

DST 92-1      Monitoring Well Permits

**MARYLAND DEPARTMENT OF TRANSPORTATION  
MARYLAND AVIATION ADMINISTRATION**

**MEMORANDUM**

**TO:** Distribution

**FROM:** Benjamin Chin, Manager, Project Design *ts/Benjamin Chin*

**DATE:** February 28, 1992

**SUBJECT:** Design Standards at Baltimore/Washington International Airport and Martin State Airport Special Provisions

The Maryland Department of the Environment is requiring permits be filed for all monitoring wells. Permits must be filed with the County Environmental Health Division.

Effective immediately, please incorporate the following language into the Special Provisions under a new section titled "Monitoring Well Permit".

The Contractor shall secure, at his entire expense, any monitoring well permits required by this Contract. Permits must be filed with the County in which the Contract is being performed in.

Anne Arundel County - Mr. Paul Judge, 410-222-7389, Department of Health, Division of Environmental Health, 3 Harry S. Truman Parkway, Annapolis, Maryland 21401.

Baltimore County - Ms. Marjorie Eps, 410-887-2762, Department of Environmental Protection & Resource Management, Baltimore County, 401 Bosley Ave., County Court Building, Towson, Maryland 21204.

For Contracts which are currently advertised, please incorporate the Special Provision by Addendum.

Distribution  
February 28, 1992  
Page Two

If you should have any questions or comments regarding this matter, please contact me at 410-859-7093.

BC:zv

Distribution:

Mr. Emory Carrigan  
Mr. Brad Collins  
Mr. George Eichner  
Mr. Chirantan Mukhopadhyay  
Mr. Alex Noorani  
Mr. Ali Sarvestani  
Mr. Charles Steen  
Mr. William Tsai

DATE						
INITIALS	AL					
DATE	2/1/92					

DST 92-2      Executive Order 01.01.1992.11, Building Performance Standards for State  
Buildings (Replaced by DST 98-8)

-Ben  
DST 92-2

**MARYLAND DEPARTMENT OF TRANSPORTATION  
MARYLAND AVIATION ADMINISTRATION**

**MEMORANDUM**

**TO:** Alex Noorani  
Director of Engineering

**FROM:** Benjamin Chin *Ben*  
Manager, Project Design

**DATE:** August 17, 1992

**SUBJECT:** Executive Order 01.01.1992.11  
Building Performance Standards For State Buildings

As requested, we have reviewed the impact of Executive Order 01.01.1992.11 (copy attached) on design of facilities at BWI and Martin State Airport. During the review process, we received input from Greiner, Mr. Jim Carr with Department of Housing and Community Development and Mr. Tom McGinnis. Based on our discussions and review of this matter, we have determined that the MAA is in compliance with Executive Order 01.01.1992.11.

Executive Order 01.01.1992.11 requires all State agencies to utilize the building performance standards set forth in the States Model Performance Code at COMAR 05.01.01 and the State Fire Prevention Code at COMAR 12.03.01. The referenced codes require usage of the 1990 BOCA National Building, Plumbing, Energy, and Mechanical Codes and the 1990 National Electrical Code. It is Mr. Carrs' interpretation that the 1991 supplements are inclusive. The referenced code also requires usage of the 1991 NFPA 101 - Life Safety Code and 1990 BOCA National Fire Prevention Code. A copy of both COMAR regulations are attached.

Since COMAR is specific about the year of the Code edition, we will have to modify our construction and building permit specifications to state the year in lieu of language which states "latest edition". By copy of this letter, I am requesting the appropriate in-house and consultant staff to make the appropriate changes to the specifications.

If you should have any questions regarding this matter, please contact me at 859-7093.

BC/lad

Mr. Alex Noorani  
August 17, 1992  
Page Two

cc: Mr. Emory Carrigan w/attachments  
Mr. Jim Cloud w/attachments  
Mr. Brad Collins w/attachments  
Mr. George Eichner w/attachments  
Mr. Duncan Henderson w/attachments  
Mr. Ali Logmani w/attachments  
Mr. Tom McGinnis w/attachments  
Mr. Chirantan Mukhopadhyay w/attachments  
Mr. Nick Schaus w/attachments  
Mr. Charles Steen w/attachments  
Mr. Bill Tsai w/attachments  
Mr. Mike West w/attachments

## EXECUTIVE ORDER 01.01.1992.11

### Building Performance Standards for State Buildings

WHEREAS, Presently, several State agencies are independently procuring the services of architects, engineers, contractors and builders for the design, construction, alteration, remodeling and renovation of University and State buildings, resulting in a need for uniform building performance standards; and

WHEREAS, The absence of uniform building performance standards for State buildings has resulted in the application of diverse and often conflicting building codes and standards being used for the design and construction of these facilities; and

WHEREAS, The application of inconsistent codes and standards by State agencies can result in confusion and inefficiency; and

WHEREAS, The Maryland Department of General Services (DGS) is the State agency responsible for the design, construction, alteration, remodeling and renovation of certain State buildings and for ensuring that those State buildings under their jurisdiction comply with applicable building codes; and

WHEREAS, The Maryland Department of Transportation (MDOT) is the State agency responsible for the design, construction, alteration, remodeling and renovation of certain State buildings under the jurisdiction of MDOT; and

WHEREAS, Pursuant to Article 38A, §3 of the Annotated Code of Maryland, as amended, the State Fire Marshal is responsible for the application and enforcement of the State Fire Prevention Code which is set forth in COMAR 12.03.01 (the "State Fire Code"); and

WHEREAS, The Maryland Department of Housing and Community Development (DHCD), by and through the Maryland Codes Administration within DHCD, is principally responsible for promulgating and administering most of the State's building and material code related activities; and

WHEREAS, DGS, MDOT, the State Fire Marshal, and DHCD are of the opinion that the application of uniform building performance standards as well as the State Fire Code in the design, construction, alteration, remodeling, and renovation of State buildings is in the best interest of the State; and

WHEREAS, The University of Maryland System (the "System"), a State agency, is of the opinion that application of uniform building performance standards in conjunction with the State Fire Code in the construction, alteration, remodeling, and renovation of the System buildings is in the best interest of the State; and

WHEREAS, DHCD has adopted regulations set forth in COMAR 05.02.01 (the "Regulations") in accordance with Article 83B, §6-101, of the Annotated Code of Maryland, which contain building performance standards that can be uniformly applied by all State agencies (the "Model Performance Code"); and

WHEREAS, State agencies have adopted their own administrative and enforcement provisions which replace the Administrative and Enforcement provisions of Article 1 of the BOCA Code; and

WHEREAS, DGS, MDOT, the State Fire Marshal, DHCD, and the University of Maryland System have recommended

the application of the Model Performance Code in conjunction with the State Fire Code to the design, construction, alteration, remodeling and renovation of all State buildings; and

WHEREAS, It is in the best interests of the State to apply the Model Performance Code in conjunction with the State Fire Code to the design, construction, alteration, remodeling and renovation of all State buildings;

NOW, THEREFORE, I, WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

All State agencies shall utilize and apply the building performance standards set forth in the State's Model Performance Code at COMAR 05.02.01 and the State Fire Prevention Code at COMAR 12.03.01 promulgated pursuant to Article 38A, §3 of the Annotated Code of Maryland, as amended, for all construction, alteration, remodeling and renovations of all buildings that are owned, leased, operated or controlled by the State. Each State agency, however, may select the Administrative and Enforcement provisions that will be applied to a design, construction, alteration, remodeling, or renovation project.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 27th day of May, 1992.

WILLIAM DONALD SCHAEFER  
Governor

ATTEST:

WINFIELD M. KELLY  
Secretary of State

## EXECUTIVE ORDER 01.01.1992.12

### Task Force on Uniform Maryland Building Performance Standard

WHEREAS, Local governments have worked to structure building codes and subsequent amendments to these codes to address local issues concerning the protection of public health, safety and welfare; and

WHEREAS, The predominant code adopted by most local jurisdictions is the BOCA National Building Code published by the Building Officials and Code Administrators, Inc., but varying editions of the BOCA Code are used; and

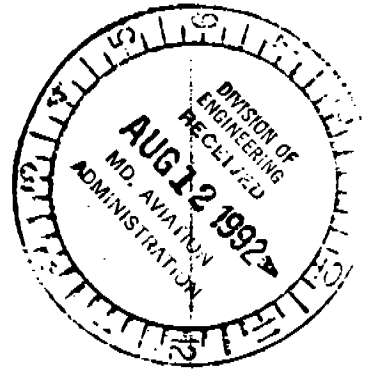
WHEREAS, Some jurisdictions have adopted the Southern Standard Code and others have no building code; and

WHEREAS, This lack of uniformity in the use of national standards and the differences in amendments to the national standards adopted by local jurisdictions cause confusion and inefficiencies for members of the private and public sector involved in the building industry; and

WHEREAS, It is important to reduce and eliminate bureaucratic inefficiencies in the construction industry, and the federal government is encouraging State and local governments to remove conflicting regulatory barriers in an effort to reduce construction costs; and

**Title 05  
DEPARTMENT OF HOUSING  
AND COMMUNITY DEVELOPMENT**

**Subtitle 02 BUILDING AND MATERIAL CODES**



**Chapter 01 Model Performance Code**

Authority: Article 83B, §6-101, Annotated Code of Maryland

**.01 Definitions.**

A. The following terms have the meanings indicated.

B. Terms Defined.

(1) "BOCA" means Building Officials and Code Administrators International, Inc.

(2) "CABO" means Council of American Building Officials, 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041.

(3) "Department" means the Department of Housing and Community Development.

(4) "Model Performance Code" and "Model Code" means the Model Performance Code for building construction as detailed in Regulation .03 of these regulations.

(5) "NFPA" means National Fire Protection Association, Inc.

(6) "Person" means any private individual, firm, or corporation and any public officer or agency.

(7) "Regulations" means the regulations as defined in Regulation .02.

(8) "Secretary" means the Secretary of Housing and Community Development, or a designated representative.

(9) "State certified inspector" means an individual qualified by reason of experience, training, and/or examination, to inspect buildings for compliance with the State Model Performance Code, and certified pursuant to Regulation .07.

**.02 General.**

A. Title. These regulations shall be known and may be cited as the Maryland Model Performance Code Regulations. Except as otherwise



B. The incorporated documents listed above are on deposit in the following public libraries:

(1) Maryland Department of Legislative Reference Library, 90 State Circle, Annapolis, MD 21401, Monday through Friday, 8:30 am—4:30 pm;

(2) State Library Resource Center, Enoch Pratt Central, Maryland Department, Cathedral Street, Baltimore, MD 21201, Monday through Thursday, 9 am—9 pm; Friday and Saturday, 9 am—5 pm; Sunday (October—May), 1 pm—5 pm;

(3) Frostburg State University Library, Midlothian Road and Center Street, Frostburg, MD 21532, Monday through Thursday, 3:30—12 midnight; Friday, 3:30—10 pm; Saturday, 8:30 am—5 pm; Sunday, 1 pm—12 midnight;

(4) Southern Maryland Regional Library, Charles County Public Library Building, Charles and Garrett Streets, La Plata, MD 20642, Monday through Thursday, 9 am—8 pm; Friday, 12 pm—5 pm; Saturday (during school year), 9 am—5 pm;

(5) Salisbury State University Library, College and Camden Avenues, Salisbury, MD 21801, Monday—Friday, 8 am—10 pm; Saturday, 10 am—10 pm; Sunday, 12 pm—10 pm (library closed when school not in session);

(6) Library of Congress, Gifts and Exchanges Division, 10 First Street S.E., Washington, DC 20540, Monday through Friday, 8 am—4:30 pm;

(7) Division of State Documents, Old Armory Building, 11 Bladen Street, Annapolis, MD 21401, Monday through Friday, 9 am—5 pm;

(8) State Law Library, Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401, Monday, Wednesday, and Friday, 8:30 am—4:30 pm; Tuesday and Thursday, 8:30 am—9 pm; Saturday, 9 am—4 pm.

(See page 13)

are therefore excluded from the requirement of concurrence by the Secretary. However, any alterations shall be forwarded to the Secretary for the Department's records.

**.05 Appeals of Code Interpretations or Applications.**

A. If a subdivision provides for a body and procedures to hear building appeals, any person aggrieved by any application or interpretation of the Model Code may obtain review under the procedures.

B. Review by this Department shall be granted:

(1) If requested by the appeals body referred to in §A.

(2) If requested by the aggrieved party before commencement of appeal procedures provided by the subdivision. In that case, the Director of Codes Administration may, in his discretion, decline to review the question of interpretation or application and remand the question to the subdivision, because the question is of insufficient importance or can be resolved more readily at a local level, or for other reasons. The action is not reviewable.

(3) When a building appeals procedure is not provided by the subdivision.

C. An aggrieved person requesting review by the Department of an application or interpretation of the Model Code shall do so in writing, addressed to the Director of Codes Administration in the Department, together with a full statement of the circumstances and the reasons for challenge.

D. The Director of Codes Administration will normally refer the question of interpretation or application to BOCA or NFPA, as the case may be, for answer by their respective interpretation services. The Director is not required to refer the question to BOCA or NFPA. He shall notify the parties of the referral.

E. Within 10 days from receipt by the Director of Codes Administration of the request for review, or within 10 days from receipt by the Director of an answer from BOCA or NFPA when the question has been referred, the Director shall notify the parties of his decision, with a statement of the reasons for it, including a copy of any communication from BOCA or NFPA.

F. Review of an adverse decision of the Director of Codes Administration shall be by appeal to the Secretary, filed within 30 days after issuance of the decision by the Director.

**.04 Modifications to Model Performance Code.**

A. As stated in Regulation .02B, the Model Performance Code is not binding on any subdivision of the State unless specifically adopted by it. A copy of the law, ordinance, or resolution adopting the Model Code shall be sent by the governing body of the adopting subdivision to the Secretary. Copies of all subsequent laws, ordinances, or resolutions pertaining to the Model Code shall similarly be sent by the governing body to the Secretary.

B. After adoption by a subdivision, alteration or modification of the Model Code is prohibited without prior concurrence of the Secretary.

C. The Department will regularly consult with local officials to review the application and effectiveness of the Model Code in each adopting subdivision.

D. Requests for Changes.

(1) Requests for changes, modifications, or exceptions to make the Model Code more effective and useful in any subdivision shall be submitted in writing by certified mail, return receipt requested, to the Secretary by the appropriate authority in the subdivision, together with the reasons for the request.

(2) Upon receipt of a request, the Secretary may:

(a) Concur with it.

(b) Take no action for a period of 30 days after receipt of the request, which shall be deemed concurrence.

(c) Refer the request to the Advisory Commission on Industrialized Building and Mobile Homes, or to any subcommittee of it, for advice on the request. The Secretary shall notify the requesting subdivision of the referral. The time for decision by the Secretary shall be extended for 90 days from the date of the referral.

(d) Deny the request, either before or after referral to the Advisory Commission, so notifying the requesting subdivision in writing. The Secretary may utilize the 30-day and 90-day periods provided hereby for informal consultation with the requesting subdivision and with any other individuals or groups.

(3) Concurrence with requests for special Model Code provisions to meet local conditions will not be unreasonably withheld.

E. The administrative sections of Article 1 of the BOCA National Building Code are entirely administrative and may require alteration to adapt them to local use. Alterations to these sections of Article 1

**.06 Code Improvements.**

Any recommendations for changes to improve these regulations should be submitted to the Secretary with an explanation of the modification desired.

**.07 Training and Certification of Building Inspectors.**

In order to assist local jurisdictions to effectively administer the Model Code, the Department has the responsibility to train and certify building code enforcement officials in any jurisdiction where the Model Performance Code is in effect.

**Administrative History**

Effective date: April, 1973

Regulation .01 amended effective December 30, 1985 (12:26 Md. R. 2542)

Regulation .02C adopted effective December 30, 1985 (12:26 Md. R. 2542)

Regulation .03 amended effective August 6, 1975 (2:17 Md. R. 1188); March 3, 1976 (3:5 Md. R. 295); June 29, 1979 (6:13 Md. R. 1124); March 1, 1983 (10:3 Md. R. 208); December 30, 1985 (12:26 Md. R. 2542)

Regulations .04 and .05 amended effective November 3, 1978 (5:22 Md. R. 1671)

Regulations .04E and .05C amended effective December 30, 1985 (12:26 Md. R. 2542)

Regulation .07A amended effective December 30, 1985 (12:26 Md. R. 2542)

Regulation .07B amended effective August 6, 1975 (2:17 Md. R. 1188) and November 3, 1978 (5:22 Md. R. 1671); repealed effective December 30, 1985 (12:26 Md. R. 2542)

Chapter recodified from COMAR 05.01.03 to COMAR 05.02.01

Regulation .01B amended effective June 1, 1988 (15:11 Md. R. 1329)

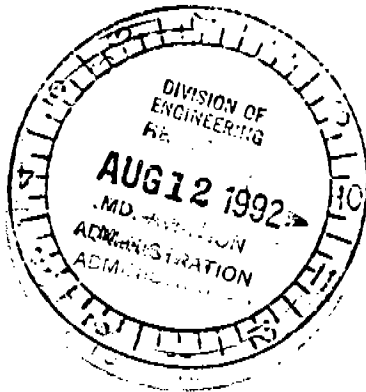
Regulation .03 amended effective June 1, 1988 (15:11 Md. R. 1329); July 22, 1991 (18:14 Md. R. 1609)

Regulation .04E amended effective June 1, 1988 (15:11 Md. R. 1329)



**Title 12**  
**DEPARTMENT OF PUBLIC SAFETY**  
**AND CORRECTIONAL SERVICES**

**Subtitle 03 FIRE PREVENTION COMMISSION**



**Chapter 01 Fire Prevention Code**

Authority: Article 38A, §§3 and 14, Annotated Code of Maryland

**.01 Title.**

This Code shall be known as the State Fire Prevention Code, may be cited as such, and is referenced in this subtitle as this Code.

**.02 Purpose.**

A. The purpose and the intent of this Code is to establish minimum requirements that will provide a reasonable degree of fire prevention and control to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots, or premises.

B. This Code adopts by incorporation by reference "The BOCA Basic/National Fire Prevention Code" (Building Officials and Code Administrators International, Inc., 1984 Edition), unless otherwise stated in here as amendments. (See Regulation .07) Certain standards of the National Fire Protection Association are also adopted by incorporation by reference. (See Regulation .07) These shall be considered minimum standards.

**.03 Application and Scope.**

A. The provisions of this Code shall apply to new buildings and conditions, as defined in Regulation .05D. This Code may not apply to existing buildings and conditions, as defined in Regulation .05E, unless the State Fire Prevention Commission has determined that the continuation of the existing building or condition constitutes a distinct hazard adverse to life, property, public welfare or safety as to require correction. The State Fire Marshal or the legally appointed designee may make a determination of the applicability of this Code to any existing building or condition in it, subject to the right of appeal to the State Fire Prevention Commission.

B. The provisions of this Code do not apply in Baltimore City except to those buildings and conditions specifically prescribed in Article 38A, §14A, Annotated Code of Maryland.

**.04 Enforcement.**

A. Enforcement of this Code shall be the responsibility of the State Fire Marshal or legally designated fire official of a county or municipal corporation of the State of Maryland or other persons legally appointed by the State Fire Marshal pursuant to Article 38A, Annotated Code of Maryland.

B. The State Fire Marshal or the legally appointed designee may accept alternate methods of satisfying the intent of this Code if the material, method or work is at least the equivalent of that required by this Code in quality, effectiveness, durability and safety, and meets or exceeds the intent of the Code.

C. When there are differing or conflicting requirements between this Code and standards adopted by incorporation by reference by this Code, the State Fire Marshal or the legally appointed designee shall resolve the differences or conflict in the requirements, subject to the right of appeal to the State Fire Prevention Commission.

D. Whenever Article 38A, Annotated Code of Maryland, or this Code requires that a permit or certificate of approval be obtained from the State Fire Marshal, the permit shall be obtained from the State Fire Marshal, or other appropriate authority, where it exists, of the county, city, or incorporated town where the activity or equipment for which the permit or certificate required is located.

E. A violation of any regulation of this Code shall be subject to the penalties set forth in Article 38A, Annotated Code of Maryland.

**.05 Definitions.**

A. "BOCA" means Building Officials and Code Administrators International Inc., 4051 W. Floosmoor Road, Country Club Hills, Ill. 60477.

B. "Chief of Fire Department" or "Chief of Bureau of Fire Prevention" or "Fire Official" means State Fire Marshal or the legally appointed designee as prescribed in here.

C. "NFPA" means National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

D. "New building" means any building, installation, plant, equipment or condition constructed or planned for construction, but not

under construction, on or after the effective date of this Code, but does not include any building, installation, plant, equipment or condition if approval of construction plans has been obtained from the appropriate governmental agency before the effective date of this Code.

E. "Existing building" means any building, installation, plant, equipment or condition on which construction has commenced or a building permit has been obtained from the appropriate government agency before the effective date of this Code.

F. "Legally appointed designee" means those local or county fire officials specifically authorized under Article 38A, Annotated Code of Maryland, to enforce the provisions of the State Fire Laws and State Fire Prevention Code.

#### **.06 Special Requirements.**

A. The NFPA 101 Life Safety Code (1988) is incorporated by reference.

B. The State Fire Prevention Commission recommends the use of the NFPA National Fire Codes or other nationally recognized standards in technical matters not specifically addressed by this Code.

C. Sale or Use of Flame Retardant Chemicals. An individual, firm or corporation may not sell or offer for sale in the State any type of flame retardant or flameproofing compound, powder or liquid, for fire retardant purposes unless the product has been tested and listed by a recognized testing laboratory accepted by the State Fire Marshal.

D. Mobile Homes and Trailer Parks. The "Standard for Firesafety Criteria for Mobile Home Installations, Sites and Communities" (National Fire Protection Association Standard No. 501A, 1982 Edition), is adopted by reference. The smoke detector requirements of Article 38A, §12A, Annotated Code of Maryland, shall apply to mobile homes.

E. Fire Extinguishing Systems for Elderly Housing. All buildings constructed primarily for the purpose of housing persons 62 years old or older and designed for occupancy by 50 or more of these persons, shall be protected throughout the entire building by an approved automatic fire extinguishing system.

F. Symbol for Occupants Needing Evacuation Assistance. Pursuant to Article 38A, §55A, Annotated Code of Maryland, the following



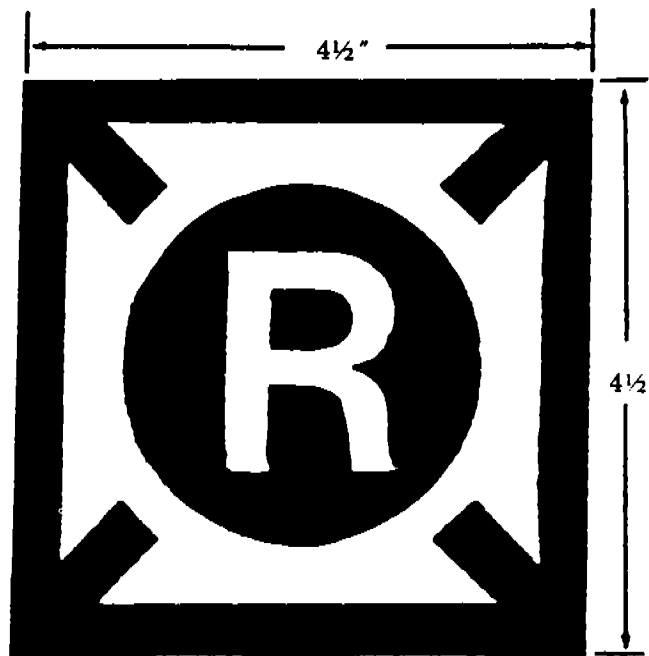
**12.03.01.06F PUBLIC SAFETY AND CORRECTIONAL SERVICES**

regulations shall apply to the display of a sign, sticker or other appropriate symbol for the purpose of indicating an occupant of a building needing evacuation assistance:

**(1) Description:**

- (a) Size — Square, 4½”;
- (b) Design — Maltese Cross with capital letter “R”;
- (c) Color — International orange;
- (d) Material — Reflectorized (Cross and letter);
- (e) Sponsorship may not appear on the face of the symbol but may be imprinted on the adhesive backing paper;
- (f) A diagram of the approved design is shown below as Figure 1.

**Figure 1**



(2) Mounting. Each residency shall be supplied at least two symbols upon request. One will be affixed to the upper left quadrant of the front door or on the window closest to the left side of the door. One will be affixed to the window occupied by the person needing evacuation assistance. If this room is the location of the window closest to the left side of the front door, both symbols will be affixed with one above the other.

(3) Distribution. After July 1, 1980, a symbol for evacuation assistance may not be distributed in Maryland except the one described above as approved by the Fire Prevention Commission.

G. Smoke Control Systems in High Rise Buildings. Natural or mechanical ventilation for smoke control shall be provided in every story of a high-rise building as defined in Article 38A, §51A, Annotated Code of Maryland, in accordance with one of the following methods:

(1) Standard for Panels and Windows.

(a) Panels or windows in the exterior walls which can be opened remotely from an approved location other than the fire floor may be used. These venting facilities shall be provided at the rate of 20 square feet per 50 lineal feet of exterior wall in each story and shall be distributed around the perimeter at not more than 50 foot intervals. These windows or panels and their controls shall be clearly identified.

(b) Exception — Manually openable windows or panels which are clearly identified and shall be of the size and spacing indicated in §G(1)(a), above.

(2) Mechanical Air Handling System.

(a) The mechanical air handling system may be designed to accomplish smoke control. Under fire conditions, the return and exhaust air shall be moved directly to the outside without recirculation to other sections of the building.

(b) The air handling system shall provide a minimum of one exhaust air change each 10 minutes for the area involved.

(c) The system shall be activated automatically to the smoke control mode upon activation of the building fire alarm system.

(d) Controls for the smoke control system shall be provided at a location approved by the fire official.

12.03.01.06H PUBLIC SAFETY AND CORRECTIONAL SERVICES

(3) Any other smoke control system designed in accordance with accepted engineering practice and nationally recognized standards which will provide safety for occupants of the building equivalent to that provided by the system described in §G(1) or (2) of this regulation.

H. Permit to Service or Repair Portable Fire Extinguishers. A permit shall be obtained from the Fire Marshal's Office by every individual, firm, or corporation commercially servicing, repairing, filling or refilling portable fire extinguishers, except fire departments.

I. Sale of Portable Fire Extinguishers.

(1) It shall be unlawful for any person, directly or through an agent, to sell or offer for sale in the State any make, type, or model of portable fire extinguisher, either new or used, unless the make, type, or model of extinguisher has been tested and listed by a testing laboratory accepted by the State Fire Marshal.

(2) An extinguisher may not be considered as being approved even if it bears the label of an accepted testing laboratory if it contains any of the following liquids:

(a) Carbon tetrachloride, chlorobromomethane, azeotropic chloromethane, dibromodifluoromethane 1, -2-dibromo-2 chloro-1,2, -trifluoroethane;

(b) 1, 2 dibromo-2, 2-difluoroethane, methyl bromide, ethylene dibromide;

(c) 1, 2 dibromotetrafluoroethane, hydrogen bromide, methylene bromide, bromidifluoromethane, dichlorodifluoromethane; or

(d) Any other toxic or poisonous liquid.

J. Sale and Installation of Fire Alarm or Fire Detection Systems. It shall be unlawful for any person, directly or through an agent, to sell, offer for sale, or install any make, type, or model of fire alarm, fire detection or smoke detection system or device unless the system or device has been tested and listed by a testing laboratory accepted by the State Fire Marshal.

K. Gasoline Stoves. The sale or use of gasoline stoves or other similar fuel burning cooking or heating appliance using Class I flammable liquids as defined in the "Standard for Flammable and Combustible Liquids" (National Fire Protection Association Standard No. 30, 1981 Edition), which is incorporated by reference, shall be prohibited

unless the appliance has been tested and listed by a testing laboratory accepted by the State Fire Marshal. The appliance shall be installed, operated, and maintained in a safe manner in accordance with the prescribed recommendations of the manufacturer and the conditions stated in the listing by the respective testing laboratory.

**L. Unvented Portable Kerosene-Fired Heaters.**

(1) The sale or use of unvented portable kerosene-fired heaters shall be permitted only if the heater or appliance meets U.L. Subject 647 and bears the U.L. Label so certifying.

(2) The heaters shall only be used as follows:

(a) The use of heaters shall be restricted to one and two family dwelling units;

(b) The units may be used in the course of hunting or camping activities;

(c) The units may be used in an agricultural building and an outbuilding, that is, a building used in connection with the main building, but smaller than the main building, and located separate and apart from the main building;

(d) The units may be used in buildings under construction;

(e) The units may be used in commercial establishments as permitted under Commercial Law Article, §14-1310, Annotated Code of Maryland.

(3) All units shall contain a warning label stating: "This device must not be operated while unattended". In addition, all units shall contain the manufacturer's warning label required by Commercial Law Article, §14-1310.

**M. Electric or Gas Refrigerators Used for Storage of Flammable or Explosive Material and in Flammable or Explosive Areas.**

(1) It shall be unlawful for any person to use, or cause to be used, any electrically or gas operated mechanical refrigerators, on any premises in the State for storage and preservation of flammable or explosive materials unless the refrigerator has been certified as explosion proof by a testing laboratory accepted by the State Fire Marshal.

(2) Electrically or gas operated mechanical refrigerators may not be placed in any area where explosives or flammable gases, vapors, or materials are, or may be, present in the surrounding atmosphere, unless certified as explosion proof by a testing laboratory accepted by the State Fire Marshal.

N. Open Flames in Parades. The use of fire batons or flammable batons or torches in public parades is prohibited.

O. Marinas and Boat Yards. "Fire Protection Standard for Marinas and Boat Yards" (NFPA 303, 1986 Edition), is incorporated by reference, except in §4-4.1, Exception No. 1 is deleted and amended as follows: Covered slips less than 5,000 square feet in total area.

P. Flammable and Hazardous Chemicals Storage—Signs.

(1) All establishments storing or handling flammable or hazardous chemicals shall be plainly marked with signs at entrances to storage or use areas and at any other points that may be recommended by the Fire Marshal. These signs shall be in accordance with the "Recommended System for the Identification of the Fire Hazards of Materials" (National Fire Protection Association Standard No. 704, 1980 Edition), which is adopted by incorporation by reference.

(2) The "Fire Hazard Properties of Flammable Liquids, Gases, and Volatile Solids" (National Fire Protection Association Standard No. 325M, 1977 Edition) is adopted by incorporation by reference.

Q. Liquefied Petroleum Storage Tanks—Signs. All liquefied petroleum storage tanks with a capacity of 100 pounds or greater of liquefied petroleum gas shall be posted with a suitable permanent sign having a 24 hour emergency phone number and name of gas supplier for use by the fire department in the event of a fire or other emergency.

R. Fire Safety Procedures for Hotels, Motels and Lodging Houses—Signs. Pursuant to Article 38A, §53A, Annotated Code of Maryland, all hotels, motels and lodging houses shall post a notice in accordance with that statute and the following requirements:

(1) The notice shall be posted on the interior side of each guest room entrance door and centered in the upper one-half of the door. Alternate prominent locations within each guest room may be acceptable subject to the approval of the State Fire Marshal or the legally appointed designee.

(2) The notice shall be printed or typed in contrasting colors with respect to the background color of the notice or the door, or both, on which it is posted.

(3) The notice shall contain the required printed fire safety instructions with letters not less than the following size:

(a) Title—3/8 inch high or 48 point type;

(b) Sub-Title—1/4 inch high or 24 point type;

(c) Text—3/16 inch high or 10 point type.

(4) The notice shall include a diagram of the building or floor where the particular guest room is located indicating the location of the particular guest room with respect to the nearest exits and fire pull stations. The diagram shall be drawn to a minimum approximate scale of 1-inch equal to 50 feet. A diagram on the notice is not necessary for one-story buildings where guest rooms have an exit directly to the exterior.

(5) The notice shall include specific procedures for notification of appropriate management personnel and the fire department in event of a fire emergency.

S. Smoke Detectors for the Hearing Impaired—Signs. Pursuant to Article 38A, §12A(a)(4), Annotated Code of Maryland, all hotels and motels shall post in a conspicuous place at the registration desk or counter a permanent sign stating the availability of smoke detectors for the hearing impaired in accordance with that statute and the following requirements:

(1) The sign shall be posted in such a manner that it is readily visible and legible from the public side of the registration desk or counter;

(2) The sign shall be printed or typed in contrasting colors with respect to the background color of the sign or surface on which it is mounted;

(3) The sign shall state "Smoke Detectors for the Hearing Impaired are Available Upon Request", or other appropriate wording as may be specifically approved by the Fire Marshal, or by the Chief of the Fire Department, in the City of Baltimore.

#### **.07 Amendments.**

A. The following sections of the "BOCA Basic/National Fire Prevention Code" (Building Officials and Code Administrators International, Inc., 1984 Edition) are amended as follows:

**12.03.01.07 PUBLIC SAFETY AND CORRECTIONAL SERVICES**

**B. Amendments.**

- (1) Section F-101.1. Delete.**
- (2) Section F-102.7. Delete.**
- (3) Section F-104.0. Delete.**

**(See page 59)**

(4) Section F-105.3.2. Delete "...shall be deemed guilty of a misdemeanor" and substitute "...shall be deemed to be in violation of this regulation and subject to the penalties provided for in Article 38A, Annotated Code of Maryland".

(5) Section F-301.0. Delete.

(6) Section F-301.2. Delete.

(7) Section F-303.2. Delete.

(8) Section F-305.2. Delete and amend to read as follows: Storage limitations: Unless approved by the State Fire Marshal or his legally appointed designee, a person may not store in any building or upon any premises in excess of 2,500 cubic feet gross volume of:

(a) Combustible empty packing cases, boxes, barrels, or similar containers; or

(b) Rubber tires, baled cotton, rubber, cork, or other similarly combustible material.

(9) Section F-400.1. Amend to include Installation to reflect intended scope of this section.

(10) Section F-402.1. Delete and amend to read as follows: All buildings shall be equipped with an approved automatic fire suppression system in accordance with the building code listed in Appendix A.

(11) Section F-402.2. Delete and amend to read as follows: All buildings shall be provided with standpipes in accordance with the building code listed in Appendix A.

(12) Section F-408.2. Delete.

(13) Section F-409.1. Add the following exception: Except where specifically approved otherwise by the fire official.

(14) Section F-411.2. Delete.

(15) Section F-501.2. Delete.

(16) Section F-504.1.1. Delete and amend as follows: A sign to designate the floor level shall be provided at each floor landing in all interior stairways more than two stories above or below the exit discharge.

(17) Section F-504.5. Delete.

(18) Section F-600.2. Delete.

(19) Section F-700.2. Delete.



- (20) Section F-800.2. Delete.
- (21) Section F-900.2. Delete.
- (22) Section F-1000.2. Delete.
- (23) Section F-1100.2. Delete.
- (24) Section F-1200.2. Delete.
- (25) Section F-1300.2. Delete.
- (26) Section F-1301.2.2. Delete.
- (27) Section F-1301.7. Delete first sentence of this Section.
- (28) Section F-1400.2. Delete.
- (29) Section F-1500.2. Delete.

(30) Section F-1500.4. Delete and amend to read as follows: Each place of assembly shall be posted with an approved legible sign in contrasting colors conspicuously located near the main exit from the room or space stating the maximum number of occupants permitted within such space. This number shall be determined in the manner prescribed by the "Life Safety Code" (National Fire Protection Association Standard No. 101, 1981 Edition), which is incorporated by reference. Assembly rooms or spaces which have multiple use capacity shall be posted for all the uses. The owner or manager of the occupancy shall be responsible for installing and maintaining the signs.

(31) Section F-1502.2. Delete.

(32) Section F-1503.1. Delete.

(33) Section F-1504.1. Delete and substitute the following: Audiences to be Informed of Exits.

(a) It shall be the duty of the person in charge of any theater or place of public assembly to call the attention of those present, immediately before the beginning of the play, address, or other matter of proceedings for which the people are assembled, to the number and location of the several exits in the building or hall, and to state that the doors to all exits are unlocked. Before making the announcement, it shall be the duty of the person to make an actual inspection to verify the fact, or to see that the doors are unlocked.

(b) It shall be the duty of the person in charge of every public or private assembly to call the attention of everyone present at a performance, address, exhibition, or other matter of proceeding to the exits by displaying or announcing the following:

NOTICE

For your own safety, look for your nearest exit. In case of emergency, walk, do not run, to that exit.

(c) The requirement for calling the attention of everyone present in any public or private assembly to the exits shall be considered complied with by one of the following methods:

(i) Oral announcement of the above notice from stage, platform, or floor at the beginning of every performance, address, exhibition, contest, or other matter of proceedings.

(ii) Showing the above notice on the cinema screen where moving or stereopticon pictures are shown.

(iii) Printing the above notice in bold type letters not less than one-fourth inch in height on the back of programs for any performances, matters or other proceedings. Nothing but the notice shall be placed on the back of the program.

(iv) Having a fixed sign or signs displaying the above notice printed in letters of a size and clearness that can be easily read from any and every point in the assembly room.

(34) Section F-1600.2. Delete.

(35) Section F-1601.1. Amend the last sentence in this section as follows: Flammable and combustible fuel may be stored in approved containers inside a building provided the total amount does not exceed 60 gallons.

(36) Article 17 Tents, Air Supported, and other Temporary Structures. Delete the entire Article.

(37) Section F-1800.2. Delete.

(38) Section F-1900.2. Delete.

(39) Section F-2000.2. Delete.

(40) Section F-2000.4. Correct definition of Acetylene, medium pressure to Acetylene at pressures exceeding one pound per square inch gauge (psig) (6.9kPa) but not exceeding 15 psig (103.43 kPa).

(41) Section F-2003.2. Delete.

(42) Section F-2005.2. Delete.

(43) Section F-2006.1. Delete.

(44) Section F-2006.7. Delete.

(45) Section F-2100.2. Delete.

12.03.01.08 PUBLIC SAFETY AND CORRECTIONAL SERVICES

(46) Section F-2200.2. Delete.

(47) Section F-2300.2. Delete.

(48) Section F-2400.2. Delete.

(49) Section F-2500.2. Delete.

(50) Article 26 Explosives, Ammunition and Blasting Agents. Delete the entire Article and substitute the following requirements: The equipment, processes and operations involving the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents shall comply with the following standards:

(a) The "Code for the Manufacture, Transportation, Storage and Use of Explosive Materials" (National Fire Protection Association Standard No. 495, 1982 Edition) is incorporated by reference.

(b) The "Standard for Explosives Motor Vehicle Terminals" (National Fire Protection Association Standard No. 498, 1982 Edition) is incorporated by reference.

(c) Federal Department of Transportation (DOT), 49 CFR, entitled "Explosive and other Dangerous Articles, Shipping Containers — Specification for Transportation of" is incorporated by reference.

(51) Article 27 Fireworks. Delete the entire Article and substitute the requirements of Regulation .08 of this chapter.

(52) Section F-2800.2. Delete.

(53) Section F-2800.3. Delete.

(54) Section F-2804.6. Delete.

(55) Section F-2900.2. Delete.

(56) Section F-3000.2. Delete.

(57) Section F-3100.2. Delete.

(58) Section F-3200.2. Delete.

(59) Section F-3300.2. Delete.

**.08 Fireworks.**

A. General. The manufacture, display, sale or discharge of fireworks shall comply with the following requirements.

**B. Manufacture of Fireworks.**

(1) A building containing hazardous mixes or items may not be located closer than 20 feet to the property line under any conditions.

(2) The maximum number of workers, excluding one trainee and three transients (trainee and transient are defined below), permitted in any building at any one time shall be limited to one person per 100 square feet gross floor area. Buildings of less than 100 square feet gross floor area shall be limited to one occupant. In both cases, the exclusions defined below shall apply:

(a) Trainees shall be defined as employees undergoing initial training in a specific process for a period not to exceed 24 consecutive work hours.

(b) Transients shall be defined as:

(i) Supervisors not regularly assigned to the area;

(ii) Bona fide government agency personnel engaged in official business; and

(iii) Material handling personnel actively engaged in the transfer of materials into or out of the area.

(3) The total amount of explosives or pyrotechnic composition including raw materials, material being processed, and finished products, that may be safely permitted in any building at a given time, shall be determined by the enforcement agency based upon the American Table of Distances for Storage of Explosives, without recognition for barricades. However, distances may not be less than those required by Article 38A, §§20(c) and 20(d), Annotated Code of Maryland. The amount of explosives or other pyrotechnic composition may not exceed the amount necessary for production for 4 hours.

(4) All fireworks plants shall submit accurate scale plot plans of their premises to the State Fire Marshal of all proposed changes of location of any of the structures, fences, and gates for approval before beginning the work.

#### C. Sale or Use of Sparklers.

(1) Before the sale, offering for sale, or use within the State, of any sparkler, every manufacturer of sparklers shall submit sufficient samples for inspection to the State Fire Marshal, with a laboratory report from a certified testing laboratory affirming that the analysis of these sparklers showed that they contain no chlorates or perchlorates.

(2) All sparklers sold in the State shall be sold in boxes, and each box shall be clearly marked that the sparklers contain no chlorates or perchlorates.

(3) The manufacturer shall furnish the State Fire Marshal with a current list of wholesalers, jobbers, retailers, or retail outlets, who handle or supply any devices listed in §A, or maintain a list of wholesalers, jobbers, retailers, or retail outlets, subject to inspection by the State Fire Marshal.

(4) Any person, firm, or manufacturer who violates any provision of this regulation shall be subject to the penalties prescribed by Article 38A, Annotated Code of Maryland.

**D. Fireworks.**

(1) The display of fireworks shall be in accordance with the "Standard for Public Display of Fireworks" (National Fire Protection Association NFPA Standard No. 1123, 1982 Edition), which is incorporated by reference.

(2) All applications for permits for display shall be filed at least 30 days before the fireworks display is to be held.

(3) Pursuant to Article 38A, Annotated Code of Maryland, the following requirements apply to public liability and property damage insurance:

(a) In order to meet the requirement of the statute, the State shall be named as an insured in the contract of insurance.

(b) Because the policy shall cover all damages to persons or property, a deductible form of coverage may not be accepted.

(c) The minimum amount of coverage that the State can accept on any display is \$25,000 for the injury of one person, \$50,000 for more than one, and \$10,000 for property damage.

(d) A duplicate policy of a certificate of insurance shall be attached to the application. The policy or certificate shall provide that:

(i) The coverage may not be cancelled without at least 30 days notice to the State Fire Marshal.

(ii) The duplicate policy or certificate shall set forth all of the terms, conditions, endorsements, and riders which are or which will become part of the policy when issued. It shall be understood and agreed that limitations cannot be included in the policy which are not set forth in the duplicate policy or certificate of insurance which has been filed.

(iii) If the policy is issued by an insurer authorized to do business in the State, it shall be validated by the signature of an

agent licensed by the Insurance Division of the Department of Licensing and Regulation to represent the insurer.

(iv) If coverage is provided by an insurer who is not authorized to do business in the State, the duplicate policy or certificate of insurance shall be accompanied by a power of attorney or other satisfactory evidence that the person, firm or corporation acting as agent in accepting the risk has authority to bind risks and issue policies for the insurer. The State Fire Marshal's Office specifically reserves the right to disapprove contracts issued by any authorized insurer if the Fire Marshal's Office deems the insurer to be unsatisfactory.

(v) If the policy issued by the unauthorized company is acceptable to the Fire Marshal's Office, it shall be registered and the registration fee and tax paid.

### Administrative History

Effective date: July 21, 1972

Regulations .01B, .13A, .15B, G, .16B, .18A, B, .22B, .23A — C, .26B, .29B — D, .33, .35B amended effective October 7, 1977 (4:21 Md. R. 1604)

Regulations .04 — .14, .16 — .35, and .41 amended effective August 30, 1982 (9:17 Md. R. 1709)

Regulation .14D adopted effective July 1, 1967

Regulations .15G, .16C, .18C, .22A, .29B, and .35B, E, F amended as an emergency provision effective February 23, 1978 (5:5 Md. R. 332); adopted permanently effective June 2, 1978 (5:11 Md. R. 885)

Regulation .16A amended effective April 9, 1984 (11:7 Md. R. 628)

Regulations .16B, .18A, E, .23, .26B, .29D amended effective May 14, 1975 (2:10 Md. R. 759)

Regulation .16B amended effective April 18, 1980 (7:8 Md. R. 772)

Regulation .23B amended effective August 22, 1980 (7:17 Md. R. 1672)

Regulation .26 amended effective December 7, 1981 (8:24 Md. R. 1936)

Regulation .30E adopted effective October 5, 1979 (6:20 Md. R. 1629); September 19, 1980 (7:19 Md. R. 1808)

Regulation .33 amended effective November 21, 1983 (10:23 Md. R. 2064)

Regulation .34 amended effective January 21, 1976 (3:2 Md. R. 87) and November 4, 1977 (4:23 Md. R. 1735)

Regulation .36 adopted effective April 27, 1977 (4:9 Md. R. 1719)

Regulation .36A, C amended effective October 7, 1977 (4:21 Md. R. 1604)

Regulation .37 adopted effective February 26, 1979 (6:4 Md. R. 277); amended effective October 5, 1979 (6:20 Md. R. 1629)

Regulation .37 (Cellulose and Foam Insulation) adopted as an emergency provision effective January 1, 1979 (6:1 Md. R. 15); emergency status withdrawn by AELR Committee for §B of this regulation effective February 1, 1979 (6:4 Md. R. 275); emergency status expired May 12, 1979 (Emergency provisions are temporary and not printed in COMAR)

Regulation .38 adopted effective October 5, 1979 (6:20 Md. R. 1629)

Regulation .39 adopted effective October 31, 1980 (7:22 Md. R. 2074)

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Regulation .40 adopted effective July 20, 1981 (8:14 Md. R. 1228)

Regulation .41 adopted effective October 12, 1981 (8:20 Md. R. 1636)

Regulation .42 adopted effective January 17, 1983 (10:1 Md. R. 32)

Chapter revised effective May 6, 1985 (12:9 Md. R. 812)

Regulation .06A amended effective July 28, 1986 (13:15 Md. R. 1735); July 24, 1989  
(16:14 Md. R. 1568)

Regulation .06O amended effective October 5, 1987 (14:20 Md. R. 2143)

Regulation .06R adopted effective October 1, 1985 (12:19 Md. R. 1849)

Regulation .06S adopted effective March 7, 1988 (15:5 Md. R. 622)

Regulation .07B amended effective January 23, 1989 (16:1 Md. R. 72)

# **Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

## **Subtitle 13 DRUGS**

### **10.13.01 Dispensing Prescription Drugs by a Licensee**

Authority: Health Occupations Article, §12-102,  
Annotated Code of Maryland

#### **Notice of Final Action**

[92-010-F]

On April 9, 1992, new Regulations .01 — .05 under a new chapter, COMAR 10.13.01 Dispensing Prescription Drugs by a Licensee were adopted by the Secretary of Health and Mental Hygiene. These new regulations, which were proposed for adoption in 19:1 Md. R. 54 — 56 (January 10, 1992), have been adopted as proposed.

Effective Date: May 11, 1992.

NELSON J. SABATINI  
Secretary of Health and Mental Hygiene

## **Subtitle 29 BOARD OF MORTICIANS**

### **10.29.04 Fee Schedule**

Authority: Health Occupations Article, §§7-302(b)(6), 7-303(2), 7-304(e),  
7-306(b), 7-303(a)(4), 7-310(b)(iii), 7-311(a)(3), 7-315, and 7-316(a)(3),  
Annotated Code of Maryland

#### **Notice of Final Action**

[92-058-F]

On April 7, 1992, new Regulations .01 — .03 under a new chapter, COMAR 10.29.04 Fee Schedule were adopted by the Secretary of Health and Mental Hygiene. These new regulations, which were proposed for adoption in 19:4 Md. R. 482 — 483 (February 21, 1992), have been adopted as proposed.

Effective Date: May 11, 1992.

NELSON J. SABATINI  
Secretary of Health and Mental Hygiene

## **Subtitle 56 BOARD OF DIETETIC PRACTICE**

### **10.56.01 General Regulations**

Authority: Health Occupations Article, §5-205,  
Annotated Code of Maryland

#### **Notice of Final Action**

[92-060-F]

On April 9, 1992, an amendment to Regulation .06 under COMAR 10.56.01 General Regulations was adopted by the Secretary of Health and Mental Hygiene. This action, which was proposed for adoption in 19:4 Md. R. 484 (February 21, 1992), has been adopted with the nonsubstantive change shown below.

Effective Date: August 8, 1992.

#### **Attorney General's Certification**

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

Regulation .06B: Editorial correction.

#### **.06 A Preplanned Professional Experience Program.**

A. (text unchanged)

B. The preplanned professional experience program shall be under the direct or indirect supervision of a licensed dietitian, a licensed nutritionist, a dietitian licensed in another state, a nutritionist licensed in another state, a registered dietitian, a licensed health care practitioner, a licensed health care practitioner in another state, or an individual with a doctoral degree [in] with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food systems management that is conferred by a U.S. regionally accredited college or university.

C. — E. (text unchanged)

NELSON J. SABATINI  
Secretary of Health and Mental Hygiene

# **Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

## **Subtitle 03 FIRE PREVENTION COMMISSION**

Authority: Article 38A, §§3 and 14,  
Annotated Code of Maryland

#### **Notice of Final Action**

[92-056-F]

On April 16, 1992, amendments to Regulations .02, .03 and .05 — .08 and new Regulation .09 under COMAR 12.03.01 Fire Prevention Code; the repeal of Regulations .01 — .19 under COMAR 12.03.03 Standard for the Installation of Sprinkler Systems in Residential Occupancies; and new Regulations .01 — .04 under a new chapter, COMAR 12.03.03 Approval of Testing Laboratories, were adopted by the Secretary of Public Safety and Correctional Services. These actions, which were proposed for adoption in 19:4 Md. R. 485 — 494 (February 21, 1992), have been adopted with the changes shown below.

Effective Date: May 11, 1992.

#### **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 12.03.01.07B(33): Added language to clarify and limit the intent and application of this requirement.



COMAR 12.03.03.02B(15): Corrected spelling of the word "notarized" in first sentence.

### 12.03.01 Fire Prevention Code

#### .07 Amendments.

A. (proposed text unchanged)

B. Amendments.

(1) — (32) (proposed text unchanged)

(33) Section F-307.3. Delete and substitute as follows:  
*Open Flame Decorative Lighting.*

(a) F-307.3. Candles~~[[ ]]~~ which use disposable/refillable fuel cartridges and other similar open-flame decorative lighting shall comply with the following:

(b)—(i) (proposed text unchanged)

(34)—(142) (proposed text unchanged)

### 12.03.03 Approval of Testing Laboratories

#### .02 Application for Approval.

A. (proposed text unchanged)

B. The applicant shall submit a report describing the existing and proposed testing facilities. The report shall be dated and shall be signed by an officer or agent of the testing laboratory, and shall include, but not be limited to, the following information:

(1) — (14) (proposed text unchanged)

(15) A ~~[[notarized]]~~ notarized statement of independence with reference to products being tested indicating that the following provisions are in effect as a matter of company or corporate policy:

(a) — (e) (proposed text unchanged)

(16) (proposed text unchanged)

BISHOP L. ROBINSON

Secretary of Public Safety and Correctional Services

## Title 13A

# STATE BOARD OF EDUCATION

## Subtitle 12 CERTIFICATION

### 13A.12.02 Teachers

Authority: Education Article, §§2-303(g) and 6-101 — 6-104,  
Annotated Code of Maryland

#### Notice of Final Action

[91-464-F]

On March 24, 1992, amendments to Regulations 20 and 21 under COMAR 13A.12.02 Teachers, were adopted by the State Board of Education. This action was taken at a public meeting, notice of which was given by State Board agenda pursuant to State Government Article, §10-506(c), Annotated Code of Maryland. These amendments, which were proposed for adoption in 18:26 Md. R. 2842 — 2843 (December 27, 1991), have been adopted as proposed.

Effective Date: May 11, 1992.

NANCY S. GRASMICK

State Superintendent of Schools

## Errata

### COMAR 05.08.05

At 18:22 Md. R. 2394 (November 1, 1991), col. 1, lines 37 — 38 from top:

For: workmanship. ~~[[feeling, and association;]]~~ or historic character or association;

Read: workmanship, ~~[[feeling, and association;]]~~ historic character, and association.

### COMAR 10.13.01

At 19:1 Md. R. 55 (January 10, 1992), col. 2, line 11 from the bottom:

For: B. The application shell require the following information to

Read: B. The application shall require the following information to

[92-09-07]

# Subtitle 58 BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

## 10.58.02 Fees

Authority: Health Occupations Article, §§17-205, 17-206, and 17-310,  
Annotated Code of Maryland

### Notice of Proposed Action

(92-059-P)

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under COMAR 10.58.02 Fees. These amendments were considered by the Board of Examiners of Professional Counselors at a public meeting held April 11, 1991, notice of which was given by publication in 18:7 Md. R. 807 (April 5, 1991), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to increase fees in accordance with Senate Bill 264, promulgated on July 1, 1989, to establish an inactive status fee, a reinstatement fee, and to delete the specialty designation application fee.

### Estimate of Economic Impact

I. Summary of Economic Impact. Fees have been added for license verification, inactive status, and reinstatement. The specialty designation application fee has been deleted to comply with HB-411 of 1991.

#### II. Types of Economic Impacts.

Revenue (+) Expense (-)	Magnitude
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A. On issuing agency: State Board of Examiners of Professional Counselors	(+)	\$71,250 (Biennial)
B. On other State or local agencies:	NONE	

Benefit (+) Cost (-)	Magnitude
-------------------------	-----------

C. On regulated industries or trade groups: Certified Professional Counselors	(-)	\$71,250 (Biennial)
D. On other industries or trade groups:	NONE	
E. Direct and indirect effects on public:	NONE	

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

A. This amount is based on approximately 1,306 active professional counselors paying a total of \$71,250 in accordance with certain fee requirements. With the new fee schedule, the Board estimates the number of professional counselors applying for items or services as follows: (Figures in parenthesis = number of professional counselors). (50) × \$5 = \$250

Certification Renewal Fee: (1,306) × \$50 = \$65,300

Late Renewal Fee: (30) × \$40 = \$1,200

Certification Verification: (50) × \$20 = \$1,000

Inactive Status: (20) × \$25 = \$500

Reinstatement Fee: (30) × \$100 = \$3,000

Total \$71,250

C. The rate in the assumption for A is based on the increased amount that professional counselors will have to pay for items or services.

### Opportunity for Public Comment

Written comments on the proposed action may be sent to Michele Phinney, Regulations Coordinator, O'Connor Building, Room 229, 201 West Preston Street, Baltimore, Maryland

21201 or call (410) 225-6499. These comments must be received by April 7, 1992. No public hearing has been scheduled.

### .02 Fee Schedule.

The following fees are established by the Board for items or services provided under this subtitle:

A. (text unchanged)	
B. Examination fee	[75;] \$80;
C. — D. (text unchanged)	
E. Certification renewal fee	[50;] \$100;
F. Late renewal fee (in addition to §E)	[10;] \$50;
G. [Specialty designation application fee	50;]
Certification verification	\$20;
H. — J. (text unchanged)	
K. Name or address change	No fee[.];
L. Inactive status	\$25;
M. Reinstatement fee	\$100.

NELSON J. SABATINI

Secretary of Health and Mental Hygiene

# Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

## Subtitle 03 FIRE PREVENTION COMMISSION

Authority: Article 38A, §§ 3 and 14,  
Annotated Code of Maryland

### Notice of Proposed Action

(92-056-P-I)

The Secretary of Public Safety and Correctional Services proposes the following actions: to amend Regulations .02, .03 and .05 — .08 and to adopt new Regulation .09 under COMAR 12.03.01 Fire Prevention Code; to repeal Regulations .01 — .19 under COMAR 12.03.03 Standard for the Installation of Sprinkler Systems in Residential Occupancies; and to adopt new Regulations .01 — .04 under a new chapter, COMAR 12.03.03 Approval of Testing Laboratories.

### Statement of Purpose

The purpose of the amendments to COMAR 12.03.01 is to update the incorporated codes and standards to the most recent editions available. New Regulation .09 addresses new requirements for control of airblast and ground vibration for blasting operations. COMAR 12.03.03 with current chapter title, Standard for the Installation of Sprinkler Systems in Residential Occupancies, is being repealed and replaced by a new chapter, Approval of Testing Laboratories, which codifies current administrative procedures relative to the approval of independent testing laboratories.

### Estimate of Economic Impact

The proposed action has no economic impact.

### Opportunity for Public Comment

Written comments may be sent to Smith N. Stathem, Chairman, Fire Prevention Commission, 2 South Bond Street, Bel

Air, Maryland 21014 or call (410) 836-4844 not later than 4:30 p.m. on April 8, 1992.

### Open Meeting

The proposed actions will be considered by the Fire Prevention Commission during an open meeting to be held on March 26, 1992 at 10 a.m. in Council Chambers, City of Laurel, Municipal Building, 350 Municipal Square, Laurel, Maryland, pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

### Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the "BOCA National Fire Prevention Code", 1990 Edition; NFPA 501A "Fire Safety Criteria For Manufactured Home Installations, Sites, and Communities", 1987 Edition; NFPA 1123 "Outdoor Display of Fireworks", 1990 Edition; NFPA 1124 "Manufacture, Transportation, and Storage of Fireworks", 1988 Edition; NFPA 495 "Explosive Materials Code", 1990 Edition; NFPA 704 "Identification of the Fire Hazards of Materials", 1990 Edition; NFPA 303 "Marinas and Boatyards", 1990 Edition; NFPA 30 "Flammable and Combustible Liquids Code", 1990 Edition; NFPA 30A "Automotive and Marine Service Station Code", 1990 Edition; NFPA 101 "Life Safety Code", 1991 Edition; NFPA 13, "Installation of Sprinkler Systems", 1991 Edition; NFPA 13R, "Sprinkler Systems in Residential Occupancies Up to four Stories in Height", 1991 Edition; NFPA 13D, "Sprinkler Systems in One-and-Two Family Dwellings and Mobile Homes", 1991 Edition; NFPA 325M, "Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids", 1991 Edition; and NFPA 498, "Standard for Explosives Motor Vehicle Terminals", 1990 Edition 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 the depositories listed in Regulation .03C(1) - (16) of these regulations. These documents may also be inspected at the office of the Division of State Documents, Old Armory Building, 11 Bladen Street, Annapolis, Maryland.

## 12.03.01 Fire Prevention Code

### .02 Purpose.

A. (text unchanged)

B. This Code [adopts by incorporation] *incorporates* by reference "The BOCA [Basic] National Fire Prevention Code" (Building Officials and Code Administrators International, Inc., [1984] 1990 Edition), [unless otherwise stated in here as amendments. (See Regulation .07)] *except as amended in these regulations (See Regulation .07)*. Certain standards of the National Fire Protection Association are also adopted by incorporation by reference. (See [Regulation] *Regulations .06, .07 and .08*). These shall be considered minimum standards.

### .03 Application and Scope.

A. The provisions of this Code shall apply to new buildings and conditions, as defined in Regulation .05D. This Code [may] *does not* apply to existing buildings and conditions, as defined in Regulation .05E, unless the State Fire Prevention Commission has determined that the continuation of the existing building or condition constitutes a distinct hazard adverse to life, property, public welfare or safety as to require correction. The State Fire Marshal or the legally appointed designee may make a determination of the applicability of this Code to any existing building or condition in it, subject to the right of appeal to the State Fire Prevention Commission.

B. (text unchanged)

C. *Incorporations by Reference. The documents incorporated by reference in these regulations are available for inspection at the following depositories:*

(1) Office of the State Fire Marshal, Headquarters, 106 Old Court Road - Suite 300, Pikesville, MD 21208, (410) 764-4324; 1-800-525-3124;

(2) Office of the State Fire Marshal, Northeast Regional Office, 2 South Bond Street, Bel Air, MD 21014, (410) 836-4844;

(3) Office of the State Fire Marshal, Eastern Regional Office, Aurora Park Drive, Easton, MD 21601, (410) 822-7609;

(4) Office of the State Fire Marshal, Metro Regional Office, 3451 Court House Drive, Ellicott City, MD 21043, (410) 461-0410;

(5) Office of the State Fire Marshal, Western Regional Office, 33 West Washington Street, Hagerstown, MD 21740, (301) 791-4758;

(6) Office of the State Fire Marshal, Southern Regional Office, 200 Duke Street, Prince Frederick, MD 20678, (410) 535-8845;

(7) Office of the State Fire Marshal, 1004 Littlestown Pike - Suite H, Westminster, MD 21157, (410) 875-5450;

(8) Office of the State Fire Marshal, Allegany County Office Building, 3 Pershing Street, Cumberland, MD 21502, (301) 777-9109;

(9) Office of the State Fire Marshal, 170 East Main Street, Elkton, MD 21921, (410) 392-4254;

(10) Office of the State Fire Marshal, 461 W. Aviation Way, Frederick, MD 21701, (301) 694-2565;

(11) Office of the State Fire Marshal, 201 Baptist Street, Salisbury, MD 21801, (410) 543-6573;

(12) Department of Legislative Reference Library, 90 State Circle, Annapolis, MD 21401, (410) 841-3810;

(13) Maryland State Law Library, Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401, (410) 974-3395;

(14) Marshal Law Library, University of Maryland School of Law, 20 N. Paca Street, Baltimore, MD 21201, (410) 528-7400;

(15) McKeldin Library, University of Maryland, Maryland Department, College Park, MD 20740, (301) 454-3035;

(16) State Library Resource Center, Enoch Pratt Central, Maryland Department, 400 Cathedral Street, Baltimore, MD 21201, (410) 396-1789.

### .05 Definitions.

A. "BOCA" means Building Officials and Code Administrators International Inc., 4051 W. Floosmoor Road, Country Club Hills, Ill. [60477] 60478-5795.

B. - C. (text unchanged)

D. "New building" means any building, structure, installation, plant, equipment, renovation or condition: [constructed or planned for construction, but not under construction, on or after the effective date of this Code, but does not include any building, installation, plant, equipment or condition if approval of construction plans has been obtained from the appropriate governmental agency before the effective date of this Code.]

(1) For which a building permit is issued on or after the effective date of this code;

(2) On which actual construction is started on or after the effective date of this code in a jurisdiction where a building permit is not required; or

(3) Which represents a change from one occupancy classification to another, or from one occupancy subclassification to

another subclassification of the same occupancy, on or after the effective date of this code.

E. — F. (text unchanged)

### 06 Special Requirements.

A. The NFPA 101 Life Safety Code [(1988)] (1991) is incorporated by reference[,] except for the following amendments:

(1) Change sub-paragraphs 10-8.1.1.1 and 11-8.1.1.1 from "... at least seven but not more than 12 clients ..." to "... at least nine but not more than 12 clients ...".

(2) Change sub-paragraphs 10-9.1.1.2 and 11-9.1.1.2 from "... for up to six clients ..." to "... for up to eight clients ...".

(3) Change sub-paragraphs 10-9.1.1.1 and 11-9.1.1.1 from "... fewer than seven clients ..." to "... fewer than nine clients ..." and delete phrase "... more than three but ...".

(4) Sub-paragraphs 10-9.2.2 and 11-9.2.2 entitled "Types of Exits" are amended to add: A sliding door used as a required means of egress shall comply with the following conditions:

(a) The sliding door shall have not more than one, easily operated, locking device that does not require special knowledge, effort, or tools to operate.

(b) There may not be draperies, screens, or storm doors that could impede egress.

(c) The sill or track height may not exceed 1/2 inch above the interior finish floor.

(d) The surface onto which exit is made shall be an all weather surface such as a deck, patio, sidewalk, etc.

(e) The floor level outside the door may be one step lower than the inside, but not more than 8 inches lower.

(f) The sliding door shall open to a clear open width of at least 28 inches.

(g) Before day care use each day the sliding door shall be unlocked and tested to the full required width to be sure it is operating properly. The door shall be non-binding and slide easily.

(h) During periods of snow or freezing rain, door tracks shall be cleared out and the door opened periodically throughout the day in order to assure proper operation.

(5) Add the following to sub-paragraphs 10-9.2.11 and 11-9.2.11 entitled "Special Features":

Dead-bolt locks shall be provided with approved interior latches or these locks shall be of a captured key design from which the key cannot be removed from the interior side of the lock when the lock is in the locked position. These locks shall be unlocked at all times the home is occupied for the purpose of family day care.

Exception: A double-keyed dead-bolt lock may be used on the secondary means of escape provided the key is readily accessible and the lock is unlocked at all times the home is occupied for the purpose of family day care.

(6) Add the following exception to sub-paragraph 10-9.3.4.3:

Exception: Battery-powered detectors rather than house electric service-powered detectors shall be accepted when, in the opinion of the authority having jurisdiction, the facility has demonstrated testing, maintenance, and battery replacement programs that ensure reliability of power to the detectors.

(7) Amend the exception to sub-paragraph 11-9.3.4.3 to delete "Existing".

(8) Add the following to sub-paragraphs 31-3.5 entitled "Group Day Care Homes" and 31-3.6 entitled "Family Day Care Homes": A written prearranged plan of escape in case of fire or other emergency shall be readily available for reference and inspection purposes. This emergency plan shall include a means and procedure to alert all occupants of an emergency.

B. — C. (text unchanged)

D. Mobile Homes and Trailer Parks. The "[Standard for] Firesafety Criteria for [Mobile] Manufactured Home Installations, Sites, and Communities" (National Fire Protection Association Standard No. 501A, [1982] 1987 Edition), is [adopted] incorporated by reference. The smoke detector requirements of Article 38A, §12A, Annotated Code of Maryland, shall apply to mobile homes.

E. [Fire Extinguishing Systems for Elderly Housing. All buildings constructed primarily for the purpose of housing persons 62 years old or older and designed for occupancy by 50 or more of these persons, shall be protected throughout the entire building by an approved automatic fire extinguishing system.] Automatic Sprinkler Systems. When required by other sections of this chapter or referenced documents, automatic sprinkler systems shall be designed, installed, tested and maintained in accordance with the following standards which are incorporated by reference:

Exception: Limited area sprinkler systems designed and installed in accordance with Section 1005.0 of the BOCA National Building Code (1990 Edition).

(1) NFPA 13 "Installation of Sprinkler Systems" (1991 Edition).

(2) NFPA 13D "Installation of Sprinkler Systems in One- and Two-Family Dwellings and Mobile Homes" (1991 Edition).

(3) NFPA 13R "Installation of Sprinkler Systems for Residential Occupancies Up To and Including Four Stories in Height" (1991 Edition).

F. — J. (text unchanged)

K. Gasoline Stoves. The sale or use of gasoline stoves or other similar fuel burning cooking or heating appliance using Class I flammable liquids as defined in the "[Standard for] Flammable and Combustible Liquids" Code (National Fire Protection Association Standard No. 30, [1981] 1990 Edition), which is incorporated by reference in §R of this regulation, shall be prohibited unless the appliance has been tested and listed by a testing laboratory accepted by the State Fire Marshal. The appliance shall be installed, operated, and maintained in a safe manner in accordance with the prescribed recommendations of the manufacturer and the conditions stated in the listing by the respective testing laboratory.

L. Unvented Portable Kerosene-Fire Heaters.

(1) The sale or use of unvented portable kerosene-fired heaters shall be permitted only if the heater or appliance meets the U.L. Subject 647 and bears the [U.L. Label so certifying.] label of a testing laboratory accepted by the State Fire Marshal.

(2) — (3) (text unchanged)

M. — N. (text unchanged)

O. Marinas and Boat Yards. "[Fire Protection Standard for] Marinas and [Boat Yards] Boatyards" (NFPA 303, [1986] 1990 Edition), is incorporated by reference, except in §4-4.1. Exception No. 1 is deleted and amended as follows: Covered slips less than [5,000] 12,000 square feet in total area.

P. Flammable and Hazardous Chemicals Storage — Signs.

(1) All establishments storing or handling flammable or hazardous chemicals shall be plainly marked with signs at entrances to storage or use areas and at any other points that may be recommended by the Fire Marshal. These signs shall be in accordance with the "[Recommended System for the] Identification of the Fire Hazards of Materials" (National Fire Protection Association Standard No. 704, [1980] 1990 Edition), which is [adopted by incorporation] incorporated by reference.

(2) The "Fire Hazard Properties of Flammable Liquids, Gases, and Volatile Solids" (National Fire Protection Association Standard No. 325M, [1977] 1991 Edition) is [adopted by incorporation] *incorporated* by reference.

Q. (text unchanged)

R. [Fire Safety Procedures for Hotels, Motels and Lodging Houses — Signs. Pursuant to Article 38A, §53A, Annotated Code of Maryland, all hotels, motels and lodging houses shall post a notice in accordance with that statute and the following requirements:

(1) The notice shall be posted on the interior side of each guest room entrance door and centered in the upper one-half of the door. Alternate prominent locations within each guest room may be acceptable subject to the approval of the State Fire Marshal or the legally appointed designee.

(2) The notice shall be printed or typed in contrasting colors with respect to the background color of the notice or the door, or both, on which it is posted.

(3) The notice shall contain the required printed fire safety instructions with letters not less than the following size:

- (a) Title —  $\frac{3}{8}$  inch high or 48 point type;
- (b) Sub-Title —  $\frac{1}{4}$  inch high or 24 point type;
- (c) Text —  $\frac{3}{16}$  inch high or 10 point type.

(4) The notice shall include a diagram of the building or floor where the particular guest room is located indicating the location of the particular guest room with respect to the nearest exits and fire pull stations. The diagram shall be drawn to a minimum approximate scale of 1-inch equal to 50 feet. A diagram on the notice is not necessary for one-story buildings where guest rooms have an exit directly to the exterior.

(5) The notice shall include specific procedures for notification of appropriate management personnel and the fire department in event of a fire emergency.] *Flammable and Combustible Liquids. "Flammable and Combustible Liquids Code" (NFPA 30, 1990 Edition), is incorporated by reference.*

S. (text unchanged)

T. *Automotive and Marine Service Stations. "Automotive and Marine Service Station Code" (NFPA 30-A, 1990 Edition), is incorporated by reference.*

#### .07 Amendments.

A. The following sections of the "BOCA [Basic] National Fire Prevention Code" (Building Officials and Code Administrators International, Inc., [1984] 1990 Edition) are amended as follows:

##### B. Amendments.

- (1) Section F-101.1. Delete.
- (2) Section F-102.7. Delete.
- (3) Section F-104.0. Delete.
- (4) Section F-105.3.2. Delete "... shall be deemed guilty of a misdemeanor" and substitute "... shall be deemed to be in violation of this regulation and subject to the penalties provided for in Article 38A, Annotated Code of Maryland".

(5) Section F-301.0. Delete.

(6) Section F-301.2. Delete.

(7) Section F-303.2. Delete.

(8) Section F-305.2 Delete and amend to read as follows: Storage limitations: Unless approved by the State Fire Marshal or his legally appointed designee, a person may not store in any building or upon any premises in excess of 2,500 cubic feet gross volume of:

(a) Combustible empty packing cases, boxes, barrels, or similar containers; or

(b) Rubber tires, baled cotton, rubber, cork, or other similarly combustible material.

(9) Section F-400.1. Amend to include Installation to reflect intended scope of this section.

(10) Section F-402.1. Delete and amend to read as follows: All buildings shall be equipped with an approved automatic fire suppression system in accordance with the building code listed in Appendix A.

(11) Section F-402.2. Delete and amend to read as follows: All buildings shall be provided with standpipes in accordance with the building code listed in Appendix A.

(12) Section F-408.2. Delete.

(13) Section F-409.1. Add the following exception: Except where specifically approved otherwise by the fire official.

(14) Section F-411.2. Delete.

(15) Section F-501.2. Delete.

(16) Section F-504.1.1. Delete and amend as follows: A sign to designate the floor level shall be provided at each floor landing in all interior stairways more than two stories above or below the exit discharge.

(17) Section F-504.5. Delete.

(18) Section F-600.2. Delete.

(19) Section F-700.2. Delete.

(20) Section F-800.2. Delete.

(21) Section F-900.2. Delete.

(22) Section F-1000.2. Delete.

(23) Section F-1100.2. Delete.

(24) Section F-1200.2. Delete.

(25) Section F-1300.2. Delete.

(26) Section F-1301.2.2. Delete.

(27) Section F-1301.7. Delete first sentence of this Section.

(28) Section F-1400.2. Delete.

(29) Section F-1500.2. Delete.

(30) Section F-1500.4. Delete and amend to read as follows: Each place of assembly shall be posted with an approved legible sign in contrasting colors conspicuously located near the main exit from the room or space stating the maximum number of occupants permitted within such space. This number shall be determined in the manner prescribed by the "Life Safety Code" (National Fire Protection Association Standard No. 101, 1981 Edition), which is incorporated by reference. Assembly rooms or spaces which have multiple use capacity shall be posted for all the uses. The owner or manager of the occupancy shall be responsible for installing and maintaining the signs.

(31) Section F-1502.2. Delete.

(32) Section F-1503.1. Delete.

(33) Section F-1504.1. Delete and substitute the following: Audiences to be Informed of Exits.

(a) It shall be the duty of the person in charge of any theater or place of public assembly to call the attention of those present, immediately before the beginning of the play, address, or other matter of proceedings for which the people are assembled, to the number and location of the several exits in the building or hall, and to state that the doors to all exits are unlocked. Before making the announcement, it shall be the duty of the person to make an actual inspection to verify the fact, or to see that the doors are unlocked.

(b) It shall be the duty of the person in charge of every public or private assembly to call the attention of everyone present at a performance, address, exhibition, or other matter of proceeding to the exits by displaying or announcing the following:

#### NOTICE

For your own safety, look for your nearest exit. In case of emergency, walk, do not run, to that exit.

(c) The requirement for calling the attention of everyone present in any public or private assembly to the exits shall be considered complied with by one of the following methods:

(i) Oral announcement of the above notice from stage, platform, or floor at the beginning of every performance, address, exhibition, contest, or other matter of proceedings.

(ii) Showing the above notice on the cinema screen where moving or stereopticon pictures are shown.

(iii) Printing the above notice in bold type letters not less than one-fourth inch in height on the back of programs for any performances, matters, or other proceedings. Nothing but the notice shall be placed on the back of the program.

(iv) Having a fixed sign or signs displaying the above notice printed in letters of a size and clearness that can be easily read from any and every point in the assembly room.

(34) Section F-1600.2. Delete.

(35) Section F-1601.1. Amend the last sentence in this section as follows: Flammable and combustible fuel may be stored in approved containers inside a building provided the total amount does not exceed 60 gallons.

(36) Article 17 Tents, Air Supported, and other Temporary Structures. Delete the entire Article.

(37) Section F-1800.2. Delete.

(38) Section F-1900.2. Delete.

(39) Section F-2000.2. Delete.

(40) Section F-2000.4. Correct definition of Acetylene, medium pressure to Acetylene at pressures exceeding one pound per square inch gauge (psig) (6.9 kPa) but not exceeding 15 psig (103.43 kPa).

(410) Section F-2003.2. Delete.

(42) Section F-2005.2. Delete.

(43) Section F-2006.1. Delete.

(44) Section F-2006.7. Delete.

(45) Section F-2100.2. Delete.

(46) Section F-2200.2. Delete.

(47) Section F-2300.2. Delete.

(48) Section F-2400.2. Delete.

(49) Section F-2500.2. Delete.

(50) Article 26 Explosives, Ammunition and Blasting Agents. Delete the entire Article and substitute the following requirements: The equipment, processes and operations involving the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents shall comply with the following standards:

(a) The "Code for the Manufacture, Transportation, Storage and Use of Explosive Materials" (National Fire Protection Association Standard No. 495, 1982 Edition) is incorporated by reference.

(b) The "Standard for Explosives Motor Vehicle Terminals" (National Fire Protection Association Standard No. 498, 1982 Edition) is incorporated by reference.

(c) Federal Department of Transportation (DOT), 49 CFR, entitled "Explosive and other Dangerous Articles, Shipping Containers — Specification for Transportation of" is incorporated by reference.

(51) Article 27 Fireworks. Delete the entire Article and substitute the requirements of Regulation .08 of this chapter.

(52) Section F-2800.2. Delete.

(53) Section F-2800.3. Delete.

(54) Section F-2804.6. Delete.

(55) Section F-2900.2. Delete.

(56) Section F-3000.2. Delete.

(57) Section F-3100.2. Delete.

(58) Section F-3200.2. Delete.

(59) Section F-3300.2. Delete.]

(1) Section F-100.1. Delete.

(2) Section F-101.1. Delete.

(3) Section F-101.2. Delete.

(4) Section F-101.6. Delete.

(5) Section F-103.2.1. Delete "... with the application for the permit ..."

(6) Section F-104.2. Delete.

(7) Section F-104.3. Delete.

(8) Section F-104.4. Delete.

(9) Section F-104.5. Delete.

(10) Section F-104.6. Delete.

(11) Section F-104.7. Delete.

(12) Section F-104.8. Delete.

(13) Section F-105.2. Delete.

(14) Section F-105.3. Delete.

(15) Section F-105.6. Delete.

(16) Section F-105.7. Delete.

(17) Section F-105.8. Delete.

(18) Section F-106.6.1. Delete.

(19) Section F-109.3. Delete last sentence.

(20) Section F-109.3.1. Delete.

(21) Section F-110.2. Delete "... shall be deemed guilty of a misdemeanor" and substitute "... shall be deemed to be in violation of this regulation and subject to the penalties provided for in Article 38A, Annotated Code of Maryland."

(22) Section F-111.2. Delete last sentence.

(23) Section F-112.0. Delete.

(24) Section F-200.3. Delete.

(25) Section F-301.3. Delete.

(26) Section F-301.4. Change reference F-301.4.3 to F-301.4.2.

(27) Section F-301.4.3. Delete.

(28) Section F-301.5. Delete.

(29) Section F-301.6. Delete.

(30) Section F-301.8. Delete.

(31) Section F-303.2. Delete.

(32) Section F-305.2. Delete.

(33) Section F-307.3. Delete and substitute as follows: Open Flame Decorative Lighting.

(a) F-307.3. Candles, disposable/refillable fuel cartridges and other open-flame decorative lighting shall comply with the following:

(b) F-307.3.1. Class I, II and IIIA liquids and liquefied petroleum gases may not be used.

(c) F-307.3.2. Liquid or solid fueled lighting devices other than candles shall have a self-extinguishing captive free floating snuffing device and not leak fuel at a rate of more than 1/4 teaspoon per minute if tipped over.

(d) F-307.3.3. The devices or holder shall be constructed to prevent the spilling of liquid fuel or wax at the rate of more than 1/4 teaspoon per minute when the device or holder is not in an upright position.

(e) F-307.3.4. The device or holder shall be designed so that it will return to the upright position after being tilted to an angle 0:45 degrees from vertical. Exception: Units that self-extinguish if tipped over and that do not spill fuel or wax at the rate of more than 1/4 teaspoon per minute if tipped over.

(f) F-307.3.5. The flame shall be enclosed, except as follows:

(i) Openings on the sides may not be more than 3/4 inch in diameter.

(ii) Openings on the top and the distance to the top shall be such that a single layer of tissue paper placed on the top will not ignite in 10 seconds.

(iii) The fuel container shall have no means of adjusting the height of the flame.

(g) F-307.3.6. Chimneys shall be made of noncombustible materials. The chimneys shall be securely attached to the open-flame device. Exception: The chimney need not be attached to any open-flame device that will self-extinguish if the device is tipped over.

(h) F-307.3.7. Liquid fuel cartridges (disposable or refillable) may not be under pressure and must be safely sealed for storage. The fuel container shall be sealed so that it cannot be refilled on the premises and that the burner assembly cannot be removed from the fuel container.

(i) F-307.3.8. Shades, if used, shall be made of noncombustible materials and securely attached to the open-flame device holder or chimney.

(34) Section F-308.1. Delete "... in accordance with the building and mechanical codes listed in Appendix A ..."

(35) Section F-309.1. Amend to add the following additional exception:

(5) Portable cooking appliances without ducted ventilation. For purposes of this section portable cooking appliances are those which may be easily moved without special equipment, tools, or knowledge and which are cleaned daily or after each use.

(36) Section F-309.2. Delete "... installed in accordance with the mechanical code listed in Appendix A".

(37) Section F-310.1. Delete "... at intervals specified in the cleaning schedule required to be submitted by the mechanical code listed in Appendix A".

(38) Section F-310.1.1. Delete.

(39) Section F-316.2. Delete.

(40) Section F-317.2. Delete.

(41) Article 4. Delete entire Article.

(42) Section F-500.2. Delete and amend as follows:

(a) The provisions of this sub-section shall govern the design and installation of new fire protection systems.

(b) F-500.2.1. All buildings shall be equipped with an approved automatic fire suppression system where required by the building code listed in Appendix A.

(c) F-500.2.2. All buildings shall be equipped with an approved standpipe system when required by the building code listed in Appendix A.

(d) F-500.2.3. All fire protection systems shall be designed and installed in accordance with the requirements of this code.

(e) F-500.2.4. Before any fire alarm, detection or fire suppression system is installed, enlarged, or extended, plans and specifications shall be reviewed by the code official before the installation of the system.

(43) Section F-500.2.1. Delete.

(44) Section F-500.3. Delete "... and with the building code listed in Appendix A."

(45) Section F-512.8. Delete.

(46) Section F-514.1. Delete "... required by the building code listed in Appendix A" and "... the building code and ..."

(47) Section F-514.5. Delete.

(48) Section F-600.1. Delete "... the Building code listed in Appendix A and with ..."

(59) Section F-601.2. Delete "... as required by the building code listed in Appendix A".

(50) Section F-602.2. Delete exception 3 and 4.

(51) Section F-602.3. Delete "... and the building code listed in Appendix A".

(52) Section F-605.1. Delete "... as required by the building code listed in Appendix A ..."

(53) Section F-701.3. Delete and substitute the following: Audiences to be Informed of Exits.

(a) It shall be the duty of the person in charge of any theater or place of public assembly to call to the attention of those present, immediately before the beginning of the play, address, or other matter of proceedings for which the people are assembled, to the number and location of the several exits in the building or hall, and to state that the doors to all exits are unlocked. Before making the announcement, it shall be the duty of the person to make an actual inspection to verify the fact, or to see that the doors are unlocked.

(b) It shall be the duty of the person in charge of every public or private assembly to call the attention of everyone present at a performance, address, exhibition, or other matter of proceeding to the exits by displaying or announcing the following:

#### Notice

For your own safety, look for your nearest exit. In case of emergency, walk, do not run, to that exit.

(c) The requirements for calling the attention of everyone present in any public or private assembly to the exits shall be considered complied with by one of the following methods:

(i) Oral announcement of the notice in §B(53)(b) of this regulation from stage, platform, or floor at the beginning of every performance, address, exhibition, contest, or other matter of proceedings;

(ii) Showing the notice in §B(53)(b) of this regulation on the cinema screen where moving or stereopticon pictures are shown.

(iii) Printing the notice in §B(53)(b) of this regulation in bold type letters not less than 1/4 inch in height on the back of programs for any performance, address, exhibition, contest, or other matter of proceedings. Nothing but the notice shall be placed on the back of the program.

(iv) Having a fixed sign or signs displaying the notice in §B(53)(b) of this regulation printed in letters of a size and clearness than can be easily read from each point in the assembly room.

(54) Section F-703.3. Delete.

(55) Section F-800.2. Delete.

(56) Section F-801.3. Delete "... an area conforming to the provisions of the building code listed in Appendix A" and substitute "... other approved areas."

(57) Section F-900.2. Delete.

(58) Section F-901.1. Delete the first sentence of this section. Amend second sentence to include the layout, arrangement, and construction of buildings, and installation of equipment to reflect intended scope of this section.

(59) Section F-902.2. Delete "... by the building code listed in Appendix A".

(60) Section F-902.6. Delete "... in accordance with the mechanical code listed in Appendix A".

(61) Section F-902.10. Delete and substitute: Drying Apparatus: Drying apparatus shall comply with the provisions of this article.

(62) Section F-903.2. Delete "... by the building code listed in Appendix A".

(63) Section F-903.3. Delete "... and with the mechanical code listed in Appendix A".

(64) Section F-1000.2. Delete.

(65) Section F-1100.2. Delete.

(66) Section F-1101.2. Delete.

(67) Section F-1200.2. Delete.

(68) Section F-1201.1. Delete.

(69) Section F-1201.2. Amend to include design and construction of dry cleaning plants and installation of associated equipment to reflect intended scope of this section.



(70) Section F-1201.4. Delete.

(71) Section F-1301.1. Amend to include design and installation of equipment to reflect intended scope of this section.

(72) Section F-1300.2. Delete.

(73) Article 14. Delete entire Article.

(74) Section F-1500.2. Delete.

(75) Section F-1501.1. Amend to include design and construction of buildings and structures in lumber yards and woodworking plants to reflect intended scope of this section.

(76) Section F-1501.2.2. Delete "... operating under a permit ...".

(77) Section F-1501.3. Delete.

(78) Section F-1501.7. Delete the first sentence.

(79) Article 16. Delete entire Article.

(80) Section F-1700.2. Delete.

(81) Section F-1700.4. Delete and substitute the following: Each place of assembly shall be posted with an approved legible sign in contrasting colors conspicuously located near the main exit from the room or space stating the maximum number of occupants permitted within the space. This number shall be determined in the manner prescribed by the "Life Safety Code" (National Fire Protection Association Standard No. 101, 1991 Edition), which is incorporated by reference. Assembly rooms or spaces which have multiple use capacity shall be posted for all uses. The owner or manager of the occupancy shall be responsible for installing and maintaining the signs.

(82) Section F-1701.1. Delete "... which are regulated by the building code listed in Appendix A".

(83) Section F-1701.2. Delete.

(84) Section F-1702.1. Delete.

(85) Section F-1703.3. Delete.

(86) Section F-1704.0. Delete.

(87) Section F-1800.1. Change reference of Table 306.2.1. to Table 306.7 due to error in published reference.

(88) Section F-1800.2. Delete.

(89) Section F-1802.3.1. Delete item number 1 of this section.

(90) Section F-1806.1. Delete "... and the building code listed in Appendix A".

(91) Section F-1900.2. Delete "... but not less than four times per year, to assure that the installation conforms to the building code listed in Appendix A".

(92) Section F-1900.3. Delete.

(93) Section F-2000.2. Delete.

(94) Section F-2000.3. Delete second sentence.

(95) Section F-2100.1. Amend to include design and installation of oxygen-fuel gas welding and cutting systems and allied processes to reflect intended scope of this section.

(96) Section F-2100.2. Delete.

(97) Section F-2100.2.1. Delete.

(98) Section F-2100.3. Delete.

(99) Section F-2101.2. Delete.

(100) Section F-2101.3. Delete.

(101) Section F-2102.5. Delete "... except that 'hot tapping' shall be permitted on tanks and pipe lines provided that the operations are performed by companies, corporations, co-partnerships or owner-operators not required to have a permit under Section F-2100.2.1."

(102) Section F-2103.2. Delete.

(103) Section F-2105.1. Delete.

(104) Section F-2105.3.2. Delete "... by construction having a fire resistance rating required under the applicable provisions of the building code listed in Appendix A".

(105) Section F-2106.1. Delete.

(106) Section F-2106.4. Delete "... by the applicable provisions of the building code listed in Appendix A."

(107) Section F-2106.7. Delete and amend as follows: The storage of cylinders used in conjunction with welding or cutting operations when more than 2,000 cubic feet (56 m3) of flammable compressed gas other than liquified petroleum gas, 300 pounds (136.2 kg) of liquified petroleum gas, or 6,000 cubic feet (168 M3) of nonflammable compressed gas shall meet the following requirements.

(108) Section F-2300.2. Delete.

(109) Section F-2301.1.2. Delete last sentence.

(110) Section F-2400.2. Delete.

(111) Section F-2401.9. Delete last sentence.

(112) Section F-2500.2. Delete.

(113) Section F-2501.2. Delete "... with the requirements of the mechanical code listed in Appendix A and ...".

(114) Article 26. Explosives, Ammunition and Blasting Agents. Delete the entire Article and substitute the following requirements: The equipment, processes and operations involving the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents shall comply with the following standards: The "Explosive Materials Code" (National Fire Protection Association Standard No. 495, 1990 Edition) is incorporated by reference except for the following amendments:

Add the following definitions to Section 1-4:

"Scaled Distance" is the actual distance in feet to the nearest structure divided by the square root of the maximum weight of the explosives per delay period.

"Structure" is that which is built or constructed.

Add new sub-paragraph 7-1.11.1 to read: Where vibration detection instrumentation is not being used a scaled distance of not less than 50 shall be employed.

Add new sub-paragraph 7-4.4 to read: Complaints involving blasting operations shall be forwarded to the State Fire Marshal's Office and be handled in accordance with procedures established by the State Fire Marshal.

The "Explosives Motor Vehicle Terminals" (National Fire Protection Association Standard No. 498, 1990 Edition) is incorporated by reference.

Federal Department of Transportation (DOT), 49 CFR, Entitled "Explosive and other Dangerous Articles, Shipping Containers — Specification for Transportation of" is incorporated by reference.

(115) Article 27. Fireworks. Delete the entire Article and substitute the requirements of Regulation .08 of this chapter.

(116) Section F-2800.2. Delete "... and with the mechanical code ...".

(117) Section F-2800.3. Delete.

(118) Section F-2800.4. Delete.

(119) Section F-2800.4.1. Delete.

(120) Section F-2800.5. Delete "... and the mechanical code listed in Appendix A".

(121) Section F-2801.1. Delete "... of the building code listed in Appendix A for the appropriate use group classification, and shall be provided with fire protection and fire extinguishing equipment as required by that code".

(122) Section F-2801.6. Delete.

(123) Section F-2801.7. Delete "... constructed in accordance with the building code listed in Appendix A".

(124) Section F-2801.9. Delete.

(125) Section F-2802.1. Delete "... and the structural and inspection requirements of the building code listed in Appendix A".

(126) Section F-2803.2. Delete reference to the mechanical code.

(127) Section F-2803.6. Delete reference to the mechanical code and the building code listed in Appendix A.



(128) Section F-2804.1. Delete "... and with the applicable portions of the building code ...".

(129) Section F-2804.4. Delete "... the mechanical code listed in Appendix A" and substitute "... this code".

(130) Section F-2804.5. Delete "... the plumbing code listed in Appendix A" and substitute "... this code".

(131) Section F-2804.8. Delete "... the mechanical code listed in Appendix A" and substitute "... this code".

(132) Section F-2805.4. Delete "... in the building code listed in Appendix A."

(133) Section F-2806.11. Delete first paragraph and substitute the following: "Flammable or combustible liquid storage tanks or piping, or both, which are removed, abandoned, placed temporarily out of service, or otherwise disposed of shall comply with the following provisions".

(134) Section F-2807.3. Delete "... constructed in accordance with the building code listed in Appendix A".

(135) Article 29. Delete entire Article.

(136) Section F-3000.1. Amend to include the following: Exception: Section 4-2.2.1 is deleted and amended as follows: Containers shall be filled only by qualified persons.

(137) Section F-3000.2. Delete.

(138) Section F-3100.2. Delete.

(138) Section F-3200.2. Delete.

(140) Section F-3300.2. Delete.

(141) Section F-3301.1. Amend to include design and construction of buildings and structures and installation of associated service equipment to reflect intended scope of this section.

(142) Section F-3303.1. Delete "... the building code listed in Appendix A ..." and substitute "... this code ...".

#### .08 Fireworks.

A. General. The manufacture, display, sale, or discharge of fireworks shall comply with NFPA 1124 "Manufacture, Transportation, and Storage of Fireworks" (1988 Edition) which is incorporated by reference and the following requirements.

B. — C. (text unchanged).

#### D. Fireworks.

(1) The display of fireworks shall be in accordance with the "[Standard for Public] Outdoor Display of Fireworks" (National Fire Protection Association [NFPA] Standard No. 1123, [1982] 1990 Edition), which is incorporated by reference.

(2) — (3) (text unchanged)

#### .09 Control of Airblast and Ground Vibration for Blasting Operations.

##### A. Airblast.

(1) Airblast from blasting shall be controlled so that the maximum allowable airblast at:

(a) An inhabited building, resulting from blasting operations, may not exceed 130 decibels peak when measured by an instrument having a flat frequency response ( $\pm 3$  decibels) over a range of at least 6 to 200 Hertz;

(b) A building not inhabited, resulting from blasting operations, may not exceed 140 decibels peak when measured by an instrument having a flat frequency response ( $\pm 3$  decibels) over a range of at least 6 to 200 Hertz.

(2) This section shall apply to airblast effects as recorded at the location of a private dwelling, public building, school, church, and community or institutional building not owned or leased by the person conducting or contracting for the blasting operation.

(3) If requested by a property owner registering a complaint and considered necessary by the State Fire Marshal, measurements on three consecutive blasts, using approved instrumentation, shall be made near to the structure in question.

##### B. Ground Vibration.

(1) This section shall provide for limiting ground vibrations at structures that are neither owned or leased by the person conducting or contracting for the blasting operation. The following requirements and monitoring methods are intended to protect low rise structures including dwellings. Engineered structures may safely withstand higher vibration levels and, based on an approved engineering study, the State Fire Marshal may allow higher levels for engineered structures.

(2) When blasting operations, other than those conducted at a fixed site such as a quarry, are to be conducted within 200 feet of a pipe line or high voltage transmission line, the contractor shall take additional precautionary measures and shall notify the owner of the line, or the owner's agent, that blasting operations are intended.

(3) Methods. Each method described in §B(3)(a) — (c) of this regulation, progressing from §B(3)(a) to (c) has an increasing degree of sophistication and each can be implemented either by direction of the State Fire Marshal as a result of complaints or by the contractor to determine site specific vibration limits.

(a) Charge Weight Per Delay Dependent on Distance Method. When a seismograph is not used to record vibration effects the explosive charge weight per delay (8 milliseconds or greater) may not exceed the limits shown in Table A below. When charge weights per delay on any single delay period exceed 520 pounds, then ground vibration limits for structures shall comply with §B(3)(b) or (c) below.

Table A  
Distance Versus Weight of Explosives Method

Distance to a Building Feet      feet over    not over		Weight of Explosive per Delay pounds	Distance to a Building feet      feet over    not over		Weight of Explosive per Delay pounds
0	to 5	1/4	250	to 260	45
5	to 10	1/2	260	to 280	49
10	to 15	3/4	280	to 300	55
15	to 60	**	300	to 325	61
60	to 70	6	325	to 350	69
70	to 80	7 1/4	350	to 375	79
80	to 90	9	375	to 400	85
90	to 100	10 1/2	400	to 450	98
100	to 110	12	450	to 500	115
110	to 120	13 3/4	500	to 550	135
120	to 130	15 1/2	550	to 600	155
130	to 140	17 1/2	600	to 650	175

Distance to a Building  
Feet feet  
over not over

Weight of Explosive per Delay  
pounds

Distance to a Building  
feet feet  
over not over

Weight of Explosive per Delay  
pounds

140 to 150  
150 to 160  
160 to 170  
170 to 180  
180 to 190  
190 to 200  
200 to 220  
220 to 240  
240 to 250

19 1/2  
21 1/2  
23 1/4  
25  
28  
30 1/2  
34  
39  
42

650 to 700  
700 to 750  
750 to 800  
800 to 850  
850 to 900  
900 to 950  
950 to 1000  
1000 to 1100  
1100 to 1200  
1200 to 1300

195  
220  
240  
263  
288  
313  
340  
375  
435  
493

Note to Table

This table over 60 feet is based upon the formula  $W = \frac{D^{1.5}}{90}$

\*\* 1/10 of a pound of explosive per foot of distance to a building.

(b) Monitoring Method. When a blaster determines that the charge weights per delay given in Table A are too conservative he may choose to monitor at the closest conventional structure each blast with an approved seismograph and meet the following standard in §B(3)(c). When starting to monitor at a new blasting operation with instrumentation, the initial blasts shall contain explosive charge weights per delay close to the limits established in Table A. From this point onwards the explosive charge weight per delay may be increased but the vibration levels detailed in §B(3)(c) may not be exceeded.

(c) Peak Particle Velocity Dependent on Distance Method. The peak particle velocity is defined as the maximum component of the three mutually perpendicular components of motion as recorded at the closest non-owned or leased structure.

Table B

Distance Versus Peak Particle Velocity Method

Distance		Peak Particle Velocity of Any one Component* inches per second
Feet	Feet	
over	not over	
0 to 100		2.00
100 to 500		1.50
500 to 1000		1.00
over 1000		0.75

Note to Table

\* The instrument's transducer shall be firmly coupled to the ground.

#### C. Instrumentation.

(1) A direct velocity recording seismograph capable of recording the continuous wave form of the three mutually perpendicular components of motion, in terms of particle velocity, shall be used. Each seismograph shall have a frequency response from 2 to 150 Hertz or greater, a velocity range from 0.0 to 2.0 inches per second or greater.

(2) All field seismographs shall be capable of internal dynamic calibration and shall be calibrated according to the manufacturers specifications at least once per year.

(3) All seismographs shall be operated by competent individuals trained in the correct use of seismographs. Seismograph records shall be analyzed and interpreted by an independent third party approved by the State Fire Marshal.

#### D. Records.

(1) A record of each blast shall be kept. All records, including seismograph reports, shall be retained for at least 3 years, be available for inspection, and include the following items:

- Name of company or contractor;
- Location, date, and time of blast;

(c) Name, signature, and social security number of blaster in charge;

(d) Type of material blasted;

(e) Number of holes, burden, and spacing;

(f) Diameter and depth of holes;

(g) Type of explosives used;

(h) Total amount of explosives used;

(i) Maximum amount of explosives per delay period of 8 milliseconds or greater;

(j) Method of firing and type of circuit;

(k) Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned or leased by the person conducting the blasting;

(l) Weather conditions including such factors as wind direction, etc.;

(m) Height or length of stemming;

(n) If mats or other protection so as to prevent flyrock were used;

(o) Type of detonators used and delay period used;

(p) Seismograph records including seismograph readings when required shall contain:

(i) Name and signature of individual operating the seismograph,

(ii) Name of individual analyzing the seismograph records,

(iii) Seismograph reading;

(q) The maximum number of holes per delay period of 8 milliseconds or greater.

(2) The person taking the seismograph reading shall accurately indicate the exact location of the seismograph, if used, and shall also show the distance of the seismograph from the blast.

## 12.03.03 Approval of Testing Laboratories

### .01 Purpose.

A. The purpose of this chapter is to establish the procedures required for the investigation, approval, and listing of laboratories certified by the State Fire Marshal to perform certain test procedures as required by applicable State law.

### .02 Application for Approval.

A. Application for approval shall be made to the State Fire Marshal in the form approved and furnished by the State Fire Marshal.

B. The applicant shall submit a report describing the existing and proposed testing facilities. The report shall be dated

and shall be signed by an officer or agent of the testing laboratory, and shall include, but not be limited to, the following information:

- (1) Address and telephone number of the main facility and all branch offices.
  - (2) A current organizational chart showing the relationship between administration, operation, and quality control.
  - (3) Resumes of the education and experience of key personnel.
  - (4) A floor plan of the main facility and all branch offices indicating location of all equipment.
  - (5) A list of all equipment identified by manufacturer, model number, and serial number. Detailed plans and specifications shall be submitted on any testing equipment that has been fabricated by the applicant.
  - (6) Procedures for selecting, receiving, storage, handling, and shipping of test specimens.
  - (7) Test standards and procedures most frequently used.
  - (8) Method and frequency of test equipment calibration.
  - (9) Procedure for safekeeping of records and files.
  - (10) Copies of all data sheets and test report forms.
  - (11) Facsimile of all contracts executed between the testing laboratory and clients.
  - (12) Procedures for periodic updating of the report.
  - (13) Method of distributing test reports and certification and who may obtain copies of final reports and procedures required to obtain test reports.
  - (14) Procedures for follow-up service designed to serve as a check on the means which the manufacturer exercises to determine compliance of the product with laboratory requirements.
- Agency Note: Under the follow-up service, the manufacturer attaches labels, markers, or other authorized evidence of listing to such products as are found to be in compliance with test requirements. Representatives of the testing laboratory make periodic examinations or tests of the products at the factory and may select samples from the factory, the open market, or elsewhere, to be tested for compliance. Should examination or test by the laboratory's representative disclose features not in compliance with requirements, the manufacturer is required either to correct the items or to remove the listing mark.
- (15) A notarized statement of independence with reference to products being tested indicating that the following provisions are in effect as a matter of company or corporate policy:
    - (a) There are no managerial affiliations with a producer, supplier, or vendor;
    - (b) There are no securities investments in the product line;
    - (c) The employment security of personnel is free from influence by a producer, supplier, or vendor;
    - (d) There are no stock options in the product line;

(e) The agency is not owned, operated, or controlled by a producer, supplier, or vendor.

(16) Copies of completed test reports to verify their completeness and compliance with the test standard.

### .03 Evaluation Procedure.

A. The State Fire Marshal shall review the application to determine compliance with nationally recognized test standards or other generally accepted practices designed to assure proper product operation and effectiveness with respect to fire safety.

B. If the State Fire Marshal accepts the application, the applicant's name shall be entered on the list of acceptable testing laboratories. If the State Fire Marshal does not accept the application, the applicant shall be given a statement of the reasons for not accepting the application, and given an opportunity to appeal.

C. Listings shall apply only to the testing laboratory listed and are not transferable.

D. The applicant may be subject to random, unannounced inspections to verify compliance with the provisions of this chapter.

#### E. Data sheets.

(1) The applicant shall maintain a data sheet for all tests performed.

(2) The data sheets shall:

(a) Be in sufficient detail to provide for complete verification and evaluation of the operations and objectives;

(b) Include the signature of personnel performing the tests; and

(c) Include the name of the supervisory engineer.

F. Acceptance of testing laboratories listed under the provisions of this chapter may be revoked at any time upon findings of just cause by the State Fire Marshal.

### .04 Notification of Change in Name, Location, and Ownership.

Testing laboratories listed under this chapter shall notify the State Fire Marshal in writing within 30 days of any of the following occurrences:

A. The company or address change;

B. Changes in major test equipment;

C. A new branch office is established;

D. Changes in principal officers and key supervisory and responsible personnel in the company.

BISHOP L. ROBINSON

Secretary of Public Safety and Correctional Services

## Errata

### COMAR 08.19.05

At 18:23 Md. R. 2555 (November 15, 1991), Col. 2, line 12 from bottom:

For:     sted, or forested areas protected under an approved forest con-

Read:    sted, or afforested areas protected under an approved forest con-


[92-04-27]



**MARYLAND DEPARTMENT OF TRANSPORTATION  
MARYLAND AVIATION ADMINISTRATION**

**MEMORANDUM**

**TO:** Distribution

**FROM:** Benjamin Chin   
Manager, Project Design

**DATE:** May 7, 1992

**SUBJECT:** Design Standards, BWI and Martin State Airports

Attached for your information and use is a copy of "Environmental Regulation: A Business Guide to The Maryland Department of the Environment's Permitting Process".

The handbook is a useful reference and guide to MDE permitting requirements and should be used during the planning, design and construction phase of all projects at BWI and Martin State Airports.

If you should have any questions regarding this matter, please do not hesitate to contact me at 410-859-7093.

BC/lad

**Distribution:**

Mr. Emory Carrigan  
Mr. Brad Collins  
Mr. George Eichner  
Ms. Barbara Grey  
Mr. Chirantan Mukhopadhyay

Mr. Alex Noorani  
Mr. Ali Sarvestani  
Mr. Charles Steen  
Mr. William Tsai

*Environmental Regulation:  
A Business Guide to  
The Maryland Department of the Environment's  
Permitting Process*

**1ST EDITION**

JULY 1991

*Complimentary Copy*



**STATE OF MARYLAND  
DEPARTMENT OF THE ENVIRONMENT**

Prepared by the Maryland Department of the Environment

Robert Perciasepe, Secretary

With special assistance from the Maryland Department of Economic and Employment Development

J. Randall Evans, Secretary



WILLIAM DONALD SCHAEFER  
Governor, State of Maryland

## *A Message from the Governor*

A healthy environment and a strong economy are two of Maryland's most valuable assets. On both the environmental and economic fronts, Maryland is moving ahead.

Maryland has made great strides in cleaning up the Chesapeake Bay and in controlling some air pollutants. Innovation on the part of government and industry has resulted in an effective waste management program. These and many other achievements for the environment have occurred while Maryland has continued to grow economically. Maryland businesses have played a key role in this partnership.

This guide is designed help you understand most of Maryland's environmental permitting requirements. It should make the task of complying with Maryland's regulations easier for you.

By continuing to work together, we can maintain our thriving economy and our healthy environment for future generations.

Sincerely,

A handwritten signature in cursive script that reads "William Donald Schaefer". The signature is written in dark ink and is positioned above the printed name of the Governor.

Governor



ROBERT PERCIASEPE  
Secretary

## *A Message from the Secretary of the Maryland Department of the Environment*

In response to the need to protect our environment, Governor William Donald Schaefer combined Maryland's existing environmental programs in 1987 and created the Maryland Department of the Environment (MDE). MDE's mission is to **protect the public's health from environmental problems, to prevent pollution, and to restore the air, water, and land resources of the state.** This strategy will benefit our current generation of Marylanders and will also ensure that Maryland's environment can sustain the welfare of many generations to come.

Maryland has made major environmental gains since 1987. MDE's programs have been successful in reducing statewide air emissions of carbon monoxide, volatile organic compounds, nitrogen oxides, and particulate matter, and in initiating a comprehensive air toxics program. MDE programs have also effectively brought 100 percent of the major municipal wastewater treatment plants and 100 percent of the major industrial wastewater discharge facilities into compliance. Other highlights of Maryland's environmental progress include MDE's success in cleaning up hundreds of hazardous waste and leaking underground storage tank sites, in minimizing the damage from sedi-

ment buildup and storm water runoff on plant and animal habitats, and in protecting Maryland's environment from other chemical and radiation hazards.

These accomplishments have largely resulted from the regulatory activities MDE performs. An essential component of these activities is the issuance of permits, licenses, certificates, and approvals. **Protecting our environment requires cooperation among the state, local government, and private industry.** We have prepared this handbook recognizing that we all must work together to maintain a healthy environment. This handbook is meant to be used as a reference for those already familiar with the permitting process or as a guide for those who are not. I hope it will assist you in creating and maintaining a business that is both economically prosperous and environmentally sensitive.

Sincerely,

*Bob Perciasepe*

Robert Perciasepe, Secretary



# Introduction

Citizens of Maryland consider environmental protection a priority. We value the beauty of our landscapes, the cleanliness of our air, and the quality of our waters. Our environment and natural resources are important not only for the 4,744,000 residents who live in the state, but also for the 33,000,000 tourists who spend over \$5.4 billion enjoying Maryland's outdoors each year. Protecting the quality of our environment is of major importance to the long-term health and stability of Maryland's 114,000 businesses, which contribute nearly \$80 billion annually to our economy and employ 1.7 million of our people.

To preserve our environment, MDE has established a system of permits, licenses, certificates, and approvals. Any one or a combination of these may be required for new, expanding, and existing businesses that affect the environment. This handbook is intended to better inform the business managers, governmental officials, environmental health workers, and concerned citizens how the permitting system works, for whom it is intended, and how to become a part of it. By helping interested persons understand this process and by providing a streamlined reference to MDE's permits, we hope to simplify the permitting process for you.

MDE's permitting activities are carried out within five administrations: **Air Management, Hazardous and Solid Waste Management, Sediment and Storm Water Management, Water Management, and Toxics, Environmental Science and Health;** and three Environmental Boards: **Environmental Sanitarians, Well Drillers, and Waterworks and Waste System Operators.** Each administration or board has its own set of permitting procedures and qualifications based primarily on the Code of Maryland Regulations (COMAR).

We have used these same departmental subdivisions as section headings for this handbook. Each section is preceded by a brief introduction stating the mission and objectives of that particular departmental subdivision and giving important facts that are common to all the permits listed in that section. For each permit, the following information has been included:

- 1) the purpose of the permit;
- 2) the federal and state authority under which the Department acts;
- 3) the permit requirements both before and after the permit application is approved;
- 4) the general steps of the application process;
- 5) the average time and range of time necessary to complete the application process;

- 6) the fees which must be paid before the permit is issued;
- 7) the general enforcement and appeals process;
- (8) a contact person; and
- (9) any additional information as necessary.

Although MDE issues almost all environmental permits for the state, this handbook should not be perceived as an exemption from any other applicable state and local requirements. For example, the Maryland Department of Natural Resources (DNR) issues several permits (i.e., tidal and non tidal wetlands, mining, and waterway construction) that are not listed in this handbook. Local regulations are independent of the state and can be more stringent. For more information and specific advice on local requirements, you should contact the county Health Department, the local Departments of Environmental Protection, the local Soil District Conservation Office, or other appropriate local authority.

While we have designed this handbook to be used as a "one-stop shop," you may want information not contained within these pages. Because changes may have occurred in departmental procedures or in the law since the date of publication, the discussions in this handbook are necessarily general. We suggest you communicate with the listed contact person or office if you have questions. We also welcome any suggestions or comments you may have on how we could improve this publication in the future. A response form is provided in the back of the handbook for your convenience.

Some businesses, because of their size, operations, or inexperience, may encounter delays while applying for a permit. Therefore, as a part of our effort to increase our accessibility and to be of greater assistance to the business community, *we will meet with any business or industry representative for advice and consultation regarding our permitting activities.*

Should you wish to request a conference, ask general questions, or comment on this publication, contact Timmerman Daugherty, Director of the Office of Community Assistance at:

Maryland Department of the Environment  
2500 Broening Highway  
Baltimore, MD 21224  
(301) 631-3175

Additional copies of this handbook can be ordered from the same address.

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THIS BOOK IS PREPARED FOR THE CONVENIENCE OF THE USER. IT IS NOT A SUBSTITUTE FOR APPLICABLE FEDERAL OR STATE STATUTES OR REGULATIONS. WE HAVE TRIED TO MAKE THIS BOOK AS COMPREHENSIVE AS POSSIBLE, BUT WE DO NOT GUARANTEE ITS ACCURACY.

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## 1.00 The Air Management Administration (AMA)

The mission of the Air Management Administration is to ensure that all Maryland citizens have an environment that is free from unacceptable levels of air pollution. It works to accomplish this mission by regulating sources of air pollution, including automobile emissions, monitoring air quality throughout Maryland, and conducting programs handling such areas as acid rain, noise pollution, and air toxics. The six programs that AMA administers are:

- 1) Air Quality Policy, Planning, and Regulation Development;
- 2) Air Monitoring and Information Systems;
- 3) Air Toxics and New Source Permits;
- 4) Enforcement;
- 5) Community Environmental Services; and
- 6) Mobile Sources Control.

These program areas have been developed to meet the following objectives:

- to *monitor* air quality to determine the nature and extent of air pollution problems, both on a regional and local basis.

- to *develop* coordinated plans and programs, and to establish emission standards and regulations that ensure attainment of air quality standards and objectives.

- to *review and issue permits* to construct and permits to operate for industrial, commercial, and institutional air pollution sources to ensure that these sources comply with state regulations and do not create air pollution.

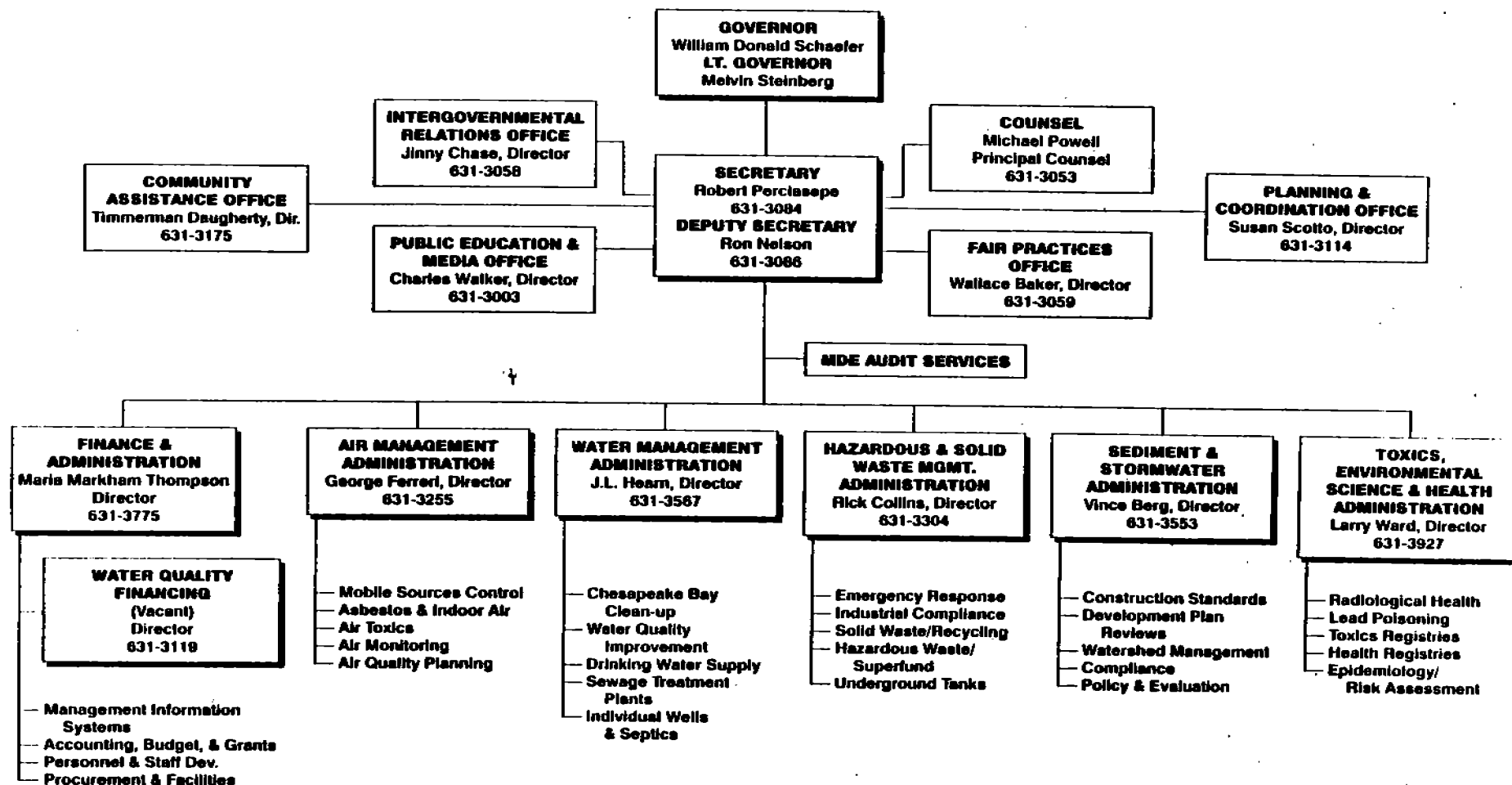
- to *inspect* industrial, commercial, and institutional air pollution sources to ascertain whether they are in compliance with state regulations and permit conditions.

- to *investigate* and act to resolve air pollution, odor, and noise complaints received from Maryland citizens.

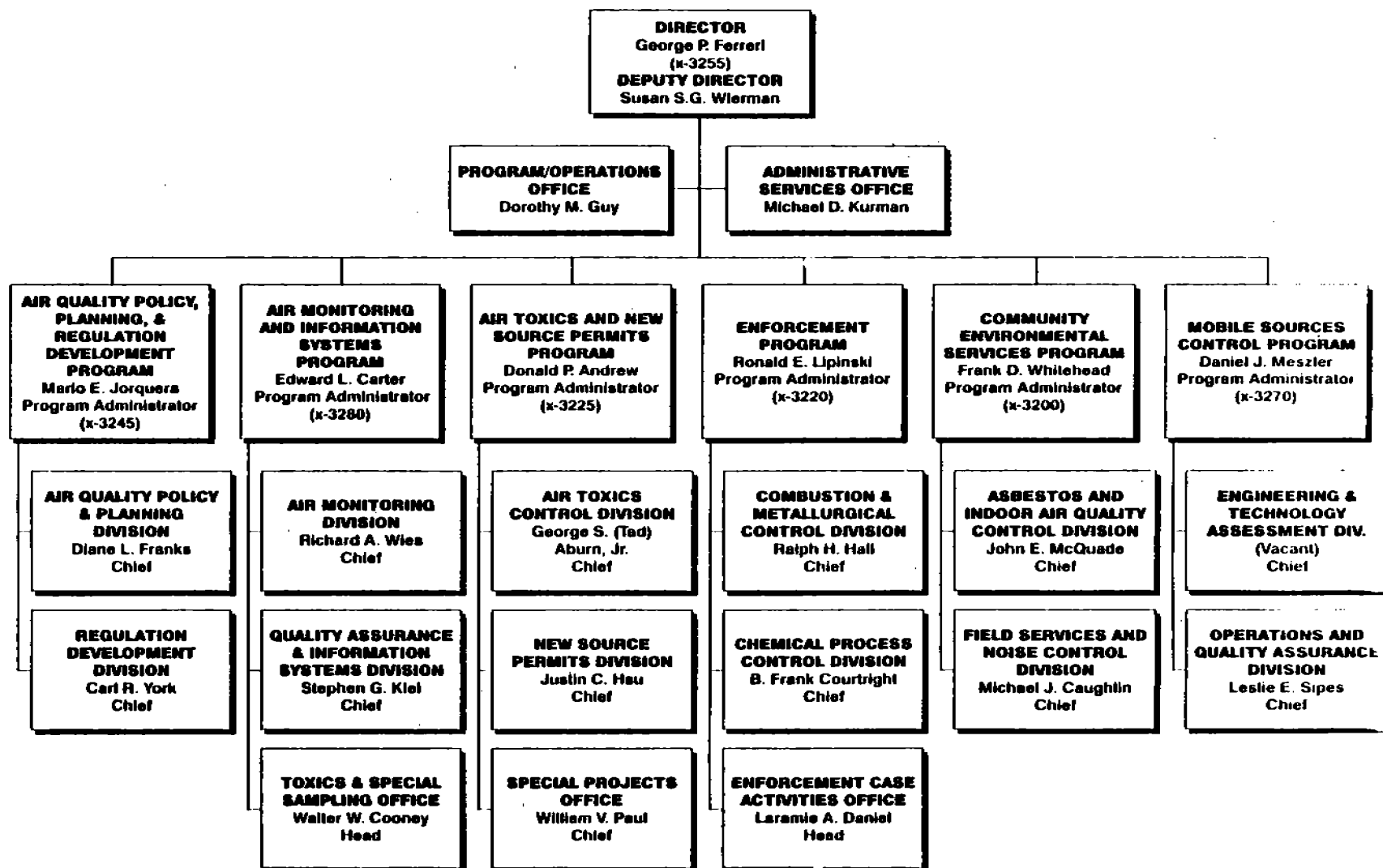
- to *take enforcement action* against companies or individuals who violate environmental laws or air quality regulations.

- to *monitor* the Vehicle Emissions Inspection Program to ensure that progress toward air quality goals is maintained.

# Maryland Department of the Environment



# Maryland Department of the Environment Air Management Administration



GENERAL INFORMATION (301) 631-3215  
 DAYTIME OR AFTER HOURS COMPLAINTS (301) 631-3215  
 AFTER HOURS EMERGENCIES (301) 243-8700  
 AIR QUALITY INDEX (301) 631-3247

## 1.01 Permit to Construct

### PURPOSE

This permit ensures that any new, modified, replaced, or relocated source of air pollution complies with all federal and state air quality standards. Examples of sources that need an air quality permit to construct include:

- Gasoline storage tanks
- Coating Operations
- Dry cleaning machines
- Incinerators
- Paint spray booths
- Chemical processing equipment
- Fuel burning equipment
- Printing presses
- Asphalt Plants
- Quarry operations

Specific sources that do not need a permit are listed in COMAR 26.11.02.03A(6).

### AUTHORITY

FEDERAL: 42 USC sec. 7410, Clean Air Act sec. 110, and EPA

STATE: Environment Article, Title 2, Subtitle 4;  
COMAR 26.11.02.03 through 26.11.02.21

### REQUIREMENTS

**PRE-APPROVAL:** Before an air pollution source is constructed or modified, a permit must be obtained from the Air Management Administration.

**POST-APPROVAL:** Periodic emissions tests and/or reports may be required of some installations, depending on the nature of the operation and the pollutant. Certain sources are required to obtain annual operating permits.

### APPLICATION PROCESS

1) The completed application forms are received by the Department and reviewed for completeness.

2) If the application is complete, the Department will invoice the applicant for the appropriate fee; if incomplete, the application will be returned.

3) Upon receipt of the proper fee, the Department will start its technical review.

4) After the technical review, the Department will issue or deny the permit. If the source is one of the 38 types of sources listed in COMAR 26.11.02.04, the applicant will be required to comply with the public hearing provisions of COMAR 26.11.02.10.

### PROCESSING TIME

AVERAGE: 9 weeks

RANGE: 2 - 24 weeks (Range reflects the completeness

of the initial application, complexity of the installation, need for public hearing, etc.)

### FEE

A source that is required to submit an application for a permit must pay a fee. Fees are expected to increase by November 1991. Current fees range from \$100 to \$6,100, as specified in COMAR 26.11.02.18-19. The Department will notify the applicant of the appropriate fee upon receipt of a completed application and will provide information upon request to assist the applicant in understanding the requirements of COMAR 26.11.02.

### ENFORCEMENT & PENALTIES

The Department may take the following enforcement actions for any violation of permit or regulatory REQUIREMENTS

- 1) Administrative Order for violations of permit or regulatory requirements;
- 2) Civil Penalty not to exceed \$25,000/day/violation;
- 3) Administrative Penalty of \$2,500/day/violation not to exceed \$50,000 per administrative hearing;
- 4) Criminal penalties for violations of permits;
- 5) Suspension or revocation of permit; or
- 6) Injunctive relief.

### APPEAL

The source may appeal application denials or administrative enforcement actions by requesting a hearing. The written request for a hearing before the Department must be made within 10 days of an order denying an approval or notice of the action.

### ADDITIONAL INFORMATION

The following information will help expedite the permit to construct review process:

1) Applications for new or modified sources located in Baltimore County, Anne Arundel County, and Prince George's County should be submitted directly to the air pollution control offices in these counties.

2) All incomplete applications will be returned.

### FOR MORE INFORMATION CONTACT

Justin Hsu  
New Source Permits Division  
(301) 631-3230

# 1.02 NSINA Approval

## New Source Impacting On A Non-Attainment Area

### PURPOSE

A major new or modified volatile organic compound (VOC) emission source located in a nonattainment area for ozone, or a source of more than 100 tons/year of carbon monoxide located in, or having a significant impact on, a carbon monoxide nonattainment area, must obtain a NSINA Approval. This ensures that the ambient air quality does not deteriorate, allowing for increased economic growth and decreased health risk for individuals in that area.

### AUTHORITY

FEDERAL- Clean Air Act, Part D, 42 USC sec. 7501 et seq.

STATE- Environment Article, Title 2, Subtitle 4;

COMAR 26.11.06.11

### REQUIREMENTS

#### PRE-APPROVAL:

#### A. The NSINA application should include:

- 1) an emission control strategy that meets the Lowest Achievable Emission Rate (LAER);
- 2) emission information indicating a reduction in VOCs elsewhere in the area so that there is no net increase resulting from the operation of a new source.
- 3) demonstration that all major sources under the ownership of the applicant are in compliance with all state air pollution regulations.

#### B. Upon notification by the Department, the applicant must follow the public hearing procedure.

#### POST-APPROVAL:

Federally enforceable approval conditions require the source to demonstrate, through stack emission tests, compliance with the LAER requirements and emission limits.

### APPLICATION PROCESS

1) The completed application forms are received by the Department and reviewed for completeness.

2) If the application is complete, the Department will invoice the applicant for the appropriate fee; if incomplete, the application will be returned.

3) Upon receipt of the proper fee, the Department will start its technical review.

4) Upon completion of the technical review, the applicant will be notified to begin the public hearing procedure.

5) After the public hearing procedure has been completed, and the public comments have been addressed, the Department will issue or deny the permit.

### PROCESSING TIME

AVERAGE: 7 months

RANGE: 6 - 9 months (The range reflects the complexity of the source facility, its ability to obtain offsets and the amount of public participation.)

### FEE

\$6,000

(Fees are expected to increase by November 1991.)

### ENFORCEMENT AND PENALTY

The Department may take the following enforcement activities for any violations of permits or regulatory requirements:

- 1) Administrative Order for violations of permit or regulatory requirements;
- 2) Civil Penalty not to exceed \$25,000/day/violation;
- 3) Administrative Penalty of \$2,500/day/violation not to exceed \$50,000 per administrative hearing;
- 4) Criminal penalties for violations of permits;
- 5) Suspension or revocation of permit; or
- 6) Injunctive relief.

### APPEAL

The source may appeal application denials or administrative enforcement actions through a written request for a hearing. The request must be made within 10 days of an order denying an approval or notice of the action.

### ADDITIONAL INFORMATION

A NSINA approval is not transferrable. The source shall obtain an approval from the Department before pursuing an ownership change. After the NSINA approval, the source will also need to obtain a permit to construct and a permit to operate. In addition, the source may need one or more of the following:

- 1) a building permit from the local government;
- 2) a water discharge permit, if applicable, from the Water Management Administration of MDE; and
- 3) a waste storage, transportation, disposal permit, if applicable, from the Hazardous and Solid Waste Management Administration of MDE.

### FOR MORE INFORMATION CONTACT

Air Toxics and New Source Permits Program

Donald P. Andrew

(301) 631-3225; or

Justin C. Hsu

(301) 631-3220



# 1.03 Prevention of Significant Deterioration (PSD) Approval

## PURPOSE

To prevent significant deterioration of air quality, the PSD program seeks to limit the amount of air pollution released by a new or modified source in an attainment area. This program applies to those new or modified air pollution sources that have the potential to emit:

- 1) at least 250 tons of pollution per year; or
- 2) at least 100 tons per year of any pollutant appearing on the "Regulated Pollutant" list, appearing in COMAR 26.11.06.

## AUTHORITY

FEDERAL: Clean Air Act, Part C, 42 USC sec. 7470 et seq., 40 CFR Part 52.21 1987 Edition

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.06.14

## REQUIREMENTS

PRE-APPROVAL: The PSD application must include:

- 1) One year of preconstruction air quality monitoring data relating to the area of concern if none is currently available;
- 2) Emission control plans that include the currently best available control technology (BACT);
- 3) Impact analysis based on air quality dispersion modeling;
- 4) Additional impact analysis including any major impacts on soil, vegetation, and visibility;

POST-APPROVAL: Continued approval depends on meeting federally enforceable emission limits and the BACT requirements.

## APPLICATION PROCESS

- 1) The completed application forms are received by the Department and reviewed for completeness.
- 2) If the application is complete, the Department will invoice the applicant for the appropriate fee; if incomplete, the application will be returned.
- 3) Upon receipt of the proper fee, the Department will start its technical review.
- 4) Upon completion of the technical review, the applicant will be notified to begin the public hearing procedure.
- 5) After the public hearing procedure has been completed and the public comments have been addressed the Department will issue or deny the permit.

## PROCESSING TIME

AVERAGE: 9 months

RANGE: 6 - 24 months (Time varies with the complexity of the application and the amount of public participation. The range includes the one year preconstruction modeling.)

## FEE

\$6,100 plus any fees for other required permits. (Fees are expected to increase by November 1991.)

## ENFORCEMENT AND PENALTY

The Department may take the following enforcement actions for any violations of permit requirements or permit conditions:

- 1) Administrative Order for violations of permit or regulatory requirements;
- 2) Civil Penalty not to exceed \$25,000/day/violation;
- 3) Administrative Penalty of \$2,500/day/violation not to exceed \$50,000 per administrative hearing;
- 4) Criminal penalties for violations of permits;
- 5) Suspension or revocation of permit; or
- 6) Injunctive relief.

## APPEAL

The source may appeal application denials or administrative enforcement actions through a written request for a hearing. The request for a hearing must be made within 10 days of receipt of an order denying an approval or notice of the action.

## ADDITIONAL INFORMATION

A PSD permit is not transferrable. The source should contact the Department before pursuing an ownership change. Along with the PSD permit, the source will also need to obtain a permit to construct and a permit to operate. In addition, the source may need one or more of the following:

- 1) a building permit from the local government;
- 2) a water discharge permit, if applicable, from the Water Management Administration of MDE; or
- 3) a waste storage, transportation, disposal permit, if applicable, from the Hazardous and Solid Waste Management Administration of MDE.

## FOR MORE INFORMATION CONTACT

Air Toxics and New Source Permits Program  
Donald P. Andrew  
(301) 631-3225; or  
Justin C. Hsu  
(301) 631-3220

## 1.04 Permit to Operate

### PURPOSE

Sources which have the potential to have significant impact the air quality because of the quantity, quality, location, or other circumstances related to the pollutant must obtain a permit before operating. COMAR 26.11.02.04 lists specific installations which are required to obtain permits to operate. The Department may impose reasonable terms and conditions on the permit to ensure compliance.

### AUTHORITY

FEDERAL: Clean Air Act, sec. 110, 42 USC sec. 7410

STATE: Environment Article, Title 2, Subtitle 4;

COMAR 26.11.02

### REQUIREMENTS

**PRE-APPROVAL:** Permits will be issued with extensive general and specific conditions to assure that the source is in full and continuous compliance with all requirements.

**POST-APPROVAL:** A permit to operate expires one year from the date of issuance unless otherwise specified in the permit, e.g., a temporary operating permit.

### APPLICATION PROCESS

1) The permit to operate coordinator mails out the application form, an invoice, and a letter of instructions to the company about 90 days before the existing permit expires.

2) The company mails a completed and signed application and check for the fee to the Department not later than 60 days before the current permit to operate expires.

3) The permit application is reviewed and processed by the Administration.

4) An approved permit is signed by the Director and mailed to the company. If a permit application is denied, a denial letter is mailed to the applicant.

### PROCESSING TIME

AVERAGE: 4 weeks (renewal)

RANGE: 2-8 weeks (renewal)

### FEE

Sources required to obtain a permit to operate must pay a fee as prescribed in COMAR 26.11.02.20. The fee is determined on the basis of the primary operation or function of the source. The fee ranges from \$100 for a small infectious waste incinerator to \$10,000 for a large steel manufacturing plant.

### ENFORCEMENT AND PENALTIES

The Department may take the following enforcement actions for any violations of permit requirements or permit conditions:-

- 1) Administrative order for violations of permit or regulatory requirements;
- 2) Civil penalty not to exceed \$25,000/day/violation;
- 3) Administrative penalties of \$2,500/day/violation, not to exceed \$50,000 per administrative hearing;
- 4) Criminal penalties for violations of permits;
- 5) Suspension or revocation of permit; or
- 6) Injunctive relief.

### APPEALS

The source may appeal application denials or enforcement actions through a written request for a hearing. The request for a hearing must be made within 10 days after receipt of an order denying an approval or notice of the action.

### ADDITIONAL INFORMATION

When a new source has been built according to its Permit to Construct, the Department will issue it a **Temporary Permit to Operate**. The purpose of this permit is to allow the company to operate so that any needed inspections and testing can take place. When the Department is satisfied that the plant will operate in compliance with applicable air quality requirements, an annual permit to operate will be issued.

### FOR MORE INFORMATION CONTACT

Enforcement Program  
Laramie Daniel  
(301) 631-3220

# 1.05 Asbestos Contractors' License

## PURPOSE

*In an effort to eliminate worker and public exposure to asbestos, a known human carcinogen, the state licenses businesses, contractors, and public entities who engage in an asbestos project — any activity involving demolition, renovation, or encapsulation of friable asbestos materials.*

## AUTHORITY

FEDERAL: Clean Air Act, sections 112, 42 USC sec. 7412, National Emissions Standards for Hazardous Air Pollutants (NESHAPS); Asbestos Regulations (40 CFR 61, Subpart M)

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.21 Control of Asbestos

## REQUIREMENTS

PRE-APPROVAL: Applicant must complete and submit a license package including descriptions of the 24 hours of worker training, the 32 hours of supervisor training, the work practices, the notification requirements, as well as the worker health and respiratory protection equipment that will be incorporated into the asbestos control activities.

POST-APPROVAL: License is renewable annually. Workers and supervisors must complete annual refresher courses.

## APPLICATION PROCESS

1) The completed application forms, with the proper fee, are submitted to MDE.

2) The submittal is reviewed for completeness and accuracy; within 15 days after receipt of the application, the Department will notify applicant of any deficiency.

3) Within 60 days after receiving a completed application, the Department will issue or deny the application.

## PROCESSING TIME

AVERAGE: 5 weeks

RANGE: 3-6 weeks (depending on completeness of initial application and Departmental workload)

## FEE

Except for public agencies, which are exempt from fees, the fees are as listed and are payable by certified check to the Department of Environment/Clean Air Fund.

Number of Employees to be

Engaged in Asbestos Projects .....	License Fee
2 or less .....	\$75
3 to 5 .....	300
6 or more .....	450

## ENFORCEMENT AND PENALTIES

Licensees must submit asbestos project notification forms. The Department inspects asbestos project sites. Notices of violation can result in the issuance of:

- 1) judicial penalties up to a maximum of \$5000;
- 2) reprimands, license suspensions or revocations; and
- 3) criminal penalties for conviction of repeat offenses.

## APPEALS

APPLICATION DENIALS AND ADMINISTRATIVE ENFORCEMENT ACTIONS: In accordance with the Administrative Procedure Act, the party has an opportunity to request a hearing.

## FOR MORE INFORMATION CONTACT

Division of Asbestos Control and  
Indoor Air Quality  
John E. McQuade, Jr.  
(301) 631-3200

## 1.06 Waste Oil Program Approval

### PURPOSE

*This approval must be issued before a person either sells or burns a waste oil. Waste oils include used petroleum products, crankcase drainings, cutting oils, vegetable oils, or combustible fluid salvaged for automotive or industrial use. This regulation does not apply to "oily waste" such as the clean-up of a virgin oil fuel spill.*

### AUTHORITY

FEDERAL: None

STATE: Environment Article, Title 2, Subtitles 3 and 4;  
COMAR26.11.11.06

### REQUIREMENTS

PRE-APPROVAL: Submittal of an application requesting approval to sell or burn waste oil. Analysis of the waste oil sample must be performed by an independent laboratory.

POST-APPROVAL: The Department may require as many as six samples to be analyzed during the term of an annual permit.

### APPLICATION PROCESS

1) Application is reviewed for completeness. If not complete, it is returned to applicant.

2) The waste oil characteristics are reviewed to ensure compatibility with the size and type of equipment in which it is to be used. Air quality impacts may be evaluated.

3) Issue Waste Oil Approval to the applicant via Certified Mail.

### PROCESSING TIME

AVERAGE: 3-6 weeks

RANGE: 1-8 weeks

### FEE

None

### ENFORCEMENT AND PENALTIES

Application denials, corrective orders, and civil penalties can be used by the Administration to enforce its regulations.

### APPEALS

Administrative actions may be appealed by filing a written request for a hearing with the Administration. Requests for hearings must be made within 10 days of receipt of the notice of the Department's actions.

### ADDITIONAL INFORMATION

None

### FOR MORE INFORMATION CONTACT

William Paul

Special Project Office

(301) 631-3230

## 1.07 Open Burning Permits

### PURPOSE

*Open Burning Permits are meant to protect the public's health and to prevent property damage and public nuisances by regulating the location, types of material, and methods of burning in the open air. These permits, which are issued by local agencies, are required for any person or company that conducts open burning. (The only exceptions are listed in COMAR 26.11.07.05)*

### AUTHORITY

FEDERAL: None

STATE: Environment Article, Title 2; COMAR 26.11.07.02-.03

### REQUIREMENTS

PRE-APPROVAL: None

POST-APPROVAL: Open burning permits will contain such information as the permit expiration date, specific conditions and/or requirements to control air pollution or potential nuisances during the fire, and information on agencies that must be contacted prior to the fire.

### APPLICATION PROCESS

The appropriate application form must be obtained from the local health department or environmental protection agency. This form must be filled out completely and returned to that agency. The application will be evaluated with respect to COMAR 26.11.07. The issuing agency may request a site visit prior to making a determination on the application.

### PROCESSING TIME

AVERAGE: 2 weeks

RANGE: 1 to 3 weeks (depending on the individual workload of the various counties and any site-specific variables.)

### FEE

No fee is charged by MDE. However, the applicant should check with the local agency for any fee it may require.

### ENFORCEMENT AND PENALTIES

The Department may take the following enforcement actions for any violations of permit or permit conditions:

- 1) Administrative Order for violations of permit or regulatory requirements;
- 2) Civil Penalty not to exceed \$25,000/day/violation;
- 3) Administrative Penalty of \$2,500/day/violation not to exceed \$50,000 per administrative hearing;
- 4) Criminal penalties for violations of permits;
- 5) Suspension or revocation of permit; or
- 6) Injunctive relief.

### APPEALS

Any questions or appeals relating to application denials or enforcement action should be directed to Michael Caughlin, Chief, Field Services/Noise Control Division, Air Management Administration at (301) 631-3200.

### ADDITIONAL INFORMATION

The holder of any open burning permit must also check with the Department of Natural Resources' Forest, Park and Wildlife Service, and local fire control authorities to receive their approval of the proposed open burning.

### FOR MORE INFORMATION CONTACT

Field Services/Noise Control Division  
Michael Caughlin  
(301) 631-3200

## 1.08 Fleet Inspection Station (FIS) License

### PURPOSE

MDE issues this license to allow persons to perform official emissions inspections on their own fleet vehicles or, in the case of dealers, to inspect both their own vehicles and/or those belonging to other dealers. Large fleets can be tested more conveniently through this provision.

### AUTHORITY

FEDERAL: None

STATE: Transportation Article, Title 23, Subtitle 2, Sec. 23.201- 23.207; COMAR 11.14.08.03 and 11.14.08.18

### REQUIREMENTS

**PRE-APPROVAL:** The prospective FIS must own or operate a fleet of at least 50 vehicles, maintain a repair facility, have an emissions analyzer that conforms to the California Bureau of Automotive Repair 1984 standards, have specific tools, and employ a Certified Emissions Technician. The analyzer must pass an entry audit.

**POST-APPROVAL:** The facility agrees to participate in the Vehicle Emissions Inspection Program's quality assurance program by calibrating its analyzer at least once a week and participating in a monthly quality assurance audit. The license must be renewed each year.

### APPLICATION PROCESS

- 1) After receiving a completed application, the field supervisor of the Mobile Sources Control Program will contact the applicant to schedule a new facility inspection and emission analyzer audit.
- 2) If the applicant passes the audit, the facility is given a number and permission to obtain Vehicle Inspection Report forms from the Motor Vehicle Administration.
- 3) The license is mailed the next day.

### PROCESSING TIME

AVERAGE: 2 weeks

RANGE: 1 to 3 weeks

### FEE

There are no fees. However, the FIS must pay \$2.20 for each vehicle that passes the emissions test.

### ENFORCEMENT

The Department monitors the performance of the FIS through the monthly Quality Assurance audit. Any FIS failing the audit is prohibited from testing vehicles until such time as the facility can pass a reaudit. Generally, the maximum time a FIS can remain in the program without passing an audit is 90 days. The license is then revoked by authority of COMAR 11.14.08.18. A facility able to comply with all requirements may reapply for a license.

### APPEALS

Appeals of administrative actions may be made by filing a written request for a hearing with the Administration.

### ADDITIONAL INFORMATION

See the Certified Emissions Technician License for related information. An application can be requested by calling (301) 631-3270.

### FURTHER INFORMATION

Mobile Sources Control Program  
Carol Nouvet  
(301) 631-3268

## 1.09 Certified Emissions Repair Facility (CERF) Certification

### PURPOSE

MDE issues this certificate in an effort to ensure that motor vehicle repair facilities which meet minimum requirements established by the state are available to the general public. Certified facilities are compiled on a list which is available at Vehicle Emissions Inspection Stations for citizens who request it.

### AUTHORITY

FEDERAL: None

STATE: Transportation Article, Title 23, Subtitle 2, Sec. 23.201-23.207; COMAR 11.14.08.03 and 11.14.08.18

### REQUIREMENTS

PRE-APPROVAL: The requirements for certification include an emissions analyzer that meets California Bureau of Automotive Repair 1974 standards, ownership of specified tools, and the employment of a Certified Emissions Technician. The analyzer must pass an entry audit.

POST-APPROVAL: The facility participates in the Vehicle Emissions Inspection Program quality assurance program by calibrating its analyzer at least once every two weeks and participating in a bi-monthly quality assurance audit. The certificate must be renewed each year.

### APPLICATION PROCESS

1) After receiving a completed application, the field supervisor of the Mobile Sources Control Program will contact the applicant to schedule a new facility inspection and emissions analyzer audit.

2) If the applicant passes the audit, the facility is given a number and can begin official work in the program.

3) The certificate and sign can be delivered at the time of the CERF's first quality assurance audit or picked up at MDE's Broening Highway office.

### PROCESSING TIME

AVERAGE: 2 weeks

RANGE: 1 to 3 weeks

### FEE

None

### ENFORCEMENT

The Department monitors the performance of the CERF through the bi-monthly quality assurance audit. Any CERF failing the audit is prohibited from doing repairs as a Certified Emissions Repair Facility until the time it can pass a reaudit. Generally, the maximum time a CERF can remain in the program without passing an audit is 90 days. The license is then revoked by authority of COMAR 11.14.08.18. A facility able to comply with all requirements may reapply for a certificate.

### APPEALS

Appeals of administrative actions may be made by filing a written request for a hearing with the Administration.

### ADDITIONAL INFORMATION

See the Certified Emissions Technician License for related information. An application can be requested by calling (301) 631-3270.

### FURTHER INFORMATION

Mobile Sources Control Program  
Carol Nouvet  
(301) 631-3268

## 1.10 Certified Emissions Technician License

### PURPOSE

To improve the quality of emissions-related repairs on vehicles that fail the Maryland Vehicle Emissions Inspection Program's emissions inspection and reduce the number of waivers granted. MDE licenses mechanics who have successfully completed an approved training course.

### AUTHORITY

FEDERAL: None

STATE: Transportation Article, Title 23, Subtitle 2, Sec. 23.201-23.207; COMAR 11.14.08.03 and 11.14.08.21

### REQUIREMENTS

**PRE-APPROVAL:** The prospective Certified Emissions Technician (CET) must be an automotive mechanic with a minimum of two years' experience in engine repair and must pass the Department's 40-hour training course.

**POST-APPROVAL:** The license must be renewed every three years.

### APPLICATION PROCESS

1) After contacting a school on the Department's approved list, the individual must follow the instructions of the school and complete its requirements.

2) The instructor issues a CET exam to the applicant and forwards the completed exam to the Department for grading.

3) Notification of failure or a license is then sent to the applicant.

### PROCESSING TIME

The CET course can take two to ten weeks to complete, depending upon how it is scheduled by the school. Pro-

cessing of the final pass/fail status is usually completed within one month, including notifying the mechanic.

### FEE

The course price varies between \$200 - \$250, depending upon the school. There is no fee for the exam or the license.

### ENFORCEMENT AND PENALTIES

Certified Emissions Technicians not performing their functions in accordance with procedures outlined in COMAR 11.14.08 Vehicle Emissions Inspection Program, or knowingly providing false information to any person or in any document can have their licenses suspended or revoked under COMAR 11.14.08.21.

### APPEALS

An appeal of an administrative action may be made by filing a written request for a hearing with the Administration. Questions regarding pass/fail determinations should be addressed to Leslie Sipes, Mobile Sources Control Program, at (301) 631-3270.

### ADDITIONAL INFORMATION

Call 631-3270 for a list of schools giving the approved training course.

### FOR MORE INFORMATION CONTACT

Mobile Sources Control Program  
Leslie Sipes  
(301) 631-3270



## 2.00 Hazardous and Solid Waste Management Administration

The mission of the Hazardous and Solid Waste Management Administration (HSWMA) is to ensure that all waste generated and/or disposed of within Maryland is managed in a manner that protects the environment and human health. This administration is Maryland's primary groundwater protection agency. These goals are accomplished by maintaining a visible enforcement presence in the industrial community and by continually formulating long-term solutions to solid waste needs.

HSWMA is organized into seven programs, each with regulatory responsibilities related to groundwater protection:

- 1) the Operational Management Program;
- 2) the Solid Waste Program;
- 3) the Industrial Discharge Program;
- 4) the Hazardous Waste Program;
- 5) the Enforcement Program;
- 6) the Emergency Response Program; and
- 7) the Comprehensive Environmental Response Compensation Liability Act (CERCLA), Underground Storage Tanks (UST), and Leaking Underground Storage Tanks (LUST) Program.

These programs have been devised to accomplish the following objectives:

- to place into one cohesive organization all of the state's facility review and permitting functions pertaining to hazardous, industrial, and solid waste management.

- to implement an integrated solid waste management strategy throughout the state consisting of waste minimization, recycling, landfilling, and waste-to-energy.

- to vigorously enforce state statutes and regulations concerning solid waste, special medical waste, controlled hazardous substances, groundwater, surface water pollution, and low-level radioactive wastes.

- to execute remediation at leaking underground storage tank sites, and to promulgate and enforce laws pertaining to their installation and operation.

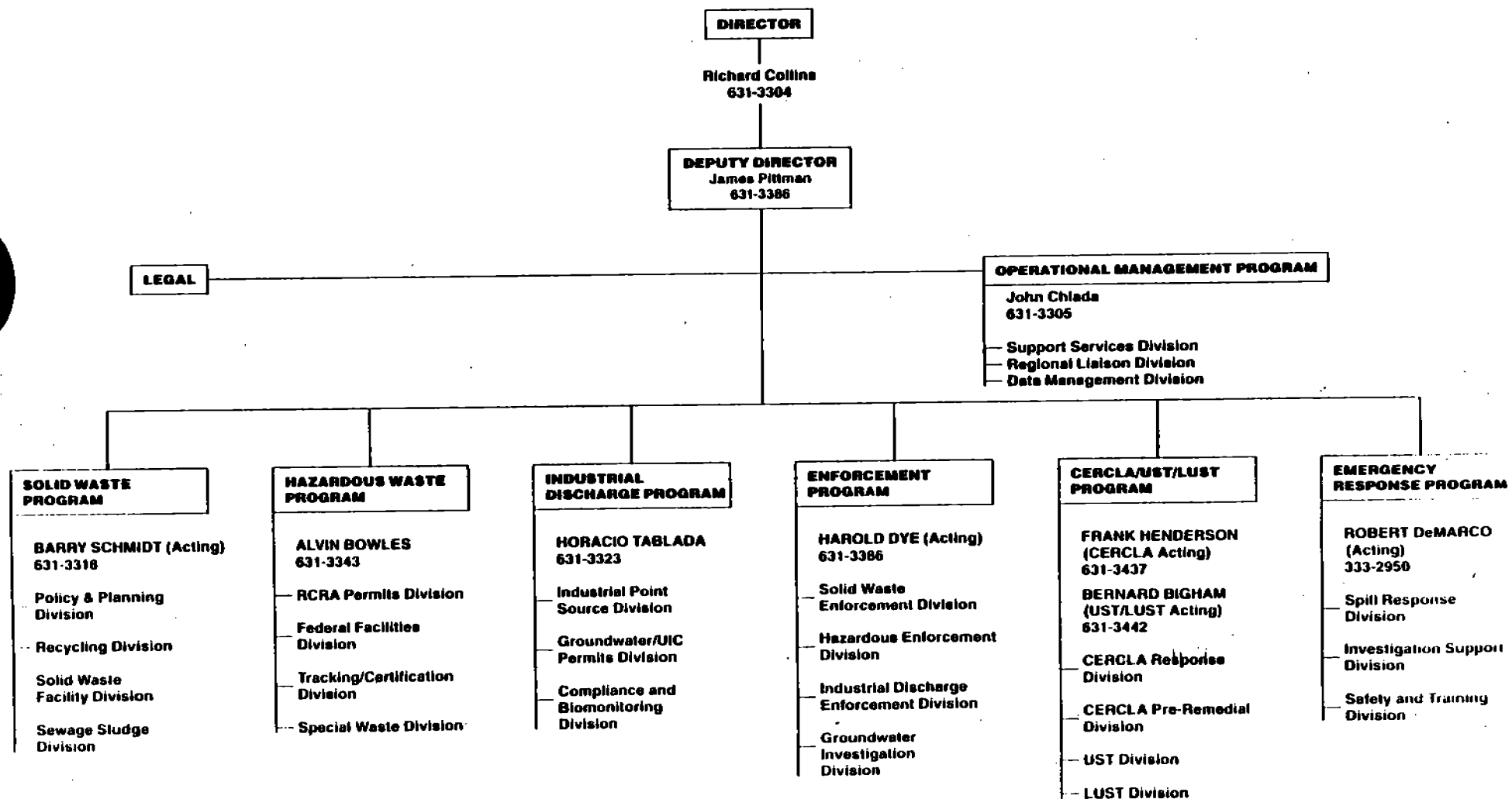
- to manage and implement the state's sewage sludge utilization program and ensure compliance with all applicable environmental laws and regulations.

- to implement such delegated federal EPA programs as the Hazardous Waste Program under the Resource Conservation and Recovery Act, the Industrial National Pollution Discharge Elimination System permit program under the Clean Water Act, and the Underground Storage Tank Program (authorization pending).

- to implement a "Superfund" program in the state that integrates the state's assessment activities with federal cleanup efforts in order to remove environmental and public health threats from abandoned or uncontrolled hazardous waste disposal sites.

- to respond to statewide hazardous material and oil spills on a 24-hour basis by providing coordination among appropriate federal, state, and local agencies during emergency cleanups.

# Hazardous and Solid Waste Management Administration



## 2.01 State Industrial Discharge Permit

### PURPOSE

*An average water discharge in excess of 10,000 gallons per day within a one-month period, or any discharge of waste to surface or groundwaters in Maryland, must be done in accordance with the provisions of this permit.*

### AUTHORITY

FEDERAL: Clean Water Act, Section 301

STATE: Environment Article, Title 9, Subtitle 3;  
COMAR 26.08.01-.04

### REQUIREMENTS

PRE-APPROVAL: Public hearing.

POST-APPROVAL: Chemical or biological monitoring, appropriate management practices, and proper reporting procedures.

### APPLICATION PROCESS

1) Applicant must submit completed application to the Department.

2) The Department prepares a draft permit after making a site inspection.

3) A comment period is provided; a public hearing may be held.

### PROCESSING TIME

AVERAGE: 9 months

RANGE: 6 - 12 months

### FEE

APPLICATION FEE: \$25 - \$10,000, depending on the volume of discharge, the type of industry, and how the water is used.

ANNUAL PERMIT FEE: \$50 - \$2,000 depending on the volume of the discharge.

### ENFORCEMENT AND PENALTIES

Inspections of industrial facilities are conducted an average of once per quarter to determine compliance with conditions of state discharge permits. A person who violates any provision of the permit is subject to a civil penalty not exceeding \$10,000 per day, Environment Article, Section 9-342.

### APPEALS

#### APPLICATION DENIALS -

Any interested person may file for an adjudicatory hearing to appeal the Department's final determination.

#### ENFORCEMENT ACTIONS -

Appeals must be made in writing within 10 days after receipt of the enforcement action.

### ADDITIONAL INFORMATION

Maryland has been delegated authority from the U.S. Environmental Protection Agency to administer the Federal NDPS Discharge Permit Program. A permit issued by the Department is both a state and federal permit. Federal authority is from Section 402 of the Federal Clean Water Act.

### FOR MORE INFORMATION CONTACT

Industrial Discharge Program

Horacio Tablada

(301) 631-3323

## 2.02 State Refuse Disposal Permit

### PURPOSE

*A person who wishes to install, significantly modify, or expand a solid waste acceptance facility must first obtain a permit. Such facilities include landfills, incinerators, transfer stations, composting facilities, and other waste treatment or processing facilities.*

### AUTHORITY

FEDERAL: Resource Conservation and Recovery Act, Subtitle D

STATE: Environment Article, Title 9, Subtitle 2; COMAR 26.04.07

### REQUIREMENTS

PRE-APPROVAL: Before a permit can be issued, the applicant must demonstrate conformance with the locally approved 10-year solid waste management plan, as well as with local zoning and land use requirements.

POST-APPROVAL: After application approval, but before permit issuance for any landfill, incinerator, or transfer station, a bond must be posted in an amount consistent with the provisions of Section 9-211 of the Environment Article.

### APPLICATION PROCESS

- 1) Applicant submits a completed application including basic information about the site.
- 2) A preliminary site investigation is prepared by the applicant, and MDE conducts a site inspection.
- 3) The applicant has a detailed hydrogeological assessment of the site conducted.
- 4) The applicant prepares detailed engineering plans and operating manuals.
- 5) Plan review meetings are held with interested agencies and community representatives.
- 6) A public hearing is held for landfills and incinerators.

### PROCESSING TIME

#### AVERAGE:

2.5 years for landfills; 6 months for all others

#### RANGE:

1.5 to 3+ years for landfills; 5-9 months for all others

### FEE

None

### ENFORCEMENT AND PENALTIES

Enforcement activities range from site complaints to civil and administrative fines. The fines (Section 9-268 of the Environment Article) range from \$500 to \$50,000, depending on the type and duration of the violation.

### APPEALS

#### APPLICATION DENIALS:

Applicant can file an appeal in writing with the administration within 10 days of receipt of the order.

#### ENFORCEMENT ACTIONS:

An appeal must be filed in writing within 10 days after receipt of the notice.

### ADDITIONAL INFORMATION

Delays are often caused by the applicant neglecting the local approvals (zoning and solid waste plan conformance).

### FOR MORE INFORMATION CONTACT

Solid Waste Program  
Barry Schmidt  
(301) 631-3364

## 2.03 Sewage Sludge Utilization Permit

### PURPOSE

To protect the underground and surface waters of the state. Any person desiring to utilize, collect, handle, apply to land, transport, treat, store, or dispose of sewage sludge must first obtain a permit.

### AUTHORITY

FEDERAL: Resource Conservation and Recovery Act  
STATE: Environment Article, Title 9, Subtitle 2;  
COMAR 26.06.04

### REQUIREMENTS

PRE-APPROVAL: The sludge generator must pay the appropriate generator fee as specified in COMAR 26.04.06.13C before an application will be accepted. Sludge quality must meet regulatory standards to be eligible for land application.

POST-APPROVAL: Bonding requirements under COMAR 26.04.06.07 must be maintained. Periodic reports are required to be submitted to the Department.

### APPLICATION PROCESS

- 1) Applications are received and copies distributed to local agencies for concurrent review and comment.
- 2) Sites are inspected. Local government may request the Department to hold an informational meeting in the area.
- 3) Public hearings are conducted for permanent storage or distribution sites.

### PROCESSING TIME

AVERAGE: 15 days for transport permits; 60 days for land application; and 180 days for composting facilities

### FEE

Application for -	
Construct and Operate an Incinerator .....	\$750
Research Projects as approved by MDE .....	\$ 25
Distribution .....	\$750
Innovative Projects, fee not to exceed .....	\$730
Transportation, when permitted separately .....	\$ 45
Beneficial Use at a Sanitary Landfill .....	\$125

Application to Agricultural Land .....	\$175
Application on Marginal Land .....	\$350
Construct and Operate a Permanent Facility Other Than an Incinerator .....	\$350
Disposal at a Sanitary Landfill .....	\$350

### ENFORCEMENT AND PENALTIES

Civil penalties as outlined in Environment Article, Section 9-269. Penalties up to \$10,000 per day, maximum of \$50,000, may be assessed.

### APPEALS

APPLICATION DENIALS: Appeals can be filed in writing within 10 days after the receipt of the denial.

ENFORCEMENT ACTIONS: Enforcement actions can be appealed in writing within 10 days of the receipts of the order.

### ADDITIONAL INFORMATION

The Department supports constructive reuse of municipal sludge.

### FOR MORE INFORMATION CONTACT

Solid Waste Program  
Barry Schmidt  
(301) 631-3318

## 2.04 Toxic Materials Permit

### PURPOSE

*Application of a toxic chemical for aquatic life management (e.g., mosquito control, algae removal) requires a permit.*

### AUTHORITY

FEDERAL: None

STATE: Environment Article, Title 9, Subtitle 3;  
COMAR 26.08.03.02

### REQUIREMENTS

PRE-APPROVAL: None

POST-APPROVAL: Limit on type of product, number of applications, method of application

### APPLICATION PROCESS

- 1) A complete application must be filed with MDE.
- 2) MDE performs a review process.

### PROCESSING TIME

AVERAGE: 1 month

RANGE: 3 weeks - 2 months.

### FEE

None

### ENFORCEMENT AND PENALTIES

The administration can use civil and criminal prosecution to correct an improper or nonpermitted application.

### APPEALS

Application denials and enforcement actions can be appealed by submitting a request for an appeal in writing (within 10 days after receipt of the notice from MDE) to the Director of the Hazardous and Solid Waste Management Administration. Contact Edward Gertler at (301) 631-3323 for more information.

### ADDITIONAL INFORMATION

In case of an emergency, a limited permit for certain chemicals can be obtained from the local Soil Conservation District Office in 1-3 days.

### FOR MORE INFORMATION CONTACT

Industrial Discharge Program  
Horacio Tablada  
(301) 631-3323

## 2.05 Controlled Hazardous Substances (CHS) Facility Permit

### PURPOSE

*Any facility that treats, disposes of, or stores hazardous waste in quantities exceeding 100 kilograms for more than 90 days, must be regulated by the Department to minimize the potential health hazard to the public. If the amount of waste does not exceed 500 kilograms, the storage period can be extended up to 180 days.*

### AUTHORITY

FEDERAL: Resource Conservation and Recovery Act, Subtitle C

STATE: Environment Article, Title 7, Subtitle 2; COMAR 26.13

### REQUIREMENTS

PRE-APPROVAL: The application must include: an outline of the design and operation of the facility; a waste analysis plan; an inspection schedule; a training program proposal; a contingency plan; a closure plan (including financial assurance mechanism); and any other information necessary to evaluate the facility.

POST-APPROVAL: The permittee must operate within the conditions of the permit including updating the application and submitting any required monitoring or sampling data. Permits are reviewed every three years.

### APPLICATION PROCESS

- 1) The completed application forms are received by the Department and reviewed for completeness.
- 2) Once the application is complete and a tentative decision is reached, a draft permit is prepared. A public notice is then issued, allowing a 45-day comment period for a public hearing to be requested.
- 3) Once submitted comments have been considered, a final determination is made to issue or deny the permit.

### PROCESSING TIME

AVERAGE: 9 months

RANGE: up to 2 years

### FEES

Range from \$4,000 to \$15,000, based on the nature and quantity of CHS, and the anticipated costs of regulatory activities.

### ENFORCEMENT AND PENALTIES

The permit is enforced by frequent facility inspections as well as review of sampling and monitoring data. Penalties for violations range from site complaints to civil fines (\$1000 day/violation up to \$50,000) and criminal prosecution.

### APPEALS

#### APPLICATION DENIALS:

Appeals may be made pursuant to Maryland Administrative Procedure Act, State Government Article, Section 10-201 et seq. Annotated Code of Maryland.

#### ENFORCEMENT ACTIONS:

Contact Harold Dye  
Enforcement Program  
(301) 631-3386.

### ADDITIONAL INFORMATION

There are currently 41 facilities with CHS Facility Permits in Maryland.

### FOR MORE INFORMATION CONTACT

Hazardous Waste Program  
Alvin Bowles  
(301) 631-3343

## 2.06 Controlled Hazardous Substances (CHS) Certification

### **PURPOSE:**

To better ensure the safe transport of hazardous wastes within the state, MDE tracks the movements of certain wastes identified in COMAR 26.13.02 (CHS) by certifying transporters interested in hauling these wastes, by certifying any vehicle used to transport those wastes, and by certifying the drivers of those vehicles.

### **AUTHORITY**

FEDERAL: Resource Conservation and Recovery Act, Subtitle C

STATE: Environment Article Title 7, Subtitle 2; COMAR 26.13.04

### **REQUIREMENTS**

PRE-APPROVAL: The facility concerned must prove that it has secured a \$50,000 bond for the purpose of reimbursing the state for abatement of pollution resulting from the improper transportation or spill of CHS; vehicles have no special requirements; drivers must submit an application consisting of physical description, a copy of their driver's license, and proof of having completed a Maryland-approved training program given by a Maryland-certified instructor.

POST-APPROVAL: Each certification must be renewed annually.

### **APPLICATION PROCESS**

- 1) The application is reviewed for completeness and accuracy.
- 2) After a satisfactory review, the certificate is issued.

### **PROCESSING TIME**

AVERAGE: 1 month

RANGE: 1 week to 2 months

### **FEE**

None for the transporters; \$50 per vehicle; \$20 per driver.

### **ENFORCEMENT AND PENALTIES**

Everyone concerned is subject to civil penalties and criminal prosecution should MDE or the State Police find discrepancies in the required certification and necessary manifests.

### **APPEALS**

APPLICATION DENIALS: N/A

ENFORCEMENT ACTIONS: Appeals can be made in writing within 10 days of receipt of the order. Contact Harold Dye, Enforcement Program, at (301) 631-3386 for more information.

### **ADDITIONAL INFORMATION**

None

### **FOR MORE INFORMATION CONTACT**

Hazardous Waste Program

Alvin Bowles

(301)631-3343



## 2.07 Special Medical Waste (SMW) Hauler Certification

### PURPOSE

To better ensure the safe transport of medical wastes within the state, MDE tracks the movements of certain medical wastes identified in COMAR 26.13.11 by certifying transporters interested in hauling this waste and by certifying the vehicles used in hauling this waste.

### AUTHORITY

FEDERAL- None

STATE- Environment Article, Title 7, Subtitle 2;  
COMAR 26.13.13

### REQUIREMENTS

**PRE-APPROVAL :** The application consists of a form identifying basic information and proof that the transporter has secured a \$10,000 bond for the purpose of reimbursing the state for cleanup of pollution resulting from the improper transportation or spill of special medical waste; vehicles must submit proof of vehicle inspection and the required safety equipment.

**POST-APPROVAL:** Each certification must be renewed annually.

### APPLICATION PROCESS

- 1) The application is reviewed for completeness and accuracy.
- 2) After a satisfactory review, the certificate is issued.

### PROCESSING TIME

AVERAGE: 1 month

RANGE: 1 week to 2 months

### FEE

None for the transporter; \$50 annually for each vehicle.

### ENFORCEMENT AND PENALTIES

Transporters are subject to civil penalties and criminal prosecution should MDE or the State Police find discrepancies in the certification and manifesting of a special medical waste shipment.

### APPEALS

APPLICATION DENIALS: N/A

ENFORCEMENT ACTIONS: Contact Harold Dye, Enforcement Program, at (301) 631-3386 for information.

### ADDITIONAL INFORMATION

None

### FOR MORE INFORMATION CONTACT

Hazardous Waste Program

Alvin Bowles

(301) 631-3343

## 2.08 Oil Operations Permit

### **PURPOSE**

*Facilities which store, transport, or transfer oil must obtain an oil operations permit.*

### **AUTHORITY**

FEDERAL: None

STATE: Environment Article, Section 4-405; COMAR 26.10.01.07; 26.10.01.08; 26.10.02.05

### **REQUIREMENTS**

PRE-APPROVAL: None

POST-APPROVAL: Requirements are established on a site-specific basis to meet provisions of regulations.

### **APPLICATION PROCESS**

1) Applicant submits a completed application to the Department.

2) MDE reviews the application and the site.

### **PROCESSING TIME**

AVERAGE: 45 days

RANGE: 1 - 3 months

### **FEE**

None

### **ENFORCEMENT AND PENALTIES**

Inspections of oil operations facilities are conducted at least annually to determine compliance with the requirements of the permit. A person who violates any provision of the permit may be assessed a civil penalty up to \$10,000 for each day of violation, not to exceed a total \$100,000, and a criminal penalty of up to \$50,000 for a first offense, under authority of Environment Article, Section 4-417.

### **APPEALS**

APPLICATION DENIALS: N/A

ENFORCEMENT ACTIONS: Appeals can be made in writing within 30 days of the receipt of an administrative complaint.

### **ADDITIONAL INFORMATION**

None

### **FOR MORE INFORMATION CONTACT**

Industrial Discharge Program

Horacio Tablada

(301) 631-3323

## 2.09 Oil Transfer License

### PURPOSE

*All facilities which bring oil into the State must have an Oil Transfer License.*

### AUTHORITY

FEDERAL: N/A

STATE: Environment Article, Section 4-411; COMAR 26.10.01.06

### REQUIREMENTS

PRE-APPROVAL: None

POST APPROVAL: The facility must submit quarterly reports showing volume of oil brought into the state.

### APPLICATION PROCESS

1) A completed application must be submitted to the Department.

2) MDE reviews the application.

### PROCESSING TIME

AVERAGE: 1 week

RANGE: 1 - 2 weeks

### FEE

There is a transfer fee of \$0.0075/barrel (3/4 of a cent per barrel).

### ENFORCEMENT AND PENALTIES

Information obtained from a complaint or from MDE records regarding a person/facility transferring oil into the state without a license will be investigated. Any facility found to be without a license or having failed to submit the proper reports is guilty of a misdemeanor and may be subject to a fine not exceeding \$10,000 plus any accrued license fees under authority of Environment Article, Section 4-411.

### APPEALS

APPLICATION DENIALS-N/A

ENFORCEMENT ACTIONS-Appeals can be made in writing within 30 days of the receipt of an administrative complaint.

### ADDITIONAL INFORMATION

Transfer fee revenue is used to fund the oil control and spill response activities.

### FOR MORE INFORMATION

Hazardous Waste Program

Horacio Tablada

(301) 631-3323

## 2.10 Oil Vehicle Operators Certification

### **PURPOSE**

To better ensure the safe transport of oil within the state, the driver of any oil transport vehicle must be certified.

### **AUTHORITY**

FEDERAL: N/A

STATE: Environment Article Section 4-405; COMAR 26.10.01.17

### **REQUIREMENTS**

PRE-APPROVAL: The driver must be at least 21 years old and must have a valid driver's license.

POST APPROVAL: The driver must follow proper loading, unloading, and driving practices.

### **APPLICATION PROCESS**

- 1) A completed application must be submitted to MDE.
- 2) MDE issues a temporary certificate.
- 3) The driver must pass a written examination.
- 4) The final certificate issued.

### **PROCESSING TIME**

AVERAGE: 45 days

RANGE: 1 day - 60 days

### **FEE**

None

### **ENFORCEMENT AND PENALTIES**

If an operator is found to have violated the provisions of the certificate by performing improper loading or unloading practices, unsafe handling procedures, or failing to report a spill, he is subject to a civil penalty of up to \$10,000 for each day of violation, not to exceed a total of \$100,000, and criminal penalties not to exceed \$50,000 for a first offense, Environment Article, Section 4-117.

### **APPEALS**

Application denials and enforcement actions can be appealed in writing within 30 days following receipt of an administrative complaint from MDE.

### **ADDITIONAL INFORMATION**

Examination is given at several regional testing centers at least once per month.

### **FOR MORE INFORMATION CONTACT**

Industrial Discharge Program  
Horacio Tablada  
(301) 631-3323

## 2.11 Underground Storage Tank (UST) Installers Certification

### **PURPOSE**

*For the protection of groundwater from leaks caused by improperly installed USTs, any individual who wishes to install, upgrade, repair or retrofit an underground storage tank must carry a state certificate.*

### **AUTHORITY**

FEDERAL: N/A

STATE: Environment Article, Title 1, Subtitle 4, sec. 4-405; COMAR 26.10.06

### **REQUIREMENTS**

PRE-APPROVAL: Demonstrated knowledge of principles of proper underground storage tank installation and state requirements.

POST-APPROVAL: Continued proper installation practices.

### **APPLICATION PROCESS**

Examinations are given at MDE 5 days a week and periodically at selected sites statewide.

### **PROCESSING TIME**

AVERAGE:

1 day (in Baltimore); 2-3 days (outside Baltimore)

RANGE: 1 - 5 days

### **FEE**

\$100 every two years.

### **ENFORCEMENT AND PENALTIES**

Periodic inspections are conducted. Installing, repairing, or upgrading an underground storage tank without a certificate can result in civil fines of up to \$10,000 for each violation; or criminal penalties of up to \$50,000, in accordance with Environment Article, Section 4-417.

### **APPEALS**

Application denials and enforcement actions can be appealed in writing within 30 days of receipt of an administrative complaint.

### **ADDITIONAL INFORMATION**

None

### **FOR MORE INFORMATION CONTACT**

Underground Storage Tank Program

Bernard Bigham

(301) 631-3442

## 3.00 Sediment and Stormwater Administration

The Sediment and Stormwater Administration (SSA) seeks to minimize the adverse impacts that land development and urbanization have on stormwater runoff characteristics and water quality: stream channel erosion, local flooding, erosion, and sedimentation. The three programs that comprise this administration are

- 1) Construction Management;
- 2) Compliance; and
- 3) Policy and Evaluation.

The objectives of this administration are as follows:

- To maintain the characteristics of stormwater runoff from developing areas so that the quality and quantity of this runoff are as close as possible to the pre-development conditions.
- To review state and federal development projects to ensure that they comply with pertinent stormwater management and sediment control standards.

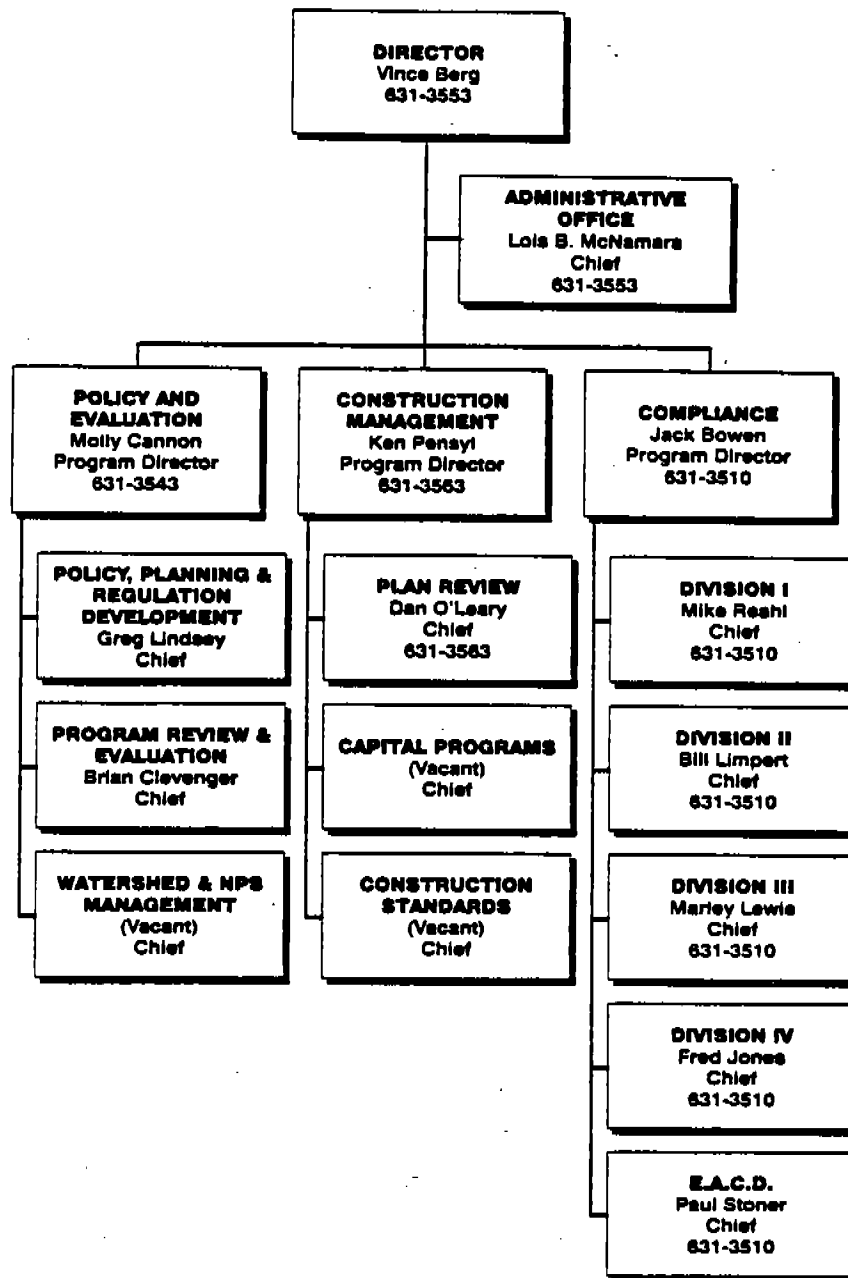
- To provide oversight of local stormwater management and sediment control programs to ensure that these programs meet state standards.

- To encourage research that can improve stormwater management and sediment control technology.

- To provide training and educational programs for inspectors, the industry, and the public in the areas of stormwater management, sediment control, and nonpoint source pollution.

- To ensure that pertinent state statutes and regulations are vigorously enforced.

# Maryland Department of the Environment Sediment and Stormwater Administration



# 3.01 Sediment and Stormwater Management Approval

## PURPOSE

All state and federal construction projects in Maryland that disturb over 5,000 square feet, or involve more than 100 cubic yards of earth movement, must be approved for stormwater management, erosion, and sediment control prior to beginning construction. Engineers and architects performing site design for state or federal construction projects should be aware of these requirements. The purpose of erosion and sediment control and stormwater management approval is to ensure that state and federal construction project plans are in compliance with the Maryland laws and regulations that protect the state's waterways.

## AUTHORITY

FEDERAL: Clean Water Act

STATE: Environment Article, Title 4, Subtitle 106 for erosion and sediment control, and Subtitle 205 for stormwater management. These statutes are further defined in COMAR 26.09.01.01 through 11, and 26.09.02.01 through 10.

## REQUIREMENTS

PRE-APPROVAL: Applicants must provide erosion and sediment control and stormwater management plans consistent with the aforementioned laws and regulations and the *Erosion and Sediment Control Guidelines for State and Federal Projects*, MDE, January 1990, and the *Stormwater Management Guidelines for State and Federal Projects*, MDE, July 1, 1987. The owner/developer is responsible for following approved erosion and sediment control and stormwater management plan during construction.

POST-APPROVAL: Any plan modifications must be submitted to the inspector for review by SSA.

## APPLICATION PROCESS

- 1) The applicant submits one set of erosion and sediment control and stormwater management plans and computations to SSA Plan Review Division.
- 2) Plan Review either approves the plans as submitted or responds with comments to be addressed before approval can be granted.
- 3) Upon approval of the plans, Plan Review Division issues an Approval Letter to the applicant.
- 4) Approved plans are transferred to the SSA Compliance Program that performs the site inspections.

## PROCESSING TIME

AVERAGE: 45 days

RANGE: 30 to 60 days, depending upon the priority of the project and the time of year the plans are submitted

## FEE

None

## ENFORCEMENT AND PENALTIES

MDE inspectors perform periodic site visits on state and federal projects to ensure that construction is progressing in accordance with the approved plan and to ensure compliance with the State sediment control and sediment pollution laws. This program is also responsible for inspecting the construction activities of private developers in jurisdictions (county/city) where the state has not delegated its inspection authority.

When violations of sediment control and pollution laws are encountered, the following enforcement actions are available:

- 1) complaints and orders for correction;
- 2) stop work orders;
- 3) criminal fines and imprisonment;
- 4) judicial civil penalties;
- 5) administrative civil penalties; and
- 6) injunctive relief.

Reference to these laws and penalties can be found in Environment Article, Title 4, Subtitles 1-5.

## APPEALS

Appeals from administrative enforcement actions are provided in the referenced sections of the Environment Article and by the Maryland Administrative Procedure Act, State Government Article, Section 10-201, et seq., *Annotated Code of Maryland*. Appeals to judicial or criminal actions are provided through the Maryland courts.

## ADDITIONAL INFORMATION

Private construction projects are approved by local county or city authorities. Copies of the two above publications can be purchased through SSA for a nominal charge by telephoning (301) 631-3543.

## FOR MORE INFORMATION CONTACT

Plan Review Division  
Daniel J. O'Leary, P.E.  
(301) 631-3562  
Compliance Program  
(301) 631-3510



## 4.00 Water Management Administration

The mission of the Water Management Administration is to restore and maintain the quality of the state's ground and surface waters. The WMA manages a broad range of water quality activities, including establishment of state water quality standards; regulation and financing of municipal wastewater treatment systems, public water supplies, and on-site residential sanitation systems; regulation of well drilling and industrial pretreatment; water quality monitoring and research; training and technical assistance for water and wastewater utilities; assessment and financing of small creek and estuary restoration; certification of shellfish harvesting areas; and dredge and fill projects. Through public service financing and regulatory activities, the WMA ensures that the waters of the state are safe for drinking, recreational activities, and wildlife.

The nine support programs that comprise WMA are

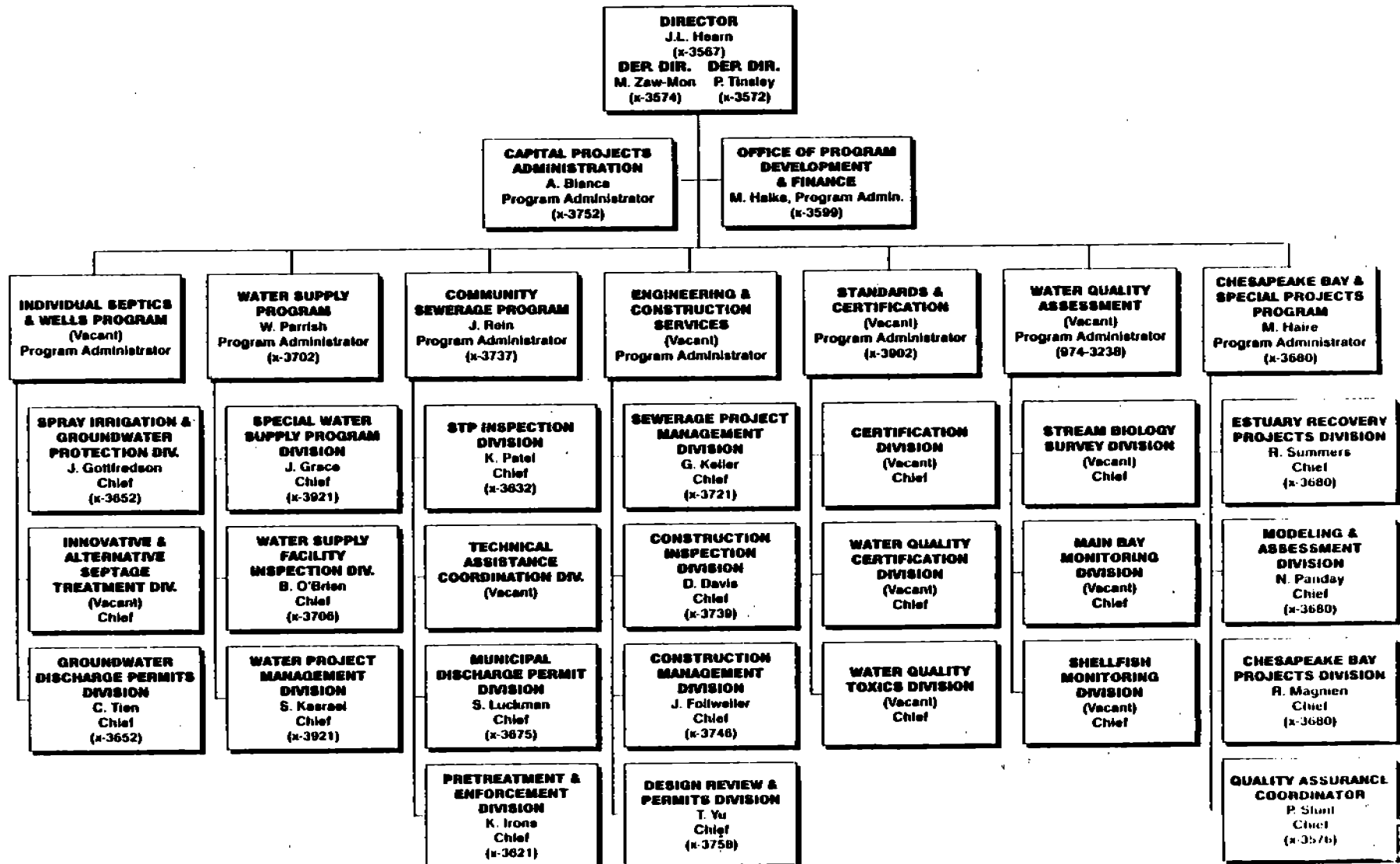
- 1) Capital Projects Administration;
- 2) Office of Program Development and Finance;
- 3) Individual Septics and Wells Program;
- 4) Water Supply Program;
- 5) Community Sewerage Program;
- 6) Engineering and Construction Services;
- 7) Water Quality Programs;
- 8) Water Quality Monitoring Program; and
- 9) Chesapeake Bay and Special Projects Program.

These programs have been designed to meet the following objectives:

- to use planning, modeling and sampling to assess existing water quality conditions and to support measures needed to correct water quality problems;
- to determine state water quality standards, including new toxic substance regulations;
- to administer the Clean Water Act in Maryland in accordance with the terms of the program delegation from the federal government, including financing of municipal sewage treatment facilities;
- to control the quality of discharges from municipal sewage treatment facilities by establishing appropriate effluent requirements and incorporating them into discharge permits, and to review proposed design changes for all municipal sewage systems;

- to implement the new drinking water standards at public water supplies and to maintain state primacy under the Safe Drinking Water Act;
- to monitor the compliance of wastewater treatment plants with permit limits, and bring violating facilities into compliance;
- to issue construction permits for both water and wastewater projects;
- to maintain a strong pretreatment program that controls discharge from industries into municipal sewer systems;
- to provide oversight of local health departments in the installation of individual wells and on-site sewage disposal systems;
- to finance the remediation of failed wells and septic systems;
- to ensure that Maryland shellfish maintains its place in the marketplace by certifying the growing waters;
- to guard against significant negative impacts to wetlands and water quality that could result from proposed dredge and fill projects.
- to provide public water and wastewater treatment facilities with needed operator training and on-site technical assistance in support of the state's operator certification program and compliance with state operational requirements.
- to manage Chesapeake Bay water quality monitoring and assessment activities, along with financing a number of small creek and estuary restoration projects, and to administer Maryland's portion of the Chesapeake Bay Implementation Grant.

# Maryland Department of the Environment Water Management Administration



## 4.01 Water Quality Certifications

### PURPOSE

*Fragile wetlands and water-related ecosystems must be protected from any activity that discharges dredged or fill materials into waters of the state to ensure that these activities do not violate water quality standards. Standards have been adopted for the protection of aquatic life, drinking water, and recreation.*

### AUTHORITY

FEDERAL: Federal Clean Water Act, Sec. 401

STATE: Environment Article Title 9, Subtitle 3;  
COMAR 26.08.01-04

### REQUIREMENTS

PRE-APPROVAL: All other construction-related permits must be obtained prior to working under the authority of the Water Quality Certificate (WQC).

POST-APPROVAL: All conditions of the WQC must be met during both the construction and operation of a certified facility.

### APPLICATION PROCESS

1) A joint federal and state permit application must be filed with the U. S. Army Corps of Engineers and the Maryland Department of Natural Resources.

2) The permitting agency or MDE will issue the required public notice when a completed application is received.

3) Final review at the close of the notice period results in issuance or denial of the WQC.

### PROCESSING TIME

AVERAGE: 90 days

RANGE: 2 to 4 months

### FEE

None

### ENFORCEMENT AND PENALTIES

In general, the federal permitting agency enforces WQC conditions. MDE, however, may enforce and recoup the costs for water quality cleanup projects necessitated by illegal, unauthorized activities under COMAR 26.08.02.10.

### APPEALS

APPLICATION DENIALS: A written request must be filed with the Water Management Administration within 30 days specifying why the determination should be reconsidered.

ENFORCEMENT ACTIONS: Actions can be appealed in accordance with the Administrative Procedures Act. Requests for a hearing must be submitted in writing to the Water Management Administration within 10 days after receipt of the order.

### ADDITIONAL INFORMATION

Water Quality Certifications are prerequisites for federal permits to alter any floodplain, waterway, tidal, or non-tidal wetlands in Maryland and are processed jointly through application to the U.S. Army Corps of Engineers, Baltimore District, or the Maryland Department of Natural Resources.

### FOR MORE INFORMATION CONTACT

Water Management Administration

JoAnn Watson

(301) 631-3609

## 4.02 Groundwater Discharge Permits

### PURPOSE

*These permits are issued to regulate the disposal of treated sewage effluent into the groundwater of the state via spray or some other land treatment application system. A groundwater discharge permit will contain the limitations and requirements deemed necessary to protect the public health and to prevent significant pollution of the groundwater.*

### AUTHORITY

FEDERAL: None

STATE: Environment Article, Title 9, Subtitle 3;  
COMAR 26.08.01

### REQUIREMENTS

#### PRE-APPROVAL:

- 1) Favorable results from a preliminary site evaluation by MDE.
- 2) The project must be identified in a current county water and sewerage plan.
- 3) Complete a hydrogeological study of the proposed site and submit a copy of the hydrogeological report to MDE for review and approval.
- 4) Public hearing.

POST-APPROVAL: The permittee is required to comply with the permit conditions to avoid any enforcement action. A groundwater discharge permit is valid for five years from the date of issuance.

### APPLICATION PROCESS

- 1) Preliminary Site Evaluation;
- 2) Hydrogeological Study;
- 3) Review and Approval of Hydrogeological Report;
- 4) Draft Permit;
- 5) Public Hearing Process;
- 6) Permit Issuance.

### PROCESSING TIME

AVERAGE: 4 months

RANGE: 2 to 6 months

### FEE

None

### ENFORCEMENT AND PENALTIES

Corrective orders and civil penalties are available to the Department to enforce its regulatory requirements.

### APPEALS

APPLICATION DENIALS: A written appeal must be sent to the Director of the Water Management Administration.

ENFORCEMENT ACTIONS: A written appeal must be sent to the Director of the Water Management Administration.

### ADDITIONAL INFORMATION

None

### FOR MORE INFORMATION CONTACT

Residential Sanitation Division  
Jane Gottfredson  
(301) 631-3652

## 4.03 Surface Water Discharge Permits

### PURPOSE

*The state discharge permit program and the National Pollutant Discharge Elimination System (NPDES) use a single permit for municipal wastewater treatment facilities that discharge treated wastewater to surface waters of the state.*

### AUTHORITY

FEDERAL- Federal Clean Water Act

STATE- Water Quality Act of 1987; Environment Article, Title 9, Subtitle 3; COMAR 26.08.01-.04

### REQUIREMENTS

PRE-APPROVAL: Inclusion in county water and sewerage plan except for individual residences.

POST APPROVAL: Must meet all effluent limits, monitoring requirements, and other conditions in the permit.

### APPLICATION PROCESS

- 1) Submit a completed application form.
- 2) MDE checks that project is in county water and sewerage plan.
- 3) The application is assigned to the MDE project engineer who develops permit limits.
- 4) Send draft permit to Hearing Officer who conducts a public hearing.

### PROCESSING TIME

AVERAGE: 5 to 6 months

RANGE: Issuance takes 18 weeks and up, depending on project controversy and the number of projects being considered by MDE at the same time. If the permit is adjudicated, permit issuance may be delayed for a year or more.

### FEE

None

### ENFORCEMENT AND PENALTIES

Permittee sends in self-monitoring reports monthly to MDE. The wastewater treatment plants are inspected by the STP Monitoring Division regularly. Penalties under the Clean Water Act include a civil penalty of up to \$10,000 per day, and for willful or negligent violations, a fine of \$2,500 to \$25,000 per day, plus up to 1 year in jail. Penalties under state law include administrative penalties up to \$1,000/day with a \$50,000 maximum, and judicial penalties up to \$10,000/day. In addition, MDE may seek criminal penalties, including jail.

### APPEALS

APPLICATION DENIALS: A written appeal must be sent to the Director, Water Management Administration, MDE.

ENFORCEMENT ACTIONS: A written appeal must be sent to the Director, Water Management Administration, MDE.

### ADDITIONAL INFORMATION

A state water and sewerage construction permit must be obtained from the Water Management Administration before a wastewater treatment facility can discharge into a receiving stream.

### FOR MORE INFORMATION CONTACT

Municipal Discharge Permits Division  
Stephen Luckman  
(301) 631-3671

## 4.04 Pretreatment Discharge Permits

### PURPOSE

To control pollutant discharges from industrial facilities discharging wastewater to sanitary sewer systems, the state requires all significant industrial users, and others as dictated by local authorities, to obtain this permit from the local sewer service agency. The state has delegated authority, in most instances, to the Publicly Owned Treatment Works (POTWs).

### AUTHORITY

FEDERAL: 40 Code of Federal Regulations, Part 403

STATE: Environment Article, Title 9, Subtitle 3; COMAR 26.08.08. In addition, most municipalities and counties with POTWs that receive wastewater from industrial facilities have enacted pretreatment ordinances

### REQUIREMENTS

PRE-APPROVAL: Depending on the location, the following may be required: -

- installation of pretreatment equipment;
- self-monitoring; and
- periodic reporting.

POST-APPROVAL: Company must allow local authorities and MDE to inspect and sample discharge and must comply with the discharge permit.

### APPLICATION PROCESS

The applicant submits information about the proposed operation to the local sewer agency.

### PROCESSING TIME

AVERAGE: 90 days

RANGE: 60 - 180 days

### FEE

None

### ENFORCEMENT AND PENALTIES

Up to \$1000/day administrative; up to \$10,000/day civil; and up to \$25,000/day criminal.

### APPEALS

Appeals are handled by the local sewer agencies.

### ADDITIONAL INFORMATION

Most pretreatment permits are issued by the local municipality. Only in the rare case of an industry in an outlying area does MDE issue this permit.

### FOR MORE INFORMATION CONTACT

Water Management Administration  
Karen Irons  
(301) 631-3621

## 4.05 Water and Sewage Construction Permits

### PURPOSE

The state must approve the construction plans and specifications of all community water supply systems, sewage treatment plants, sewage collection systems, and sludge treatment units, including incinerators.

### AUTHORITY

FEDERAL: None

STATE: Environment Article, Title 9, Subtitles 3 and 5;  
COMAR 26.03.02

### REQUIREMENTS

PRE-APPROVAL: Applicant must show they are included in the current county water and sewer plan.

POST APPROVAL: The project must be constructed in accordance with approved plans and specifications.

### APPLICATION PROCESS

1) Submit plans and specifications with 2 copies of permit applications to MDE's division of engineering and permits.

2) Division of engineering and permits will acknowledge receipt of plans and specifications, and assign a log number.

3) Division of project development and planning will confirm that either the project is in the currently effective county water & sewerage plan or that the service area is restricted for additional water/sewer services.

4) Division of engineering and permits will review plans and specifications for consistency with state design guidelines and issue permits when the project is considered consistent with the guidelines and regulations, and is in the county water & sewerage plan, and is in a service area that is not restricted.

### PROCESSING TIME

AVERAGE: 6 weeks

RANGE: 5 weeks to 2 years, depending on the completeness of the application and the design

### FEE

Effective July 1, 1991, MDE has the authority to charge a fee for permitting privately financed projects. Regulations that will specify the fee schedule are being developed.

### ENFORCEMENT AND PENALTIES

Constructing water or sewerage facilities without a valid construction permit or constructing not in accordance with the terms of an issued permit is a violation of state law and may cause the Department to issue an administrative order or seek civil action requiring corrective action, and subjects the violator to a penalty of up to \$1,000/day for each of violation.

### APPEALS

APPLICATION DENIALS: Applications are denied if the facility is not in the county comprehensive plan; this must be appealed to the county.

ENFORCEMENT ACTIONS: For actions taken for noncompliance with the permit, a written appeal can be made to the Director of the Water Management Administration.

### ADDITIONAL INFORMATION

None

### FOR MORE INFORMATION CONTACT

Division of Engineering and Permits  
John Stewart  
(301) 631-3767

## 4.06 Well Construction Permit

### **PURPOSE**

*To ensure a clean and adequate supply of underground drinking water, the state seeks to prevent contamination of aquifers from sources of underground pollution.*

### **AUTHORITY**

FEDERAL: None

STATE: Environment Article Title 9, Subtitle 13;  
COMAR 26.04.04

### **REQUIREMENTS**

**PRE-APPROVAL:** A site inspection is needed before the permit is issued.

**POST APPROVAL:** A certificate of potability must be issued by the local approving authority, based upon the results of water quality sampling, prior to the well being placed into service.

### **APPLICATION PROCESS**

The well construction permit is obtained by the well driller at the local health department.

### **PROCESSING TIME**

Issuance averages two weeks from application, but varies from county to county and with project complexity.

### **FEE:**

\$40 maximum; varies by county.

### **ENFORCEMENT AND PENALTIES**

Violations of the well drilling regulations are a misdemeanor.

### **APPEAL**

**APPLICATION DENIALS:** Denials must be first informally appealed to the county; the denial can then be appealed to MDE.

**ENFORCEMENT ACTIONS:** A written complaint will be served upon the alleged violator. The complaint will specify the nature and extent of the violation and may set time limits for corrections to be completed.

### **ADDITIONAL INFORMATION**

The applicant must contact the local health department. If the well is to be used for dairy operations, the applicant must contact the Maryland Department of Health and Mental Hygiene (DHMH). If the well is to be used for a public water supply, the applicant must contact MDE. The DHMH contact is Walter Hill at (301) 674-3777.

### **FOR MORE INFORMATION CONTACT**

Residential Sanitation Division  
Jane Gottfredson  
(301)631-3652



## 5.00 Toxics, Environmental Science and Health Administration

The mission of the Toxics, Environmental Science and Health (TESH) Administration is to protect and restore Maryland's environment with respect to toxic substances and radiation hazards. It provides a vital link between the state's environmental policy and the public's health. TESH is responsible for supplying the scientific and medical expertise to the public, private business, and governmental agencies. This technical expertise is used to assist the state decision-makers who need a full understanding of environmental health effects when developing policy. TESH formulates strategies and criteria for dealing with toxic chemicals that threaten our environment. It maintains a repository of information that facilitates both the special health effects studies it conducts and its responsibility as consultant and advisor to MDE. TESH also provides information to the citizens of Maryland about health issues related to radon, lead, asbestos, and other toxics of concern.

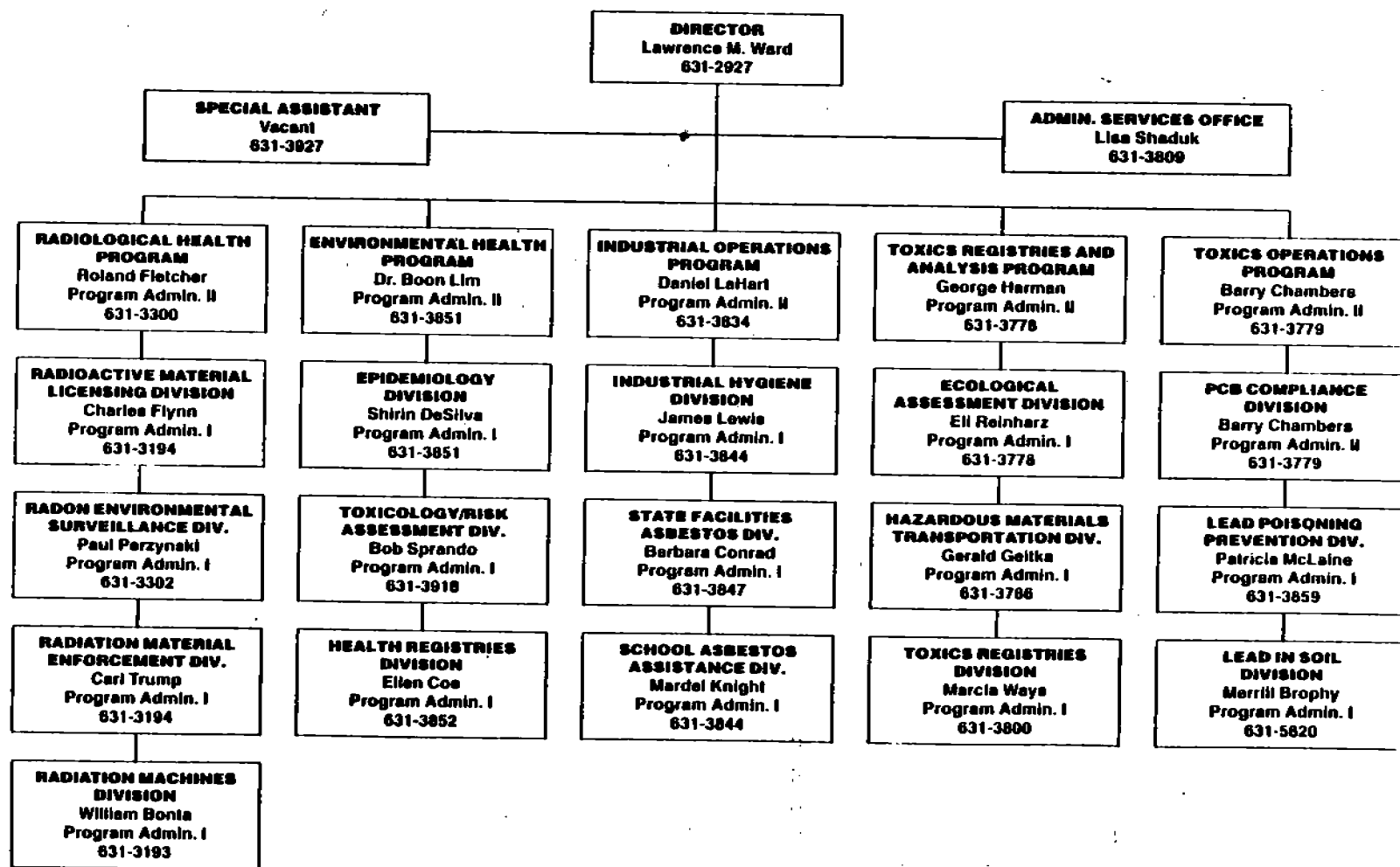
TESH is functionally organized into five major programs:

- 1) Radiological Health;
- 2) Environmental Health;
- 3) Toxics Operations;
- 4) Toxics Registries and Analysis; and
- 5) Industrial Operations.

These programs have been developed to meet the following objectives:

- To provide Maryland with an *integrated and rational approach to the threat of toxics and radiation* in our environment, whether present in the air, water or waste, and particularly in the delicate ecological systems of the Chesapeake Bay.
- To develop and implement specific strategies and new programs to *evaluate and address the threat of toxics* to Maryland's environment.
- To *provide consultation and technical and scientific assistance* on toxics and environmental health to the regulatory administrations within MDE, other state agencies and local governments.
- To *provide outreach and educational programs* on environmental health issues to public and private agencies and the citizens of Maryland.
- To function as a science and health-based *information resource* for the advancement of knowledge of environmental sciences, particularly environmental health, and for the practical application of that knowledge.

# Maryland Department of the Environment Toxics, Environmental Science and Health



## 5.01 Radiation Machine Facility Registration

### PURPOSE

*Before constructing or modifying any facility in which a radiation machine is to be used — such as for health, industrial, or scientific purposes — or changing the location of a machine, that facility must be registered. This is to ensure that the facility's structure meets certain qualifications, particular procedures are in place, specific records are kept, and special protection is available to those exposed. This is a one-time registration.*

### AUTHORITY

FEDERAL: None

STATE: Environment Article, Title 8, Subtitle 3;  
COMAR 26.12.01

### REQUIREMENTS

**PRE-APPROVAL:** Registration is contingent on a review and approval of the construction or modification plans. The facility must be registered before or at the same time the radiation machine is installed.

**POST-APPROVAL:** Except for portable machines, any change in location of a healing arts machine, even if it is a move from one room to another, is subject to plan review and re-registration.

### APPLICATION PROCESS

- 1) Applicant files a completed application with MDE, with a plan review by an outside contractor for the facility;
- 2) MDE sends out a registration form to be completed by the applicant; and
- 3) MDE issues the registration.

### PROCESSING TIME

AVERAGE: 3 weeks

RANGE: 1 week to 2 months

### FEE

Annual fees are required for machines used in dental and veterinary practices. This fee is \$30/machine for dentists and \$70/machine for veterinarians. The one-time

facility registration cost is between \$25 and \$50, depending on the type of use and whether the facility was legally registered in a timely manner.

### ENFORCEMENT AND PENALTIES

At any reasonable hour, an agent or employee of the MDE may enter a place of business or public premise to enforce these requirements. Written complaints may be followed by orders. Failure to comply with any applicable radiation statute, regulation, order, or registration condition may subject the machine user to penalties of up to \$10,000 per violation/day or discontinued use of the radiation machine. Authority for these actions is contained in the Environment Article, Title 8, Subtitle 5.

### APPEALS

Any affected person may file an appeal. Except where an emergency exists, the appeal will postpone the effect of an order. A hearing will be held, and a decision will be made in the form of a final order. Appeals of the final order may be filed in the local Circuit Court.

### ADDITIONAL INFORMATION

Fee payment is not necessary until the registration process is complete. An invoice will accompany the final registration approval. Older machines must also be certified (see 5.02).

### FOR MORE INFORMATION CONTACT

Radiological Health Program  
William Bonta  
(301) 631-3193

## 5.02 Certification of Machines Emitting Radiation

### PURPOSE

*All radiation machines in the state must pass the state's performance standards to ensure minimal health risk and optimal safety of anyone exposed to its radiation.*

### AUTHORITY

FEDERAL: 21 Code of Federal Regulations, Chapter I, Subchapter J

STATE: Environment Article, Title 8, Subtitle 3; COMAR 26.12.02

### REQUIREMENTS

**PRE-APPROVAL:** Not more than six months prior to the certification due date, the applicant must hire a state-licensed health physicist to examine the radiation machine and produce certification data. If violations are found, the machine must be repaired, then re-evaluated by the state-licensed physicist. An application must be submitted not less than 45 days prior to the certification due date.

**POST-APPROVAL:** It is expected that the radiation machine and all auxiliary devices, including film processing devices, will be maintained at optimum levels until the next periodically scheduled certification.

### APPLICATION PROCESS

- 1) Owner must have certified private inspector inspect the machine;
- 2) The inspector certifies to MDE that the machine functions properly and has had any necessary repair; and
- 3) MDE issues a certification sticker which must be put on the machine.

### PROCESSING TIME

**AVERAGE:** 45 days

**RANGE:** Up to six months (In cases where data is missing or a State follow-up inspection is necessary)

### FEE

\$100 or \$250/machine, depending on the use of the machine.

### ENFORCEMENT AND PENALTIES

At any reasonable hour, an agent or employee of MDE may enter a place of business or public premises to enforce these requirements. Written complaints may be followed by orders. Failure to comply with any applicable radiation statute, regulation, order, or licensing condition may subject the user to penalties of up to \$10,000 per violation/day or discontinued use of the radiation machine. Authority for these actions is contained in the Environment Article, Title 8, Subtitle 5.

### APPEALS

Any affected person may file an appeal. Except where an emergency exists, the appeal will stay the effect of an order. A hearing will be held and a decision will be made in the form of a final order. Appeals of the final order may be filed in the local Circuit Court.

### ADDITIONAL INFORMATION

Fee payment is not necessary until the certification process is complete. An invoice will accompany the final certification approval.

### FOR MORE INFORMATION CONTACT

Radiological Health Program  
William Bonta  
(301) 631-3193

## 5.03 Radioactive Materials License

### PURPOSE

*Individuals who possess or use radioactive materials must be licensed to ensure that they possess sufficient knowledge and training to use these materials in a manner that is safe both to themselves and the general public. "Radioactive materials" refers to any radioisotopes occurring naturally, produced by an accelerator, or generated as a by-product of a nuclear reactor.*

### AUTHORITY

FEDERAL: Section 274 of the Atomic Energy Act, which is implemented by the Nuclear Regulatory Commission (NRC)

STATE: Environment Article, Title 8, Subtitle 3; COMAR 26.12.01.01

### REQUIREMENTS

PRE-APPROVAL: (a) Training requirements will vary from four hours (use of a well-shielded device containing sealed radioisotopes) to a three-year training program (use of sealed sources in medical therapy on humans). b) Depending upon the specific use and circumstances, there may be no equipment required or there may be a requirement for extensive protective and monitoring equipment.

POST-APPROVAL: Continued license approval may depend on any or all of the following: status reports, inventories, routine surveys, semi-annual leak tests, periodic calibration of meters, and other routine equipment checks.

### APPLICATION PROCESS

1) The licensee fills out an application which is reviewed within a week of receipt.

2) If there are no inadequacies, the license is issued. If inadequacies do exist, they are referred back to the applicant by telephone. At the applicant's request a deficiency letter can be mailed listing the inadequacies to be addressed.

### PROCESSING TIME

AVERAGE: 1 month

RANGE: 1 to 24 months, depending on the complexity of the application

### FEE

Each licensee is assessed an annual user fee ranging from \$50 to \$1300, based on the complexity of the operation and the license.

### ENFORCEMENT AND PENALTIES

Routine inspections are conducted to ensure compliance. When violations occur, any of the following courses of action can be taken:

- 1) Issue written complaint requiring response;
- 2) Issue written notice requiring recipient to appear at a hearing;
- 3) Order correction of violations;
- 4) Pursue a civil penalty in Circuit Court of up to \$10,000 per violation/day
- 5) Impose a criminal penalty; or
- 6) Assess an administrative penalty of up to \$1,000 per violation/day, up to a maximum of \$50,000.

### APPEALS

Any affected person may file an appeal. Except where an emergency exists, the appeal will postpone the effect of an order. A hearing will be held and a decision will be made in the form of a final order. Appeals of the final order may be filed in the local Circuit Court.

### ADDITIONAL INFORMATION

Previous NRC licensure is accepted as proof of adequate training and experience.

### FOR MORE INFORMATION CONTACT

Radioactive Materials Licensing  
Charles Flynn  
or Radioactive Materials Enforcement  
Carl Trump  
(301) 631-3301

## 5.04 Private Inspectors' License

### PURPOSE

*By licensing individuals to inspect radiation machines, the cost of a state-performed inspection can be avoided.*

### AUTHORITY

FEDERAL: None

STATE: Environment Article, Title 8, Subtitle 3;

COMAR 26.12.02

### REQUIREMENTS

**PRE-APPROVAL:** A resume of accomplishments relating the combination of formal education and applied radiation machine experience must be forwarded to the Department with a request for the license.

**POST-APPROVAL:** At the request of the Department, a state-licensed inspector must be prepared to demonstrate that the inspection methods in use are at least as accurate and precise as those used by the Department. Inspectors must also be prepared to defend their work if the machine user should challenge it.

### APPLICATION PROCESS

- 1) The applicant must complete the required education and experience as found in COMAR 26.12.02;
- 2) The applicant must file a completed application with MDE; and
- 3) MDE issues the license.

### PROCESSING TIME

AVERAGE: 2 weeks

RANGE: 1 - 6 weeks

### FEE

None

### ENFORCEMENT AND PENALTIES

Denial; suspension, or revocation of a license may follow a determination that an inspector has

- 1) A conflict of interest;
- 2) Falsified data on a report;
- 3) Used an unacceptable inspection procedure;
- 4) Produced repeated errors in results;
- 5) Not filed a report following an inspection, or
- 6) Violated any other applicable regulation in this chapter.

Written complaints may be followed by orders. Failure to comply with any applicable radiation statute, regulation, order, or licensing condition may subject the inspector to penalties of up to \$10,000 per violation/day of continued violation. Authority for these actions is contained in the Environment Article, Title 8, Subtitle 5.

### APPEALS

Any affected person may file an appeal. Except where an emergency exists, the appeal will stay the effect of an order. A hearing will be held and a decision will be made in the form of a final order. Appeals of the final order may be filed in the local Circuit Court.

### ADDITIONAL INFORMATION

None

### FOR MORE INFORMATION CONTACT

Radiological Health Program

William Bonta

(301) 631-3193

## 5.05 Emergency Planning and Community Right to Know

### PURPOSE

The Emergency Planning and Community Right-to-Know Act of 1986 establishes requirements for industry and federal, state, and local governments regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. A facility may have reporting obligations under this law if:

- 1) it uses or stores an extremely hazardous substance (as defined under section 302 of the law); or
- 2) it is required to have a material safety data sheet for any of its substances under the Occupational Safety and Health regulations. Additionally, facilities that manufacture, process, or use a listed substance under Section 313 may be required to report their annual emissions of these chemicals. This information may have to be reported to the EPA, the State Emergency response Commission, and local authorities. These requirements are designed to help communities become better informed about potential chemical hazards.

### AUTHORITY

FEDERAL: Title III of the Federal Superfund Amendments and Reauthorization Act (SARA) of 1986

STATE: None

### REQUIREMENTS

None

### APPLICATION PROCESS

N/A

### PROCESSING TIME

N/A

### FEE

None

### ENFORCEMENT AND PENALTIES

Title 42 of the United States Code, Section 11045, (Section 325 of SARA) addresses the penalties for failure to comply with the requirements of this law. Civil and administrative penalties range up to \$75,000 per violation per day. Criminal penalties of up to \$50,000 or five years in prison for any person who knowingly or willfully fails to provide emergency release notification. Penalties of not more than \$20,000 and/or up to one year in prison may be given to any person who knowingly or willfully discloses any information entitled to protection as a trade secret.

### APPEALS

Handled through the federal court system.

### ADDITIONAL INFORMATION

None

### FOR MORE INFORMATION CONTACT

Toxic Registries and Analysis

Marcia Ways

(301) 631-3800

## 6.00 Environmental Boards

Three licensing Boards are located within the Maryland Department of the Environment: the State Board of Environmental Sanitarians, the State Board of Waterworks and Waste Systems Operators, and the State Board of Well Drillers. The Boards were established by the General Assembly.

The Boards were created to license and certify individuals as:

- 1) Environmental sanitarians;
- 2) Superintendents and operators of waterworks, wastewater works, and industrial wastewater works; and
- 3) Well drillers, water conditioner installers, and water pump installers.

Each Board is comprised of licensed members from each of the regulated professions and consumer members

who have had no previous connection to the respective profession. The Boards normally meet once a month to conduct regular business, but often hold special meetings to discuss legislation, regulations, and other matters requiring Board action.

In addition to *making policy*, the Environmental Boards *screen applicants* desiring entry into the professions, *administer competency examinations*, *evaluate continuing education* as a prerequisite for license renewal, and *take disciplinary action* against those licensees found guilty of violations of the law.



## 6.01 Environmental Sanitarians' License

### PURPOSE

The State Board of Environmental Sanitarians regulates those professionals who, on a routine basis, perform public health inspections and investigations related to the enforcement of Maryland's health laws and regulations. The areas in which these sanitarians work are

- 1) food and milk control;
- 2) air quality;
- 3) solid waste disposal;
- 4) insect & rodent control;
- 5) recreational sanitation;
- 6) water supply and treatment;
- 7) wastewater management and disposal;
- 8) vector control;
- 9) noise control; and
- 10) institutional and residential sanitation.

