combat	EDC X9		9mm	
Zastava (CAI)	CZ 999 Compact	999	.40 S&W	

[18-10-37]

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 ANATOMY BOARD

Subject: Public Meeting
Date and Time: May 25, 2018, 2 — 5 p.m.
Place: University of MD School of Medicine, Health Science Facility II, 20 Penn St., Rm. S241, Baltimore, MD
Contact: Rita M. Gross (410) 706-3313
 [18-10-18]

CHESAPEAKE BAY TRUST

Subject: Public Meeting
Date and Time: May 16, 2018, 3 — 6 p.m.
Place: Chesapeake Bay Trust Office, 60 West St., Ste. 405, Annapolis, MD
Contact: Heather Adams (410) 974-2941
 [18-10-11]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: May 17, 2018, 10 — 11 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: Regulatory review will be discussed in the open session. A portion of this meeting will be closed for the administrative session.
Contact: Marie Savage (410) 764-4741
 [18-10-14]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

Subject: Listing of Primary Stroke Center Requesting Reverification of Status and Call for Applications from Those Wishing to Be Considered for Designation
Place: Office of Hospital Programs, 653 W. Pratt St., Baltimore, MD 21201
Add'l. Info: Pursuant to COMAR 30.08.02C, the Maryland Institute for Emergency Medical Services Systems gives notice that the following hospitals have requested reverification as a Primary Stroke Center:

- Carroll Hospital Center
- Frederick Memorial Hospital
- Union Hospital of Cecil County
- Northwest Hospital

Any person with knowledge of any reason why any of the above listed hospitals should not be reverified and redesignated is requested to submit a written statement of the reason to MIEMSS by June 11, 2018.

In addition, pursuant to COMAR 30.08.02.03C, hospitals not designated but who wish to be considered for designation as Primary Stroke Centers should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by July 6, 2018. For more information contact Anna Aycock, Chief, Health Facilities and Special Programs, at (410) 706-3930 or email aaycock@miemss.org.
Contact: Leandrea Gilliam (410) 706-4449
 [18-10-09]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

Subject: Listing of Primary Stroke Center Requesting Reverification of Status and Call for Applications from Those Wishing to Be Considered for Designation
Place: Office of Hospital Programs, 653 W. Pratt Street, Baltimore, MD 21201
Add'l. Info: Pursuant to COMAR 30.08.02C, the Maryland Institute for Emergency Medical Services Systems gives notice that the following hospital has requested reverification as a Comprehensive Stroke Center:

- University of Maryland Medical Center

Any person with knowledge of any reason why the above-listed hospital should not be reverified and redesignated is requested to submit a written statement of the reason to MIEMSS by June 11, 2018.

In addition, pursuant to COMAR 30.08.02.03C, hospitals not designated who wish to be considered for designation as Comprehensive Stroke Centers should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by July 6, 2018. For more information contact Anna Aycock, Chief, Health Facilities and Special Programs, at (410) 706-3930 or email aaycock@miemss.org.
Contact: Leandrea Gilliam (410) 706-4449
 [18-10-10]

GOVERNOR'S COUNCIL ON GANGS AND VIOLENT CRIMINAL NETWORKS

Subject: Public Meeting
Date and Time: June 8, 2018, 11 a.m. — 12:30 p.m.
Place: Governor's Coordinating Offices, 100 Community Pl., Crownsville, MD
Add'l. Info: In accordance with the Open Meetings Act, General Provisions Article, §3-305, Annotated Code of Maryland, a portion of this meeting may be closed to the public.
Contact: Scott Stargel (410) 697-9309
 [18-10-08]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearing
Date and Time: June 6, 2018, 10 a.m. — 12 p.m.; May 24, 2018, 3 — 5 p.m.
Place: Miller Senate Office Bldg., 3 East, Senate Finance Committee Hearing Rm., Annapolis, MD
Add'l. Info: WAIVER AMENDMENT HEARING

The Maryland Department of Health (the Department) 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, 2021. 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 the Department. Each MCO is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet their health needs.

The State's 30-day public comment period will open on May 21, 2018. 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) 767-5677.

Interested parties may send written comments concerning the waiver

amendment to Tricia Roddy, Planning Administration, Office of Health Care Financing, Maryland Department of Health, 201 West Preston Street, Room 224, Baltimore, Maryland 21201, or via email to mdh.healthchoicere renewal@maryland.gov. The Department will accept comments from May 21, 2018, until June 28, 2018. The following public hearings will discuss the content of the waiver amendment and solicit feedback and input from public stakeholders:

Baltimore City

Thursday, May 24, 2018; 3—5 p.m.
(Joint meeting with the HealthChoice Post-Award Forum)
Maryland Department of Health
201 West Preston Street
Baltimore, MD
Room L-1
Webinar Access: To participate in the public hearing remotely, please visit:
<https://mdhealth.webex.com/mdhealth/j.php?MTID=m23601df8ae310f05e9370629f401ee90>
Audio Conference Line: +1-240-454-0887
Meeting Number (access code): 643 289 553

Annapolis

Wednesday, June 6, 2018; 10 a.m.—12 p.m.
Senate Finance Committee Hearing
Room
3 East Miller Senate Building
Annapolis, MD
Contact: Alyssa Brown (410) 767-9795
[18-10-31]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: May 24, 2018, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Studio Conf. Rm., Baltimore, MD
Contact: Kathy L. Lingo (410) 230-8790
[18-10-15]

MARYLAND COMMISSION ON ARTISTIC PROPERTY

Subject: Public Meeting
Date and Time: May 16, 2018, 10:30 a.m. — 12:30 p.m.
Place: Maryland State Archives, 350 Rowe Blvd., Annapolis, MD
Add'l. Info: General meeting for discussion of matters relating to the State-Owned Art Collection.
Contact: Christopher J. Kintzel (410) 260-6475
[18-10-16]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: May 17, 2018, 1 — 4 p.m.
Place: 4160 Patterson Ave., Baltimore, MD
Contact: Valerie Wooding (410) 764-3570
[18-10-05]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: June 21, 2018, 1 — 4 p.m.
Place: 4160 Patterson Ave., Baltimore, MD
Contact: Valerie Wooding (410) 764-3570
[18-10-06]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application
Add'l. Info: On April 6, 2018 the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:
Encompass Health Rehabilitation Hospital — Matter No. 18-16-2423 — Construction of a new 60-bed inpatient rehabilitation hospital to be located at Melford Boulevard at Marconi Drive (southeast corner), Bowie, Maryland; Estimated Project Cost: \$36,698,894.
The MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

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

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

All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.
Contact: Ruby Potter (410) 764-3276
[18-10-19]

MARYLAND HEALTH CARE COMMISSION

Subject: Exemption from CON Review
Add'l. Info: The Maryland Health Care Commission has received on April 13, 2018, a request from:
Dimensions Health Corporation d/b/a University of Maryland Capital Regional Health, University of Maryland Laurel Regional Hospital — Conversion of Laurel Regional Hospital to a Freestanding Medical Facility; Estimated Cost: \$53,100,000.

A copy of the Exemption Request is available for review in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215-2299.
Contact: Ruby Potter (410) 764-3276
[18-10-20]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Commercial Spiny Dogfish Landing Limits — Effective 5/1/18

Add'l. Info: The Secretary of the Maryland Department of Natural Resources, pursuant to the Code of Maryland Regulations (COMAR) 08.02.05.24I, announces the catch limits for the 2018 — 2019 commercial spiny dogfish fishery. Effective 12:01 a.m. on May 1, 2018, the commercial catch limits of spiny dogfish are as follows:

1. For an individual licensed to catch finfish: 1,000 pounds per vessel per day caught from Maryland waters.

2. For an individual licensed to catch finfish who is also in possession of a Maryland striped bass permit that has been registered in the Atlantic Ocean fishery:

a. That does not currently hold a federal spiny dogfish permit from the National Marine Fisheries Service: 2,500 pounds per vessel per day caught from Maryland waters; or

b. That also holds a federal spiny dogfish permit from the National Marine Fisheries Service: 2,500 pounds per vessel per day regardless of whether the fish were caught from Maryland waters and/or federal waters of the Exclusive Economic Zone.

GENERAL NOTICES

3. For an individual licensed to catch finfish who is also in possession of a Maryland spiny dogfish landing permit:

a. That does not currently hold a federal spiny dogfish permit from the National Marine Fisheries Service: 10,000 pounds per vessel per day caught from Maryland waters; or

b. That also holds a federal spiny dogfish permit from the National Marine Fisheries Service: 6,000 pounds per vessel per day regardless of whether the fish were caught from Maryland waters and/or federal waters of the Exclusive Economic Zone.

