

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 05 BOARD OF WELL DRILLERS

26.05.02 Payment of Fees

Authority: Environment Article, §13-207, Annotated Code of Maryland

Notice of Final Action

[10-017-F]

On September 29, 2010, the Secretary of the Environment adopted amendments to Regulation .10 under COMAR 26.05.02 Payment of Fees. This action, which was proposed for adoption in 37:2 Md. R. 103—104 (January 15, 2010), has been adopted as proposed.

Effective Date: November 1, 2010.

SHARI T. WILSON
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.19 Volatile Organic Compounds from Specific Processes

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102, and 10-103, Annotated Code of Maryland

Notice of Final Action

[10-177-F]

On September 24, 2010, the Secretary of the Environment adopted amendments to Regulation .06 under COMAR 26.11.19 Volatile Organic Compounds from Specific Processes. This action, which was proposed for adoption in 37:14 Md. R. 964-966 (7/2/10), has been adopted as proposed.

Effective Date: November 1, 2010.

SHARI T. WILSON
Secretary of the Environment

Title 27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

Subtitle 01 CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT

Notice of Final Action

[10-236-F]

On October 6, 2010, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays adopted amendments to:

- (1) Regulation .01 under COMAR 27.01.01 General Provisions;
- (2) Regulation .04 under COMAR 27.01.02 Development in the Critical Area; and
- (3) Regulation .01 under COMAR 27.01.05 Forest and Woodland Protection.

This action, which was proposed for adoption in 37:17 Md. R. 1195—1196 (August 13, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 1, 2010.

Attorney General's Certification

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

COMAR 27.01.01B: As originally proposed this provision lacked a definition of the term "tree". Therefore, the Critical Area Commission has decided to cross reference the definition of tree found in the Natural Resources Article, §5-1601, Annotated Code of Maryland. This addition responds to public comment that requested a definition of "tree". Furthermore, the definition of tree has existed in the Natural Resources Article for over 20 years and does not change the application of the existing and proposed regulations.

COMAR 27.01.05.01C: As originally proposed this provision amended the policy for forests and developed woodlands to make goals consistent and to clarify that the removal of trees associated with the development of a structure or lot coverage will require mitigation. The Critical Area Commission Program Subcommittee and Critical Area staff were concerned about whether the clearing of "individual trees" would be problematic for local governments. However, the Critical Area Commission has determined that the proposed language did not meet the intended goal. Therefore, the Critical Area Commission has decided to remove the provisions and restore the existing language. The changes are less restrictive than originally proposed.

27.01.01 General Provisions

Authority: Natural Resources Article, §8-1806, Annotated Code of Maryland

.01 Definitions.

A. (proposed text unchanged)

B. Terms Defined.

(1) — (71) (proposed text unchanged)

(71-1) "Tree" has the meaning stated in Natural Resources Article, §5-1601, Annotated Code of Maryland.

(72) — (78) (proposed text unchanged)

27.01.05 Forest and Woodland Protection

Authority: Natural Resources Article, §8-1806, Annotated Code of Maryland

.01 Policies.

In developing their Critical Area programs, local jurisdictions shall follow these policies in regard to forest and developed woodland protection:

A. — B. (proposed text unchanged)

C. Provide that the removal [[clearing]] of trees associated with [[a]] development activities shall be minimized and, where appropriate, [[activity that includes a structure or lot coverage]] shall be mitigated [[in accordance with the requirements of COMAR 27.01.02.04]]; and

D. (proposed text unchanged)

MARGARET G. McHALE

Chair

Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays