Pursuant to State Government Article, §7-205, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 28, 2014, 5 p.m.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 28, 2014.

Brian Morris
Acting Administrator, Division of State Documents
Office of the Secretary of State
.11 [Extenuating Circumstances/Exceptions,] Exceptions from Compliance with CPC Requirements.

A. Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements if:

(1) The licensee has been granted an initial license and is renewing a license for the next full term; and

(2) The licensee qualifies under the criteria set forth in Title 23, Business Regulation Article, Annotated Code of Maryland.

B. A licensee who, due to physical disability, illness, military duty, or other extenuating circumstances, is unable to comply with the CPC requirements prior to the license expiration date shall to the extent feasible notify the Board prior to the license expiration date. If at a later date a licensee whose license lapsed due to noncompliance with the CPC requirements wishes to reinstate the license, the licensee shall fulfill all past due CPC requirements for the previous CPC reporting periods, subject to the maximum amount of required credits as set forth in Regulation .13 of this chapter. The Board may consider waiving, if the extenuating circumstances so warrant, all or part of applicable reinstatement fees and a portion of the required number of PDH units.

B. Compliance Exception Request.

(1) If a licensee is unable to comply with all or part of CPC requirements due to physical disability, illness, or other extenuating circumstances, the licensee may request the Board grant a one-time exception from compliance [Compliance Exception Request provided that the Compliance Exception Request is filed with the Board at least 60 days prior to the licensee’s license expiration date.]

(2) If a Compliance Exception Request is based on physical disability or illness, the licensee must provide the Board with written documentation acceptable to the Board supporting the basis for the request.

(3) A Compliance Exception Request must be accompanied by a detailed proposal acceptable to the Board indicating the licensee’s intended plan of compliance with CPC requirements within no later than 8 months after the license expiration date. Failure to provide the acceptable plan of compliance within the time period specified in this regulation may result in the Board’s administrative dismissal of the Compliance Exception Request.

HOWARD C. HARCLEROY
Chairman
STATE BOARD FOR PROFESSIONAL ENGINEERS

Title 22
STATE RETIREMENT AND PENSION SYSTEM
Subtitle 01 GENERAL REGULATIONS
22.01.03 Domestic Relations Orders


Notice of Proposed Action
[14-126-P]

The Board of Trustees for the Maryland State Retirement and Pension System proposes to amend Regulations .02—.06, .08, and .09 under COMAR 22.01.03 Domestic Relations Orders. This action was considered at the December 17, 2013, Board of Trustees meeting for the State Retirement and Pension System.

Statement of Purpose

The purpose of this action is to make minor updates to the regulations establishing procedures for the State Retirement Agency’s review and administration of eligible domestic relations orders which assign all or a portion of a plan benefit to the former spouse of a participant in a divorce.

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 Anne E. Gawthrop, Director of Legislative Affairs, State Retirement Agency, 120 E. Baltimore Street, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@ms.state.md.us, or fax to 410-468-7710. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on June 17, 2014, at 9:30 a.m., at 120 E. Baltimore Street, 16th Floor Board Room, Baltimore, Maryland 21202.

02 Definitions

(6) [text unchanged]

D. Terms Defined.


(7) "Eligible domestic relations order" means a domestic relations order that conforms to the requirements of Regulation .03B.03 of this chapter.

(8) [text unchanged]

.03 Eligible Domestic Relations Orders.

A. Domestic relations orders shall be submitted to the [Director of the Benefits Processing Unit of the] Agency and shall be directed to the attention of Eligible Domestic Relations Orders.

B. A domestic relations order shall constitute an eligible domestic relations order only if it satisfies all of the following requirements:

(1) Contains the:

(a) [text unchanged]

(b) [Except as provided in §C of this regulation, the name, date of birth, Social Security number,] Name and last known mailing address of the participant[.]

(c) [Except as provided in §C of this regulation, the name, date of birth, Social Security number,] Name and last known mailing address of the alternate payee[.]

(d) [text unchanged]

(2) — (9) [text unchanged]

(10) Subject to §D of this regulation, if a participant is eligible to elect an optional form of allowance that provides a postretirement survivor benefit:

(a) States whether the participant is permitted or required to elect the basic allowance or an optional form of allowance[.]

