

2009

Title 27

[CHESAPEAKE BAY] CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

Subtitle 01 CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT

Notice of Proposed Action

[09-067-P]

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays proposes to:

- (1) Amend Regulation .01 under COMAR 27.01.01 General Provisions; and
- (2) Adopt new Regulations .05-1 and .05-2 under COMAR 27.01.02 Development in the Critical Area.

This action was considered and approved for promulgation by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays at an open meeting held on December 3, 2008, pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish consistent and comprehensive submittal requirements concerning all growth allocation applications submitted by a local government to the Commission.

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 A. Hoerger, Regulations Coordinator, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, 1804 West Street, Suite 100 Annapolis, Maryland 21401, or call 410-260-3478, or email to lhoerger@dnr.state.md.us, or fax to 410-974-5338. Comments will be accepted through March 2, 2009. A public hearing has not been scheduled.

27.01.01 General Provisions

Authority: Natural Resources Article, §§8-1808(d),
Annotated Code of Maryland

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1) — (20) (text unchanged)

(20-1) "Developer" has the meaning stated in Natural Resources Article, §8-1802(a), Annotated Code of Maryland.

(21) (text unchanged)

(21-1) "Development envelope" includes an individually owned lot, the lot coverage on that individually owned lot, a road, a utility, a stormwater management measure, an on-site sewage disposal measure, any area subject to human use such as an active recreation area, any required buffers, and any additional acreage necessary to meet the requirements of the Program.

(22) — (78) (text unchanged)

27.01.02 Development in the Critical Area

Authority: Natural Resources Article, §§8-1806(a), and 8-1808(d),
Annotated Code of Maryland

.05-1 Growth Allocation Submittal Requirements.

A. The Commission may not accept for processing a growth allocation request unless all of the following are provided at the time of submittal:

(1) All information and documentation relevant to the local jurisdiction's determination that the project meets the standards listed under Natural Resources Article, §8-1808.1(c)(1), Annotated Code of Maryland;

(2) All information and documentation that addresses the factors to be considered by the Commission under Natural Resources Article, §8-1808.1(c)(3), Annotated Code of Maryland;

(3) A conceptual site development plan;

(4) An environmental features map;

(5) An environmental report that demonstrates that the project has been designed and will be constructed in compliance with all requirements of the proposed Critical Area land classification;

(6) For the following resources, as appropriate for the project site and each government agency, a preliminary review and comment from the Department of the Environment, Department of Natural Resources, Maryland Historical Trust, and U.S. Army Corps of Engineers regarding:

(a) Rare, threatened, and endangered species;

(b) Forest interior dwelling birds and colonial water birds;

(c) Anadromous fish and their propagation waters and any other aquatic species located onsite;

(d) Plant and wildlife habitat and historic waterfowl staging and concentration areas;

(e) Submerged aquatic vegetation;

(f) Riparian forests and tidal and nontidal wetlands; and

(g) Natural heritage areas and other historical and cultural resources;

(7) A map that shows the land area for which the local jurisdiction proposes a change of Critical Area land classification; and

(8) Verification that the amount of proposed growth allocation indicated on the map submitted under §A(7) of this regulation is accurate and equal to the amount of growth allocation to be deducted from the local jurisdiction's existing total allotment of growth allocation.

B. The conceptual site development plan and environmental features map required under §A(3) and (4) of this regulation shall each include:

(1) The name of the project and its street address;

(2) Tax map information that includes, as applicable, the:

(a) Tax map number;

(b) Block number;

- (c) Parcel number; and
- (d) Lot number;
- (3) A site plan with a scale provided at 1"=10', 1"=20', 1"=30', 1"=40', 1"=50', 1"= 60', or 1"=100';
- (4) Orientation;
- (5) A vicinity map with the project site clearly identified;
- (6) Existing parcel and tract boundaries or lot lines;
- (7) The project boundary;
- (8) The limits of disturbance;
- (9) Any proposed development envelope;
- (10) All Critical Area boundaries, including existing and proposed land classifications and the land classification of all lots or parcels adjacent to the project site;
- (11) The boundaries of the 100-year floodplain;
- (12) The field-run topography;
- (13) Vegetative cover information by acre or square footage, including:
 - (a) Field determination of existing forest and developed woodland cover;
 - (b) Location of proposed forest and developed woodland clearing; and
 - (c) As applicable, location of proposed afforestation and reforestation areas;
- (14) Soil features of the project and where each soil type is located;
- (15) Field determination of each intermittent stream and each perennial stream;
- (16) A delineation of the minimum 100-foot buffer as measured from the mean high water line of tidal waters or the landward edge of a tidal wetland or a tributary stream;
- (17) As applicable and in accordance with the requirements of COMAR 27.01.09.01 or the local program, a delineation of any expanded buffer that is necessary because of a contiguous slope of 15 percent or greater or the presence of hydric soil, highly erodible soil, or a nontidal wetland;
- (18) When converting from a resource conservation area to a limited development area or an intensely developed area, the location and extent of the 300-foot minimum setback;
- (19) Unless the Commission determines an otherwise acceptable period of time, a field-delineated location and description of the extent of a nontidal wetland, that is less than 2 years old, including the 25-foot buffer from that nontidal wetland;
- (20) Unless the Commission determines an otherwise acceptable period of time, a field-delineated location and description of the extent of a tidal wetland, that is less than 2 years old, including the delineation of State and private tidal wetland boundaries;
- (21) Identification and location of all wildlife habitat and plant habitat, including a nesting site of colonial nesting water birds, an historic waterfowl staging and concentration area, riparian habitat, habitat of forest interior dwelling birds, an area of State or local significance, and a natural heritage area;
- (22) Identification and location of habitat of threatened and endangered species, including a species in need of conservation;
- (23) Identification and location of anadromous fish propagation waters;
- (24) Location of existing and proposed area of lot coverage, including identification of a building, road, parking lot, and any other area that contributes to lot coverage;
- (25) Location of any other proposed development feature, including an outlot, storm drain and outfall, utility

- connection, septic system, stormwater management system, shore erosion control measure, and pier;
 - (26) Location of a path or walkway, including those exempt from lot coverage requirements;
 - (27) Location of an existing or proposed mitigation area that is required because of an impact on forest, developed woodland, wetland, buffer, or other habitat protection area; and
 - (28) If applicable:
 - (a) The identification and location of agricultural land, a surface mining site, natural park, dredging activity, and dredge material disposal area;
 - (b) The boundary and area of an existing easement, the identity of the easement holder, and any restriction on development as a result of the easement.
- .05-2 Environmental Report.**
- A. The environmental report required under Regulation .05-1A(5) of this chapter shall include:
- (1) A project description;
 - (2) The subdivision history since December 1, 1985 in the Chesapeake Bay Critical Area and since June 1, 2002 in the Atlantic Coastal Bays Critical Area;
 - (3) A brief narrative that describes:
 - (a) The type of project;
 - (b) The proposed change of Critical Area land classification; and
 - (c) How the growth allocation would support the jurisdiction's overall planning goals, including reference to the relevant sections of the local jurisdiction's adopted comprehensive plan, water and sewer plan, and adopted zoning ordinance;
 - (4) Total acreage in the Critical Area and total acreage for which Critical Area designation is proposed to be changed;
 - (5) Total forest, developed woodland, and vegetated area proposed to be cleared;
 - (6) Method and description of proposed stormwater management, including all qualitative and quantitative management measures;
 - (7) In the intensely developed area, the preliminary plan for compliance with the 10 percent pollutant reduction rule, including all worksheets and all supporting documentation;
 - (8) Measures proposed for soil erosion and sediment control, including implementation strategy;
 - (9) In the limited development area, existing and proposed lot coverage information, calculated by square feet of coverage for each lot and for the site as a whole;
 - (10) Mitigation required for clearing of forest area, developed woodland, or vegetation in accordance with the requirements of COMAR 27.01.05 or the local program;
 - (11) If applicable, the proposed afforestation area:
 - (a) In the Chesapeake Bay Critical Area, in the limited development area and the resource conservation area; and
 - (b) In the Atlantic Coastal Bays Critical Area, in all land classifications;
 - (12) Identification of the local zoning district and that district's defining characteristics;
 - (13) A buffer management plan, consistent with §B of this regulation if:
 - (a) It is a condition of development that the buffer be established on the development site;
 - (b) A proposed development activity impacts the buffer; or

(c) The removal of trees or vegetation in the buffer, including invasive species, is proposed; and

(14) If the proposed development will impact an identified habitat protection area, a habitat protection plan that is consistent with §C of this regulation.