Mark J. Belton

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 507-0779

[18-10-17]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Commercial Horseshoe Crab Fishery — Effective 5/1/18

Add'l. Info: The Secretary of the Maryland Department of Natural Resources, pursuant to the Code of Maryland Regulations (COMAR) 08.02.10.01G(4), establishes the quota, season, and catch limits for the 2018 — 2019 commercial horseshoe crab fishery. This notice is effective at 12:01 a.m. May 1, 2018.

Quota

The annual total allowable landings of male horseshoe crabs for the commercial fishery is 255,980. There is no female harvest permitted.

Season

May 1, 2018 through July 8, 2018:

(1) A person may catch or land horseshoe crabs outside of 1 mile of the Atlantic coast.

(2) A person may catch or land horseshoe crabs in Maryland's coastal bays and their tidal tributaries.

(3) A person may not catch or land horseshoe crabs within 1 mile of the Atlantic Coast, or the Chesapeake Bay and its tidal tributaries.

July 9, 2018 through November 30, 2018: A person may catch or land horseshoe crabs from the tidal waters of the State.

December 1, 2018 through April 30, 2019: A person may not catch or land horseshoe crabs in Maryland.

Catch Limits

An individual may not land more than 25 male horseshoe crabs unless they are in possession of a valid horseshoe crab landing permit.

May 1, 2018 through July 8, 2018: A permittee may not land more than 150 male horseshoe crabs per day.

July 9, 2018 through November 30, 2018: A permittee may not land more male horseshoe crabs than the amount specified on their permit.

All other rules remain the same (Code of Maryland Regulations 08.02.10.01).

Mark J. Belton

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 507-0779

[18-10-21]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2018 Chesapeake Bay Commercial Striped Bass Permanent Transfer Rules

Add'l. Info: The Secretary of Maryland Department of Natural Resources pursuant to Code of Maryland Regulations (COMAR) 08.02.15.04G announces the following rules for the Chesapeake Bay commercial striped bass permanent transfer processes for the 2018 quota year:

1) A Striped Bass Common Pool Fishery permit may be permanently transferred during the quota year from May 1, 2018 through November 30, 2018.

- All remaining tags assigned to the permit must be transferred by the transferor to the transferee.

2) A Striped Bass Individual Transferrable Quota Fishery permit or allocation may be permanently transferred during the quota year from May 1, 2018 through October 19, 2018.

- The minimum allocation increment for a permanent transfer will be 350 pounds, or the entire remaining quota if the transferor has less than 350 pounds.

- For each 350 pound increment transferred, one bag of 100 unopened, unbroken tags must be transferred. If the transfer is less than 350 pounds, all remaining tags assigned to the transferor must be transferred to the transferee.

Mark J. Belton

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 507-0779

[18-10-27]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2018 Chesapeake Bay Commercial Striped Bass Temporary Transfer Rules

Add'l. Info: The Secretary of Maryland Department of Natural Resources pursuant to Code of Maryland Regulations (COMAR) 08.02.15.04F announces the following changes to the Chesapeake Bay commercial striped bass temporary transfer processes for the 2018 quota year:

1) A Striped Bass Common Pool Fishery permit may be temporarily transferred during the quota year from May 1, 2018 through November 20, 2018.

- All remaining tags assigned to the permit must be transferred by the transferor to the transferee.

2) A Striped Bass Individual Transferrable Quota Fishery permit or allocation may be temporarily transferred during the quota year from May 1, 2018 through December 14, 2018.

- The minimum allocation increment for a temporary transfer will be 1,000 pounds, or the entire remaining quota if the transferor has less than 1,000 pounds.

- For each 1,000 pound increment transferred, three bags of 100 unopened, unbroken tags must be transferred. If the transfer is less than 1,000 pounds, all remaining tags assigned to the transferor must be moved to the transferee.

Mark J. Belton

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 507-0779

[18-10-28]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: May 18, 2018, 9 a.m. — 12 p.m.

Place: Spring Grove Hospital Campus, Bland Bryant Bldg., 55 Wade Ave., 4th Fl., Catonsville, MD

Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255. The meeting may take place by teleconference. Please call the office to confirm.