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PROPOSED ACTION ON REGULATIONS

(b) — (d) (text unchanged)
(11) — (12) (text unchanged)
(13) States that it is the obligation of the alternate payee to promptly:
(a) Provide the Agency a certified or true-test copy of the domestic relations order and any modifications or amendments to the order;
(b) Provide the following information to the Agency in writing contemporaneously with the submission of a domestic relations order:
(i) The Social Security numbers and dates of birth of the participant and alternate payee; and
(ii) The current address and current telephone number of the alternate payee;
(c) Submit documentation to verify the alternate payee’s date of birth;
(d) When an alternate payee becomes eligible to receive a monthly allowance, submit the required forms to commence receipt of the allowance by electronic fund transfer;
[(b)] (e) Notify the Agency in writing if:
(i) The death of the participant; or
(ii) Any [any] change of the alternate payee’s name, [or] address, or telephone number; and
[(c)] (f) (text unchanged)
(14) States that it is the obligation of the participant to promptly:
(a) Submit any applications or forms required by the Agency to effectuate any provision of the domestic relations order;
(b) Notify the Agency in writing if:
(i) The death of the alternate payee; or
(ii) Any change of the participant’s name, address, or telephone number; and
(c) Comply with all reasonable requests from the Agency for information and documentation necessary for administering the domestic relations order;
(15) (text unchanged)
(16) States that the Agency is not liable to make further payments to the alternate payee if the participant transfers to another retirement or pension system that is not administered by the Agency; and
(17) States that:
(a) All payments to the alternate payee shall be includable in the taxable income of and taxable to the alternate payee in the same proportion as payments to the participant are includable in the taxable income of and taxable to the participant; and
(b) After-tax contributions shall be allocated to the parties in the same proportion as the total amount of the alternate payee’s share bears to the participant’s total plan benefit; and
[(17)] (18) is:
(a) Signed and dated by a judge of a court of competent jurisdiction; and
(b) A certified or true-test copy by the clerk of the court;
and
(c) In the case of an out-of-State domestic relations order, has been filed in a Circuit Court in the State in accordance with the Uniform Enforcement of Foreign Judgments Act, Courts and Judicial Proceedings Article, Title 11, Subtitle 8, Annotated Code of Maryland.

C. [A] The Social Security number required to be provided under §B(1) of this regulation may include numbers and dates of birth of the participant and alternate payee shall be provided to the Agency in written correspondence accompanying a domestic relations order.

D. (text unchanged)

E. If the Agency determines that the domestic relations order satisfies the requirements set forth in §§B through D of this regulation, the domestic order shall be administered as an eligible domestic relations order in accordance with Regulation .04 of this chapter.

F. If the Agency determines that the domestic relations order or written correspondence accompanying the domestic relations order does not satisfy the requirements set forth in §B, C, or D of this regulation, the domestic relations order shall be rejected according to the procedure in Regulation .05 of this chapter.

.04 Administration of an Eligible Domestic Relations Order.
A. — B. (text unchanged)
C. Notice of Disagreement.
(1) Within [60] 45 days of [receipt of a notice of administration, or 30 days before the payment of a plan benefit to an alternate payee under an eligible domestic relations order, whichever is earlier] the date that a notice of administration is sent to the parties, a party shall advise the Agency and the other party to the order, in writing, if the party disagrees with the Agency’s proposed method of distribution set forth in the notice of administration and the basis for the party’s disagreement.
(2) On receipt of a notice of disagreement from a party, if the Agency determines that a genuine dispute exists regarding the proper interpretation of the order, the Agency shall:
(a) — (b) (text unchanged)
(b) Notify the parties that payment of plan benefits shall begin not earlier than the last day of the month following the month of receipt of the amended order or consent agreement.
(3) The Agency shall begin making payments of plan benefits to the participant and the alternate payee as provided in the consent agreement [on or before the last day of the month following the month of receipt of the Agency of the consent agreement] as soon as is practicable. Unless otherwise provided in the consent agreement, the payments shall be retroactive to the date the Agency ceased making payments to the participant and the alternate payee. Interest is not payable by the Agency with respect to any plan benefits that were not paid when due.
(4) If the Agency does not receive a consent agreement or an amended [eligible domestic] domestic relations order within [6] 3 months following receipt of a notice of disagreement from a party, the Agency shall administer the domestic relations order in accordance with the notice of administration.

D. (text unchanged)

.05 Rejection of Domestic Relations Order.
A. — B. (text unchanged)
C. The System, the Agency, and the Board of Trustees are not liable for payment of benefits to a person pursuant to a domestic relations order if the order is not an eligible domestic relations order.