B. If §A(13) of this regulation is applicable, the local jurisdiction shall require the developer to prepare a buffer management plan that provides:

(1) The location and number of square feet of existing vegetation within the buffer;

(2) A general description of the species composition;

(3) The location and number of square feet of vegetation in the buffer that are proposed for removal;

(4) The location and number of square feet of disturbance proposed in the buffer that are associated with a development activity;

(5) A proposed plan that identifies the plantings necessary to establish the buffer or to mitigate for proposed impacts, including the size, species, and location of all proposed plantings;

(6) Any written description, specification, easement, or other protective agreement necessary to ensure implementation of the buffer management plan; and

(7) Bonding or any other financial surety necessary to ensure long-term protection and maintenance of vegetation in the buffer.

C. If §A(14) of this regulation is applicable, a local jurisdiction shall:

(1) Require the developer to prepare a habitat protection plan that:

(a) Is based on consultation with the Department of Natural Resources and any other appropriate federal or State agency;

(b) Identifies any habitat or species on the project site, as set forth under COMAR 27.01.09; and

(c) Includes all protective measures necessary and appropriate to provide for long-term conservation of the identified habitat and species; and

(2) Ensure:

(a) That full implementation of the proposed protective measures can be achieved on the project site; and

(b) The execution of all necessary long-term protective agreements.

SAUNDRA K. CANEDO
Assistant Attorney General

Title 30

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subtitle 06 PUBLIC ACCESS AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM

Notice of Proposed Action

[09-082-P]

The Emergency Medical Services Board proposes to:

(1) Amend Regulation .01 under COMAR 30.06.01
Definitions;

(2) Amend Regulations .01 — .06 under COMAR 30.06.02 Approval of Facilities and Compliance;

(3) Repeal existing Regulations .01 and .02, and amend and recodify Regulation .03 to be Regulation .01 under COMAR 30.06.03 Protocol;

(4) Amend Regulations .01 and .02 under COMAR 30.06.04 Quality Assurance and Maintenance; and

(5) Amend Regulation .01 under COMAR 30.06.05 Training Requirements.

This action was considered at an open meeting of the Emergency Medical Services Board on December 9, 2008.

Statement of Purpose

The purpose of this action is to make the regulations consistent with changes made in the authorizing statute in the last legislative session, including removing the requirement for medical direction and certain record-keeping requirements, as well as removing references to authorized facilities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed regulations remove certain requirements for registration with the public access automatic defibrillation program which may reduce costs for any entity providing public access to automatic external defibrillators.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency: Removal of fee for registration	(R-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Removal of fee for registration	(+)	Minimal
(2) Removal of requirement for medical direction	(+)	Unquantifiable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:		
Access to automatic external defibrillators	(+)	Unquantifiable

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

A. The agency currently charges a nominal fee for registration. The fee does not cover the cost of implementing the program.

D(1). Facilities currently pay a minimal fee for registration.

D(2). Facilities currently may either obtain medical direction free from a regional committee or purchase the service from a vendor or physician.

F. Reduced costs will encourage more entities to provide public access to automatic external defibrillators.

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 Myers, Director, Special Programs, Maryland Institute for Emergency Medical Services Systems, 653 West Pratt Street, Baltimore, Maryland 21201, or call 410-706-4740, or email to lmyers@miemss.org, or fax to 410-706-0853. Comments will be accepted through March 2, 2009. A public hearing has not been scheduled.

30.06.01 Definitions

Authority: Education Article, §13-517,
Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

[(2)] Authorized facility.

(a) "Authorized facility" means an organization, business, association, or agency that meets the requirements of the EMS Board for providing automated external defibrillation.

(b) "Authorized facility" may include multiple sites.]

[(3)] (2) — [(6)] (5) (text unchanged)

[(7)] "Medical direction" means the medical oversight, including quality assurance, planning, and education, provided by a sponsoring physician or Regional Council AED Committee to an authorized facility.]

[(8)] (6) — [(12)] (10) (text unchanged)

[(11)] Registered Facility.

(a) "Registered facility" means an organization, business, association, or agency that meets the requirements of the EMS Board for providing automated external defibrillation.

(b) "Registered facility" may include multiple sites.

[(13)] (12) — [(14)] (13) (text unchanged)

[(15)] "Sponsoring physician" means a physician who:

(a) Is licensed to practice medicine under Health Occupations Article, Title 14, Annotated Code of Maryland;

(b) Provides medical direction to an authorized facility; and

(c) Meets the qualifications established by the EMS Board.]

30.06.02 Approval of [Authorized] Facilities and Compliance

Authority: Education Article, §13-517,
Annotated Code of Maryland

.01 Criteria for [Authorization] Registration of Facilities.

To be eligible for [authorization] registration, or renewal of [authorization] registration, to operate an AED under this subtitle, [an authorized facility] a registered facility shall:

A. [Have medical direction through either:

(1) A sponsoring physician:

(a) Who meets all requirements of COMAR 30.06.03.02B; and

(b) Whose duties and responsibilities meet the requirements of COMAR 30.06.03.02C; or

(2) The regional council AED committee in the region in which the facility is located;

B.] Designate an AED coordinator who shall:

(1) Either:

(a) Be certified or licensed in Maryland as an EMS provider other than [a first responder who received their initial certification before July 2003 or has not successfully completed an update training after July 2003, or] an emergency medical dispatcher; or

(b) (text unchanged)

(2) (text unchanged)

(3) Be responsible for implementing and administering the AED program at the [authorized facility] registered facility in compliance with this subtitle;

[C.] B. Provide an orientation to the operation, maintenance, and location of the [authorized] registered facility's AEDs to all individuals who will be expected to operate an AED for the [authorized facility] registered facility;

[D.] C. — [J.] I. (text unchanged)

.02 Application and [Authorization] Registration Process.

A. [A facility that operates AEDs as of October 1, 1999, may continue until MIEMSS has completed the authorization process with respect to that facility, if the facility applies to be an authorized facility. within 90 days of the adoption of this regulation.

B.] A facility seeking [authorization] registration or renewal of [authorization] registration shall:

(1) Submit] submit an application and all required documentation to MIEMSS on the form required by MIEMSS. [; and

(2) Pay the required fee of \$25 for:

(a) Initial authorization, or

(b) Renewal.]

[C.] B. (text unchanged)

[D.] C. MIEMSS shall issue a certificate of [authorization] registration or renewal to a facility that meets the requirements of Regulation .01 of this chapter.

[E.] D. The certificate of [authorization] registration or renewal is valid for a period of 3 years.

.03 Denial of [Authorization] Registration.

A. — E. (text unchanged)

.04 Compliance.

A. MIEMSS may initiate a compliance review of [an authorized] a registered facility upon information that the [authorized] registered facility has failed to comply with this subtitle.

B. MIEMSS shall give written notice of the compliance review to the [authorized] registered facility.

C. In the course of its compliance review, MIEMSS may:

(1) Inspect all:

(a) Sites where the [authorized] registered facility maintains an AED[.];

(b) Records relating to the AED maintained by the facility; and [supplemental equipment,

(c) Records relating to the CPR and AED training of all personnel expected to operate an AED at the facility,

(d) Records relating to the operation of an AED, and]

[(e)] (c) (text unchanged)

(2) Interview employees of the [authorized] registered facility regarding the AED program.

D. If MIEMSS finds that [an authorized] a registered facility has failed to comply with this subtitle, MIEMSS may:

(1) Suspend the facility's [authorization] registration;

(2) Revoke the facility's [authorization] registration;

(3) Refuse to renew a facility's [authorization] registration; or

(4) (text unchanged)