



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: John J. Joyce, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel
Georgeanne Carter, AELR Committee Counsel

Date: May 27, 2021

Re: **Synopses of Regulations received from 4/30/2021 through 5/26/2021**

Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/cr

cc: Jake Weissmann
Alexandra M. Hughes

Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

Proposed Regulations

DLS Control No. 21-032

Critical Area Commission for the Chesapeake and Atlantic Coastal Bays:

Criteria For Local Critical Area Program Development:

Renewable Energy: COMAR 27.01.14.02-1

Development in the Critical Area Resulting From State and Local Agency

Programs: Commission Review, Decision Process, and Time Frames:

COMAR 27.02.07.02

Project Applications: Notification of Project Applications: COMAR 27.03.01.04

According to the commission, the purpose of this action is to update and clarify the submittal requirements in Title 27 that relate to projects that require a Certificate of Public Convenience and Necessity in the Critical Area. Also, include a provision that requires local governments to send in certain energy generating system applications to the Critical Area Commission.

Public Safety and Correctional Services, Department of

Proposed Regulations

DLS Control No. 21-035

Department of Public Safety and Correctional Services:

Division of Correction: COMAR 12.02.29.01-.04

Parole Commission: General Regulations: COMAR 12.08.01.17, .18, and .23

According to the department, the purpose of this action is to amend the Maryland Parole Commission's terms and procedures with regard to the process and criteria for parole consideration of an inmate convicted as an adult for a crime committed while under the age of 18 who is serving a life sentence-juvenile lifer. This change will provide an opportunity for release on parole, with the understanding that juvenile lifers do not have a liberty interest in being released on parole during their natural lifetime. This action further serves to articulate circumstances and procedures that the Division of Correction will use when determining the security status and program eligibility of a juvenile lifer. None of the proposed changes affect the constitutional or statutory rights of crime victims.

Environment, Department of the

Proposed Regulations

DLS Control No. 21-033

Department of the Environment:

Disposal of Controlled Hazardous Substances:

Hazardous Waste Management System: General:

COMAR 26.13.01.02, .03, .03-1, .04 and .05

Identification and Listing of Hazardous Waste:

COMAR 26.13.02.01, .02, .04, .04-3, .04-4, .05, .06, .10, and .15

Identification and Listing of Hazardous Waste:

COMAR 26.13.02.17, .19-1 - .19-6, .19-8 and .23

Standards Applicable to Generators of Hazardous Waste:

COMAR 26.13.03.01, .04, .06, .07, and .07-1 through .07-5

Standards Applicable to Transporters of Hazardous Waste:

COMAR 26.13.04.01 and .02

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities: COMAR 26.13.05.01, .02, .02-2, .05 and .11 - .14

Interim Status Standards for Owners and Operators of Hazardous Waste

Treatment, Storage, and Disposal Facilities:

COMAR 26.13.06.01, .02, .05, .19 - .22 and .25

Permits for CHS Facilities: COMAR 26.13.07.02-4, .02-5, .02-8 and .13-2

Land Disposal Restrictions: COMAR 26.13.09.01 through .03

Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities:

COMAR 26.13.10.03, .04, .18 and .21 through .24

According to the department, the purpose of this action is to modify Maryland's hazardous waste regulations to maintain consistency with the federal hazardous waste regulatory program. The main elements of the proposal are: (1) adoption of land disposal restriction regulations from Title 40 Part 268 of the Code of Federal Regulations (40 CFR Part 268); (2) adoption of criteria for what constitutes "legitimate" recycling of hazardous waste; (3) adoption of federal provisions regarding the national electronic manifest system for hazardous waste tracking; (4) adoption of federal requirements on international shipments of hazardous waste; (5) adoption of additional requirements for liners, leak detection, and leachate collection for hazardous waste land disposal units; (6) repeal of provisions that allowed the burning of certain waste materials if they met criteria to be considered "comparable" to commercial fuels; (7) addition of a waste in the organic chemicals industry category; and (8) revision of "delisting" provisions for hazardous waste to clarify that the State's authority is limited to wastes listed as hazardous by Maryland but not the Environmental Protection Agency.

Criminal Sentencing Policy, Commission on

Proposed Regulation

DLS Control No. 21-039

Independent Agencies:

Commission on Criminal Sentencing Policy:

General Regulations: COMAR 14.22.01.09

According to the commission, the purpose of this action is to clarify the scoring of the victim injury component of the offense score in Regulation .09 under COMAR 14.22.01 General Regulations. The added language instructs that permanent victim injury points shall be awarded for offenses involving evidence of child pornography.

Institute for Emergency Medical Services Systems, Maryland

Proposed Regulation

DLS Control No. 21-031

Maryland Institute for Emergency Medical Services Systems:

Designation of Trauma and Specialty Referral Centers:

Designated Primary Stroke Center Standards: COMAR 30.08.11.15

According to the institute, the purpose of this action is to remove a redundant regulation.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 21-034

Maryland Insurance Administration:

Insurers:

Life and Health Insurance Guaranty:Corporation Coverage: Notice Requirements:

COMAR 31.04.14.01, .02, .03

According to the administration, the purpose of this action is to amend regulations .01, .02, .03 under COMAR 31.04.14 Life and Health Insurance Guaranty Corporation Coverage — Notice Requirements. Specifically, this change will implement amendments made to Insurance Article, §§9-401 and 9-414 and Health-General Article §19-706, Annotated Code of Maryland, made during the 2020 legislative session. Senate Bill 186 was passed as Chapter 74 Acts of 2020, which modified the Life and Health Insurance Guaranty Corporation Act to include health maintenance organizations as member insurers and to amend some of the terminology used to describe different types of contracts. This action also updates the contact information and terminology used in the required notice in regulation. 03.

Public Service Commission

Proposed Regulation

DLS Control No. 21-036

Public Service Commission:

Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission of Lines:

Details of Filing Requirements: Generating Stations: COMAR 20.79.03.01-.07

According to the commission, the purpose of this action is to amend the Code of Maryland Regulations governing the filing requirements for filing an application for a Certificate of Public Convenience and Necessity (CPCN) to construct or modify a generating station to include a descriptive concept plan as well as specific environmental, socioeconomic, and natural resources information.

Proposed Regulations

DLS Control No. 21-037

Public Service Commission:

Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission of Lines:

Administrative Provisions: COMAR 20.79.02.01 and .02

According to the commission, the purpose of this action is to amend the Code of Maryland Regulations governing the form of an application for a Certificate of Public Convenience and Necessity (CPCN) as well as the notification and distribution of a CPCN application. The proposed revisions seek to accommodate electronic submission and distribution of a CPCN application and further reduce the number of required paper copies.

Proposed Regulations

DLS Control No. 21-038

Public Service Commission:

Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission of Lines:

General: COMAR 20.79.01.02, and .05-.11

According to the commission, the purpose of this action is to revise the Code of Maryland Regulations governing applications for a Certificate of Public Convenience and Necessity (CPCN) to establish a new pre-application consultation requirement for generation projects, expand and clarify the filing requirements for complete CPCN applications, and clarify the PSC completeness determination process —the procedure by which a CPCN application to construct or modify a generating station may be deemed complete or incomplete.