.06 Amendment or Modification of Order.
A. The Agency does not have an obligation to determine if a domestic relations order has been amended or modified. If a court amends a domestic relations order, the participant or alternate payee shall submit the amended or modified order to the [Director of the Benefits Processing Unit of the] Agency.
B. (text unchanged)

.08 Alternate Payee Responsibilities.
An alternate payee shall promptly:
A. Submit a certified or true-test copy of a domestic relations order and any modifications or amendments to the order to the Agency;
B. Provide the following information to the Agency in writing contemporaneously with the submission of a domestic relations order:

(1) The Social Security numbers and dates of birth of the participant and the alternate payee; and

(2) The current address and current telephone number of the alternate payee;

C. Submit documentation to verify the alternate payee's date of birth in accordance with COMAR 22.01.05;

D. When an alternate payee becomes eligible to receive a monthly allowance, properly complete an electronic fund transfer sign-up form and file it with the Agency in accordance with COMAR 22.01.06;

[ ] E. Notify the Agency in writing of:

(1) Any change of the alternate payee's name, [or]
address, or telephone number; or

(2) The death of the participant; and

[C. ] F. (text unchanged)

.09 Participant Responsibilities.
A. A participant shall promptly:

(1) Notify the Agency in writing of:

(a) Any change of the participant's name, [or]
address, or telephone number; or

(b) The death of the alternate payee;

(2) — (3) (text unchanged)

B. (text unchanged)

Title 26
DEPARTMENT OF THE ENVIRONMENT
Subtitle 08 WATER POLLUTION

Notice of Proposed Action
[14:123-P]

The Secretary of the Environment proposes to amend:

(1) Regulation .09 under COMAR 26.08.02 Water Quality; and

(2) Regulation .01 under COMAR 26.08.04 Permits.

Statement of Purpose

The purpose of this action is to allow the land application of food processing wastewater to be exempted from obtaining a State discharge permit if the wastewater meets the requirements of a soil conditioner by MDA's State Chemist Office. MDE will retain its authority to require a discharge permit even if the wastewater meets the requirements of a soil conditioner if the land applied wastewater could cause or increase the discharge of pollutants into the waters of the State.

MDE and MDA have regulatory authority for the land application of nutrient containing wastewater. MDE regulations require a discharge permit for land application of wastewater which includes food processing. MDE regulations currently require a permit for offfall, which is a type of food processing wastewater. MDE already has broad authority to require permits for land application of wastewater, including offfall. MDA's State Chemist Office authorizes the land application of certain categories of nutrient containing wastewater as a soil conditioner, including food processing wastewater. This proposed action will eliminate the regulatory language that redundantly singles out offfall as requiring a discharge permit, and will create a narrow exemption, eliminating the need for a discharge permit to cover the subject wastewater when it meets the requirements of a soil conditioner by MDA.

This action is directed to businesses that generate food processing wastewater, if the wastewater is intended to be managed by land application. These generally include small-scale, value-added, on-farm production of food products, or small-scale food processing operations. These include, but are not limited to: milk product processing (e.g., ice cream, yogurt, cheese), beer, wine, and whiskey making, and on-farm, small-scale poultry and rabbit growing and processing operations. The number of these types of small food processing operations is increasing.

MDE's proposed regulation changes will support multiple agency regulations to promote production and marketing of food products, including value-added, on-farm production and marketing. These agencies are MDA, DHMH, and USDA. Maryland's "Mobile Farmers Market License" also promotes on-farm, value-added production and marketing of food products.

These proposed regulation changes will lower the cost of operation, reduce reporting requirements, and expedite approval for land applying food processing operations wastewater. Environmental protection will not be compromised because the land application of food processing wastewater approved as a soil conditioner requires compliance with nutrient management regulations and best management practices that are functionally equivalent to those in a discharge permit. However, MDE will retain its authority to require a discharge permit even if the wastewater is approved as a soil conditioner if the land applied wastewater could cause or increase the discharge of pollutants into the waters of the State.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Currently land applied wastewater must obtain a MDE issued State discharge permit. Costs to obtain the permit include an application fee, public participation advertisement fee, and in some cases wastewater quality testing. It may take up to 9 months to issue a new discharge permit. Permits are valid for 5 years. Compliance costs include an annual fee and typically wastewater testing. Permits must be renewed every 5 years. The renewal process will typically have the same costs as the initial permit issuance. It may take up to 14 months to reissue the permit.

The proposed action will have economic impacts on State agencies, the regulated community, trade groups, and the public. There will be significant cost and time savings to the regulated community. State agencies impacted will be MDE and MDA. There will be a moderate decrease in MDE workload, and a minimal increase in MDA workload. There may be minimal benefits to electrical and plumbing service providers. The public will benefit from the opportunity to buy locally produced high quality food products. Coordination between MDE's Water Management Administration's Wastewater Permits Program and MDA's State Chemist Office will be ongoing.

II. Types of Economic Impact.

<table>
<thead>
<tr>
<th>Revenue (R+R-)</th>
<th>Expenditure (E+E-)</th>
<th>Magnitude</th>
</tr>
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<tbody>
<tr>
<td>A. On issuing agency: (E-)</td>
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<td></td>
</tr>
<tr>
<td>B. On other State agencies: (E+)</td>
<td>Minimal</td>
<td></td>
</tr>
<tr>
<td>C. On local governments: NONE</td>
<td></td>
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</tbody>
</table>