Contact: Lauren Murray (410) 402-8556

[18-10-13]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting
Date and Time: June 8, 2018, 10 a.m. — 12 p.m.
Place: Spring Grove Hospital Center Campus, Bland Bryant Bldg., Catonsville, MD
Add'l. Info: A map and directions can be found at this link:
<https://health.maryland.gov/ohcq/docs/Map%20of%20Campus.pdf>
Contact: Paul Ballard (410) 767-6918
 [18-10-12]

RACING COMMISSION

Subject: Public Meeting
Date and Time: May 24, 2018, 12 — 1 p.m.
Place: Pimlico Race Course, Baltimore, MD
Contact: J. Michael Hopkins (410) 296-9682
 [18-10-04]

OFFICE OF THE SECRETARY OF STATE

Subject: Public Meeting
Date and Time: June 12, 2018, 1 — 3 p.m.; Additional Dates: July 10, 2018, 1—3 p.m.; August 14, 2018, 1—3 p.m.; September 11, 2018, 1—3 p.m.; October 9, 2018, 1—3 p.m.; November 13, 2018, 2—4 p.m.
Place: 100 Community Place, 1st Fl. Conf. Rm., Side B, Crownsville, MD
Add'l. Info: Meetings of the Notary Work Group.

Purpose: The purpose of the Notary Work Group is to study, review, and make recommendations about the entire body of law, including Remote Notarizations, physical presence, fees, enforcement, and more in the State of Maryland.

Goals: To determine if the notary law needs to be revised, to align the notary law with related laws in the State of Maryland, and to propose recommendations regarding the body of notary laws and remote notarizations that currently exist in other states.

Meetings of the Notary Work Group will be held in compliance with the Maryland Open Meetings Act, General Provisions Article, §§3-201—3-206, Annotated Code of Maryland.

Contact: Michael Schlein (410) 260-3863
 [18-10-38]

MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

Subject: Public Meeting
Date and Time: May 16, 2018, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240
 [18-10-01]

MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

Subject: Public Meetings
Date and Time: Additional 2018 Meetings
 May 30, 2018, 8:30 a.m. — 5 p.m.
 June 13, 2018, 8:30a.m. — 5 p.m.
 June 27, 2018, 8:30a.m. — 5 p.m.
 July 11, 2018, 8:30a.m. — 5 p.m.
 July 25, 2018, 8:30a.m. — 5 p.m.
 Aug 8, 2018, 8:30a.m. — 5 p.m.
 Aug 22, 2018, 8:30a.m. — 5 p.m.
 Sep 5, 2018, 8:30a.m. — 5 p.m.
 Sep 19, 2018, 8:30a.m. — 5 p.m.
 Oct 3, 2018, 8:30a.m. — 5 p.m.
 Oct 17, 2018, 8:30a.m. — 5 p.m.
 Oct 31, 2018, 8:30a.m. — 5 p.m.
 Nov 14, 2018, 8:30a.m. — 5 p.m.
 Nov 28, 2018, 8:30a.m. — 5 p.m.
 Dec 5, 2018, 8:30a.m. — 5 p.m.
 Dec 19, 2018, 8:30a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240
 [18-10-32]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: May 23, 2018, 9 a.m. — 1 p.m.
Place: 1800 Washington Blvd., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Elaine Nolen (410) 537-4466
 [18-10-02]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: May 24, 2018, 9:30 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5302
 [18-10-07]

DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Notice
Add'l. Info: Effective April 26, 2018, the Maryland Apprenticeship and Training Council canceled and deregistered the defunct apprenticeship programs of the Ele Con Corporation and O.N.E., Inc.
Contact: Christopher D. MacLarion (410) 767-2246
 [18-10-22]

COMAR ORDER INFORMATION SHEET

Date _____ Subscriber I.D. _____

Name _____

Company _____

Address _____

City _____ State _____ Zip _____

Tel. _____ Fax _____

Email: _____

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

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

Acct.# _____ **Exp.** _____

Signature _____ Tel: _____

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

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| After June 30 <sup>th</sup>      | After December 31 <sup>st</sup>  |
| After September 30 <sup>th</sup> |                                  |
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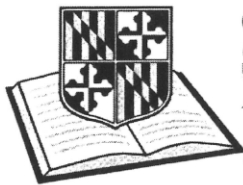
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