A single license is issued to an applicant who has demonstrated competence in these areas.

### AUTHORITY

FEDERAL: None

STATE: Environment Article, Title 11; COMAR 26.07.01-.04

### REQUIREMENTS

PRE-APPROVAL: A person may become licensed as a Maryland environmental sanitarian by demonstrating competence in either of two ways:

- 1) A person with a college degree must:

- a. obtain a Certificate of Eligibility for Employment after fulfilling the Board's minimum qualifications, as stated in (c) below and submitting a completed application which includes:

- a completed application form;
- the application fee; and
- official college transcripts showing at least 30 science credits and 1 math credit;

- b) then complete supervised training as an environmental sanitarian under a licensed sanitarian by working:

- 24 months if applicant has less than 60 college science credits, or
- 12 months if applicant has at least 60 science credits;

- c) finally, pass the Board's licensing exam.

or,

- 2) Persons with 2 years' work experience as an environmental sanitarian prior to June 30, 1985 must:

- a) show proof of having performed the relevant work by submitting:

- a detailed account of the duties performed; or

- 3 reference forms verifying the relevant employment; and

- b) meet one of seven other criteria.

POST-APPROVAL: The environmental sanitarian license is renewable every two years upon payment of a fee and satisfactory completion of 20 hours' training in the field of environmental health.

### APPLICATION PROCESS

- 1) The Board normally meets on the first Wednesday of each month and reviews all completed applications.

- 2) Written notification of the Board's decision and additional instructions for completing the license requirements are sent to each applicant.

- 3) The Certificate of Eligibility for Employment or the License is issued after all requirements have been met.

### PROCESSING TIME

Written notification of the Board's decision is sent to applicant within one week of the monthly meeting.

### FEES

\$15 with the application; \$25 for the original license; \$50 biannual renewal fee; \$60 for the examination

### ENFORCEMENT AND PENALTIES

Section 11-312 of the Environment Article authorizes the Board to take disciplinary action against any licensee found guilty of committing any of 15 offenses. Section 11-402 states that a person who violates any provision of Section 11-301 or Section 11-401 is guilty of a misdemeanor and on conviction can be fined or imprisoned.

### APPEALS

A person whose application for licensure has been denied may submit a written appeal to the Board. A licensee who has been disciplined by the Board has the right to a hearing before the Board.

### ADDITIONAL INFORMATION

Exams are generally given in April, August, and December of each year.

### FOR MORE INFORMATION CONTACT

State Board of Environmental Sanitarians

Deidre Johnson

(301) 631-3168

## 6.02 Waterworks and Waste Systems Operators' Certification

### PURPOSE

*Any operator or superintendent operating a water treatment plant, water distribution system, wastewater treatment plant, wastewater collection system or industrial wastewater work must be certified by the state board of waterworks and waste systems operators. This is to ensure a safe public water supply and protection of the environment.*

### AUTHORITY

FEDERAL: 40 Code of Federal Regulations 141.70 (C)

STATE: Environment Article, Title 12; COMAR 26.06.01

### REQUIREMENTS

PRE-APPROVAL: A minimum of a high school education and 1-3 years of related work experience (varies according to the specific work classification)

POST-APPROVAL: the triannual renewal requires mandatory training (COMAR 26.06.01.04)

### APPLICATION PROCESS

- 1) File an application along with the supportive documentation (diploma, verification of employment, etc.) to the State Board;
- 2) Pass necessary certification examination(s); and
- 3) Pay certificate fee.

### PROCESSING TIME

AVERAGE: 1 month

RANGE: 2 weeks - 3 months

### FEES

Examination fee .....	\$25
Certificate fee .....	\$15
Renewal fee for the 1st certificate .....	\$40
and \$5. for each additional.	

### ENFORCEMENT AND PENALTIES

Violations of applicable laws are considered misdemeanors and are subject to maximum fines of \$25 per day of violation.

### APPEALS

An appeal may be initiated by sending a written request to the Board secretary and/or by taking a direct judicial appeal.

### ADDITIONAL INFORMATION

The Board must receive applications before April 1 and October 1 for the May and November exams, respectively.

### FOR MORE INFORMATION CONTACT

Board of Waterworks and Waste Systems Operators  
Oktay M. Ertugrul  
(301) 631-3167

## 6.03 Well Drillers' License

### PURPOSE

*The State Board of Well Drillers regulates individuals who install water supply and geotechnical wells, water pumps, and water conditioners by setting standards and administering qualifying examinations which lead to licensure for those specific activities.*

### AUTHORITY

FEDERAL: None

STATE: Environment Article, Title 13; COMAR 26.05.01-04

### REQUIREMENTS

**PRE-APPROVAL:** A person may become licensed by satisfying the Board's minimum experience qualifications for the license and passing the Board's licensing examination.

**POST-APPROVAL:** All licenses expire on June 1 of each odd year. They may be renewed for a two-year term upon payment of the renewal fee, proof of satisfactory completion of 20 hours of Board-approved training related to the practice, and, in some cases, submission of valid bonding and insurance documents.

### APPLICATION PROCESS

Each applicant must:

- 1) Complete the Board's application and return it along with the fee; and
- 2) Submit a detailed account of work experience as well as any professional certification related to the license sought.

### PROCESSING TIME

The Board normally meets once a month, on the fourth Wednesday of each month. All completed applications are reviewed at this time. Written notification of approval or denial is sent to the applicant within one week after the Board meeting. If the Board receives the required information in a timely manner, processing time is less than 60 days.

### FEES

\$25 with the application

\$50 biannual renewal fee

Master Well Drillers must pay a \$100 biannual renewal fee

### ENFORCEMENT AND PENALTIES

Section 13-310 of the Environment Article authorizes the Board to take disciplinary action against any applicant or licensee who has violated any law, rule, or regulation that applies to the practice of well drilling, has fraudulently used or obtained a license, or is guilty of gross negligence, incompetence, or misconduct. Section 13-505 states that a person who violates any provision of Title 13 is guilty of a misdemeanor and on conviction can be fined or imprisoned.

### APPEALS

A person whose application for licensure has been denied by the Board may appeal that decision by requesting a hearing before the Board. After a hearing, any person dissatisfied with a final decision of the Board in a contested case may make an appeal as outlined in State Government Article, Title 10.

### ADDITIONAL INFORMATION

A license does not permit a licensee to construct or modify a well without first obtaining a permit to drill a well from the Department of the Environment and, if appropriate, a water appropriation or use permit from the Department of Natural Resources.

### FOR MORE INFORMATION CONTACT

State Board of Well Drillers

Willie M. Everett

(301) 631-3168

## Response Form

We are very interested in your suggestions and comments regarding our first edition of this handbook. As funds permit, we will continue to make improvements and publish updates. Your evaluation of the form and content of this handbook is welcome and will help us continually improve the usefulness of this document.

If you would like to make comments or suggestions,

please fill out the bottom of this form and send it to

Timmerman Daugherty, Director, Office of Community Assistance, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224

Please feel free to use the back of the form or additional paper.

### ENVIRONMENTAL REGULATION:

*A Business Guide to the Maryland Department of the Environment's Permitting Process*  
1st Edition, July 1991

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone number: \_\_\_\_\_

Fax: \_\_\_\_\_

Comments: \_\_\_\_\_

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## Notes

DST 92-4 Greiner's Invoicing Procedures



DST 92-4

# Maryland Aviation Administration

"Striving to do our best in everything we do - dedicated to providing outstanding airport facilities and services."

Theodore E. Mathison Administrator

June 17, 1992

TO NOTE	AN					
CONCURRED	SL					
DATE	6/15/92					

Mr. George H. Eichner, P.E.  
Vice President  
Greiner, Inc.  
Suite 200  
2219 York Road,  
Timonium MD 21093-3111

Dear Mr. Eichner:

Subject: Invoicing Procedures

Effective immediately, the following procedures should be used for processing construction contractors invoices submitted to Greiner for approval.

- Following review/approval by Greiner, invoices should be hand delivered to the MAA Office of Planning & Engineering (OP&E). The invoice(s) should be addressed to "Manager, Construction Services Section" and be marked "Urgent, Contractor Invoice".
- The invoice should be handed to a member of the OP&E staff and the delivery log should be signed by the OP&E person receiving the invoice.

If you should have any questions regarding this matter, please contact me at 859-7093.

Sincerely,

Benjamin Chin, P.E.  
Manager, Design Services

cc: Mr. Emory Carrigan  
Mr. Alex Noorani

DST 92-5      Preformed Thermoplastic Pavement Marking System – Reviewed But Not  
Approved As Standard





## Maryland Aviation Administration

*"Striving to do our best in everything we do - dedicated to providing outstanding airport facilities and services."*

*Subject File:  
Design Updates*

*DST 92-5*

Theodore E. Mathison Administrator

July 17, 1992

Mr. Kyle Goldsmith  
Federal Aviation Administration  
Washington Airports District Office  
101 West Broad Street, Suite 300  
Falls Church, VA 22046

Dear Mr. Goldsmith:

Subject: Preformed Thermoplastic Pavement Marking System

Attached for your information and review is a copy of literature for "Premark" a thermoplastic pavement marking, manufactured by Flint Trading, Inc.

This material has been used with excellent results by the Maryland Department of Transportation, State Highway Administration on a number of projects. The Maryland Aviation Administration has also applied this material, as rumble strips, at the exit from the overpass bridge. It is the manufacturer's opinion that this type of marking will last seven times longer than tape or paint markings.

This material appears to be a good candidate for use on airport pavements. We request your approval to use this material on a trial basis on the next federally funded pavement project.

If you should have any questions regarding this matter, please contact me at 410-859-7593.

Sincerely,

Alex Noorani,  
Director,  
Division of Engineering

bcc: Mr. Benjamin Chin  
Mr. Duncan Henderson

AN/as  
Attachment

P.O. Box 8766, BWI Airport, Maryland 21240-0766 (301) 859-7100

FAX: (301) 850-4729 TDD for the hearing impaired (301) 859-7227

The Maryland Aviation Administration is an agency of the Maryland Department of Transportation



# FLINT TRADING, INC.

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PREMARK BROCHURE

PREMARK BROCHURE

RED

RIPACK BROCHURE

YELLOW

PRICE LIST

GREEN

SUGGESTED SPECIFICATION FOR PREMARK  
SUGGESTED SPECIFICATION FOR RIPACK

CLEAR

APPLICATION PROCEDURES

BLUE

**FLINT TRADING CO.**

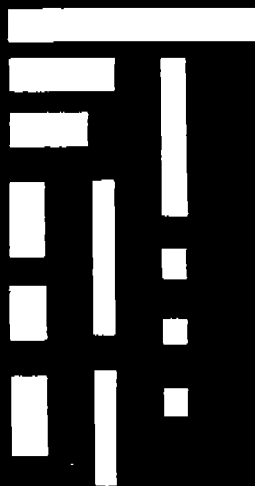
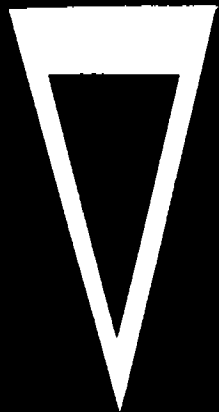


**HANS FALKNER JENSEN**

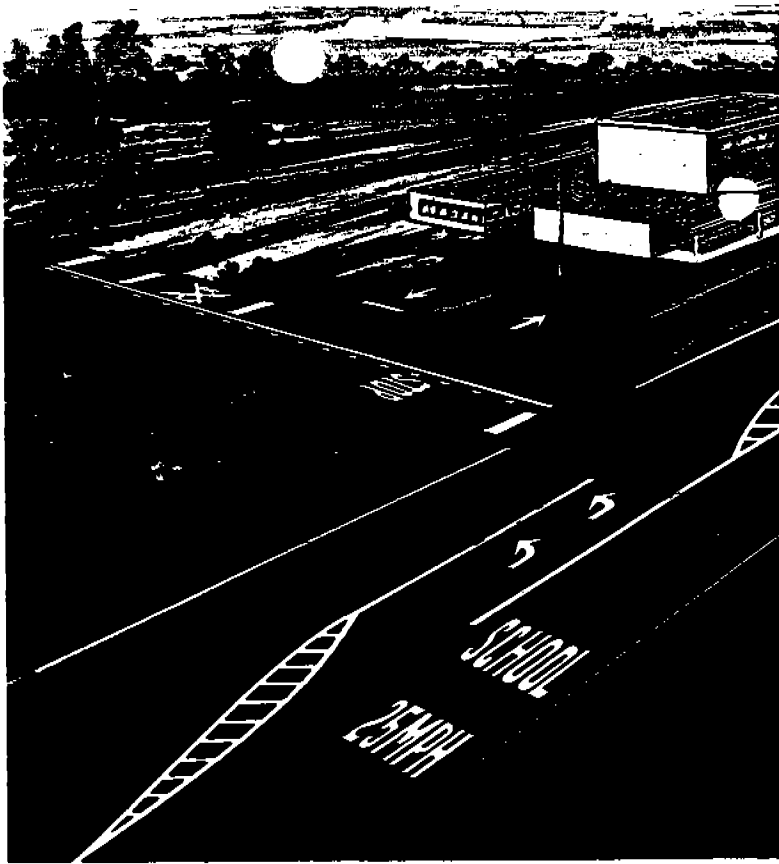
Please Note  
Our New  
Phone Number  
And Address

**PHONE (919) 294-4911**  
**FAX (919) 632-1578**

**P.O. BOX 19147**  
**GREENSBORO, NC 27419**  
**3404-K W. WENDOVER AVE.**  
**GREENSBORO, NC 27407**



**Preformed Thermoplastic  
Pavement Markings**



## Heavy-Duty

PREMARK® was engineered for use in intersections where maximum wear and tear is present. Turning truck traffic. Heavy urban traffic. PREMARK® does not slip, "peel up" or in any other way lose its adhesion.

Since 1980 it has been road tested by motorists in the United States, Europe, Australia and Asia. PREMARK® has earned its reputation as a truly heavy-duty intersection grade pavement marking by doing the job.

The reason is simple. PREMARK® is a thermoplastic which is heated into the asphalt and becomes part of the asphalt. PREMARK® only moves if the asphalt itself moves. A sealer has to be used on Portland cement and other non-asphaltic surfaces.

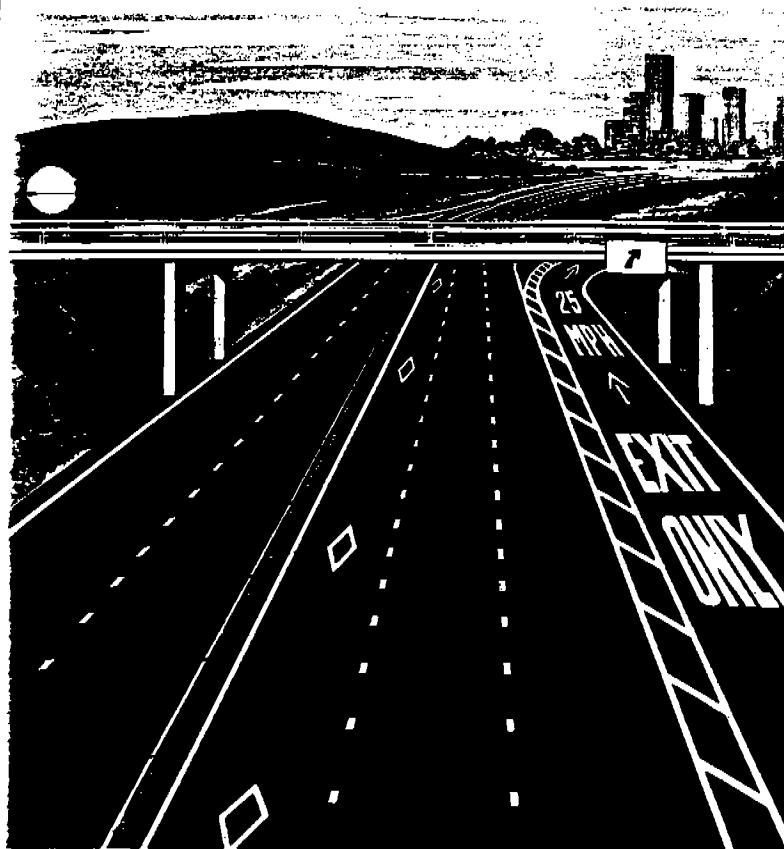
## Safety

PREMARK's® superior skid resistance significantly reduces skidding on road markings by motorists, pedestrians, bicyclists and motorcyclists.

Skidding is not only dangerous but costly. The manufacturer of PREMARK® realized that in 1980 and decided to do something about it. They designed PREMARK's® skid resistance so it is very close to that of the pavement itself.

PREMARK® also enhances road worker safety. Where traffic obstructions have to be minimized and space for big equipment is scarce, road worker safety is enhanced by using PREMARK® as NO BULKY CAPITAL EQUIPMENT IS NECESSARY. The road workers do not actually come in contact with the hot thermoplastic, thereby creating a safer work environment in high traffic areas.





## Cost-Effective

PREMARK® is economical due to its long lifetime, simple and inexpensive application and year-round use.

PREMARK® offers exceptional adhesion on all roads — on the average road, under average-to-bad conditions, even if applied by inexperienced workers. Rough asphalt and concrete. Coarse, uneven pavement. PREMARK® lasts.

Due to its preformed shape, PREMARK® reduces the work-time on the road and traffic obstruction as the workers DO NOT have to make the legends by using templates.

With shrinking labor forces and growing budget restraints, PREMARK® offers a way to apply long-lasting pavement markings with one person and a propane gas tank and blow torch. No specialized labor or expensive equipment is necessary.

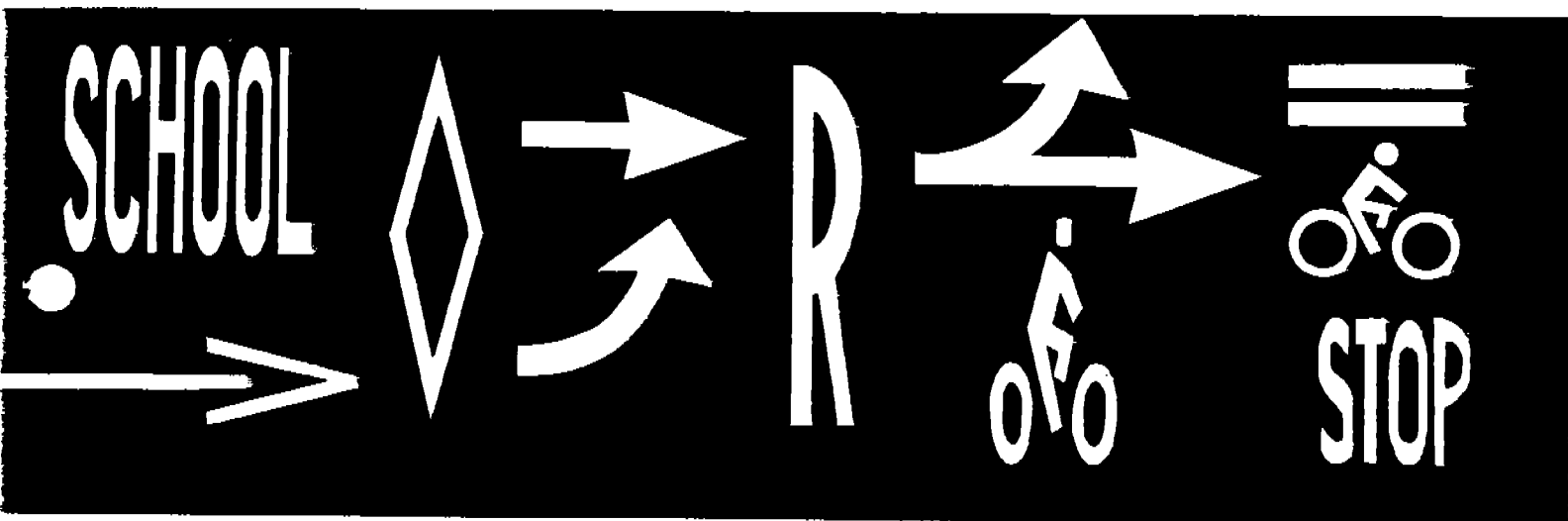
## Year-Round Use In A Safe Environment

PREMARK® does not require the pavement to be a certain temperature for it to properly adhere.

The pavement temperature can be as low as your staff can stand it, and it will work. It is not necessary to preheat the pavement to a certain temperature except to remove possible humidity in the surface.

As a result, the pavement marking season can be extended in various regions. Please note that the material cannot be applied in wet conditions.

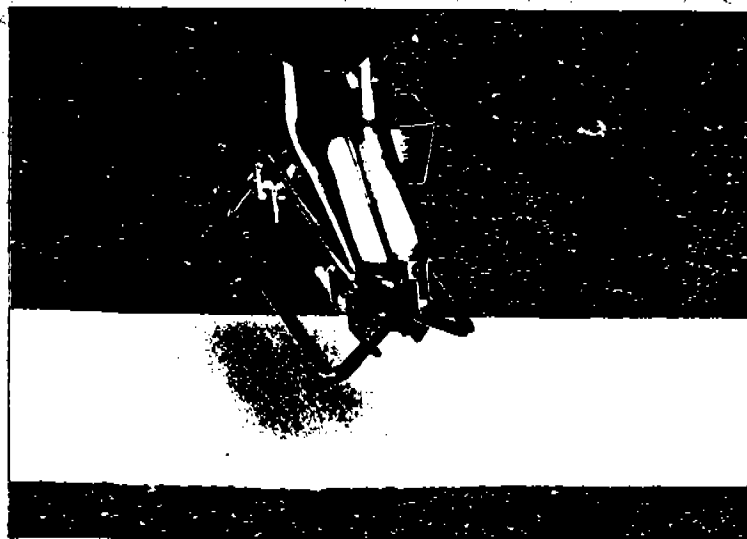
Environmentally, PREMARK® is not harmful to the air or the users. It is composed of non-toxic materials so there is no hazardous waste. In fact, the cardboard and plastic sheets between the PREMARK® layers are even recyclable.



# RIPACK 920 EX-24

FLINT TRADING, INC.

\$ 749.00  
Rent AS WELL  
\$100/WEEK



The RIPACK 920 EX-24 is a safe, easy to use heat gun designed to apply PREMARK<sup>®</sup>, a preformed thermoplastic pavement marking system. Ignition is automatic; just press the trigger and the torch is instantly lighted. No batteries are needed as the spark is generated by piezo-electric ignition.

## SAFETY

The propane gas burns outside of the nozzle so the nozzle remains cold. Immediately after you finish the job you can touch the nozzle without risk of burns.

The torch is extinguished when the trigger is released and the safety lock prevents the trigger from being pressed accidentally. The Excess Flow POL valve cuts off the fuel supply in case the hose should break.

To Order Call 919-294-4911

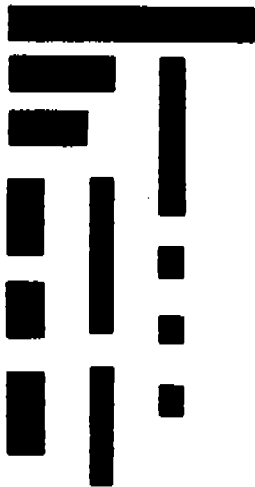
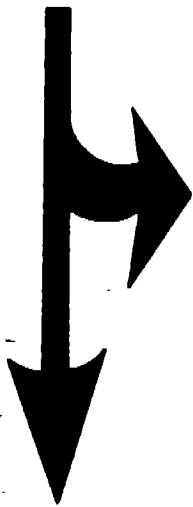
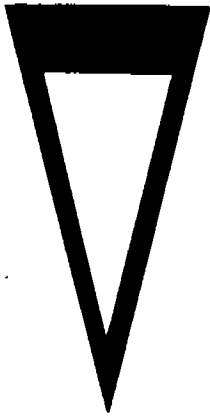
**The RIPACK 920 EX-24  
consists of:**

- 1 RIPACK 920 EX-24 Heat Gun
- 25' High pressure hose
- 1 Pre-adjusted regulator valve with built in excess flow POL

**TECHNICAL FEATURES:**

- Weight of torch: 3.5 lbs.
- Length: Minimum 35"
- Power: 142800 BTU
- Max. gas consumption in continuous duty: 7.2 lbs./hour
- Fuel: Pressure regulated propane gas at 50 PSI.
- Nozzle: Stainless steel nozzle grid





# PRICE LIST

Effective March 1, 1991

Subject to change without notice.



## Preformed Thermoplastic Pavement Markings

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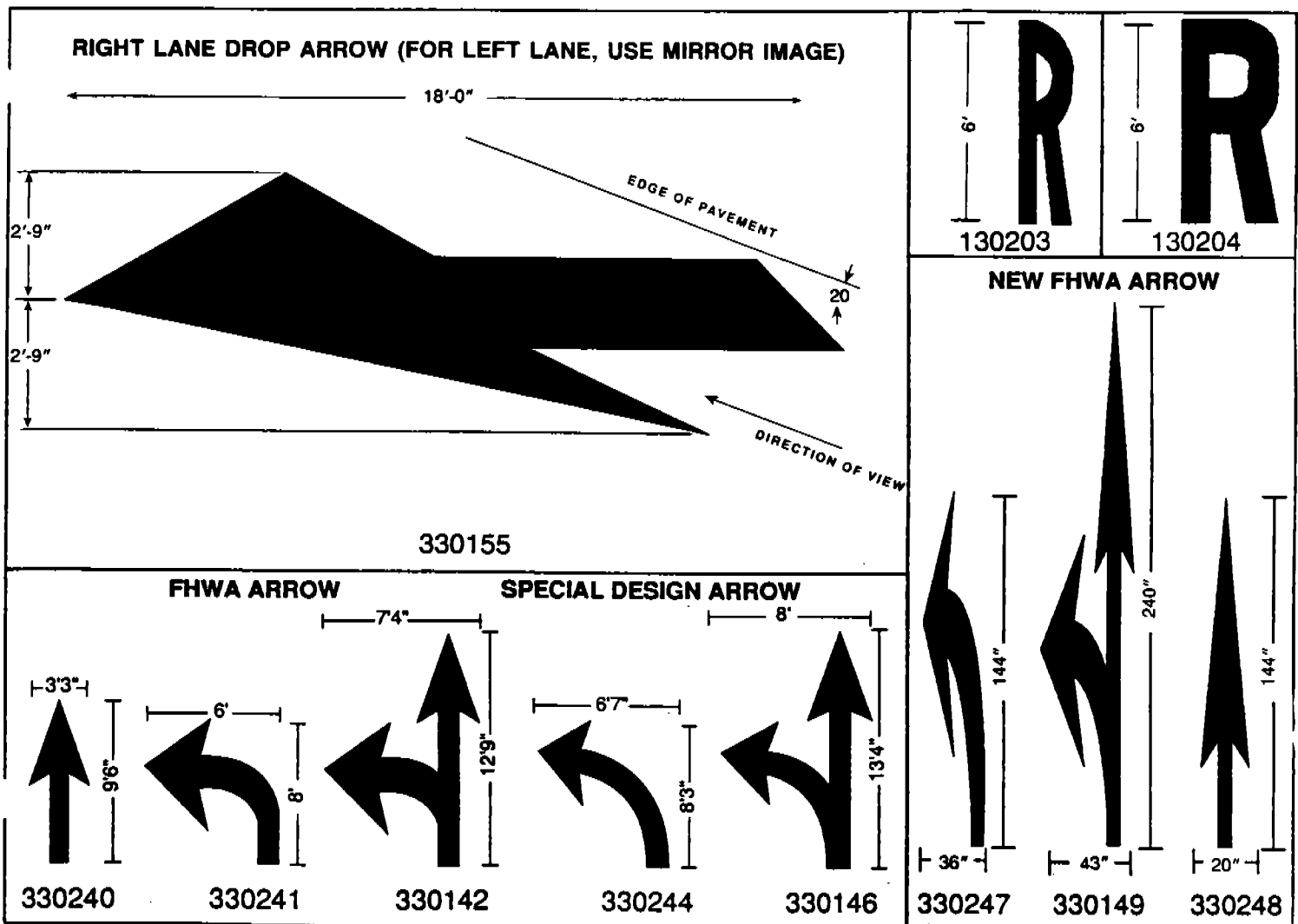
# FLINT TRADING, INC.

PRICE LIST VALID FROM MARCH 1, 1991

DESCRIPTION	SIZE	ORDER #	PRICE PER FOOT/ PIECE	QUANTITY PER PACKAGE	PRICE PER PACKAGE	REMARK
PREMARK 125 MILS THICKNESS						
-----						
LINES WHITE	4" X 3'	432060	\$0.95 /FOOT	60 FEET	\$57.00	
LINES YELLOW	4" X 3'	432060Y	\$0.95 /FOOT	60 FEET	\$57.00	
LINES BLUE	4" X 3'	432060B	\$0.95 /FOOT	60 FEET	\$57.00	
LINES BLACK	4" X 3'	432060BK	\$0.95 /FOOT	60 FEET	\$57.00	
LINES GREY	4" X 3'	432060G	\$0.95 /FOOT	60 FEET	\$57.00	
LINES WHITE	4" X 2'	433070	\$0.95 /FOOT	60 FEET	\$57.00	MINI SKIPS
"BUNDY" WHITE	5" X 5"	430055	\$0.49 /EA	140 PCS	\$68.60	RPM ADHESIVE
"BUNDY" YELLOW	5" X 5"	430055Y	\$0.49 /EA	140 PCS	\$68.60	RPM ADHESIVE
"BUNDY" BLACK	5" X 5"	430055BK	\$0.49 /EA	140 PCS	\$68.60	RPM ADHESIVE
LINES WHITE	6" X 3'	432061	\$1.42 /FOOT	60 FEET	\$85.20	
LINES YELLOW	6" X 3'	432061Y	\$1.42 /FOOT	60 FEET	\$85.20	
LINES BLACK	6" X 3'	432061BK	\$1.42 /FOOT	60 FEET	\$85.20	
LINES GREY	6" X 3'	432061G	\$1.42 /FOOT	60 FEET	\$85.20	
LINES WHITE	8" X 3'	432062	\$1.90 /FOOT	60 FEET	\$114.00	
LINES YELLOW	8" X 3'	432063Y	\$1.90 /FOOT	60 FEET	\$114.00	
LINES WHITE	12" X 3'	431064	\$2.84 /FOOT	30 FEET	\$85.20	
LINES YELLOW	12" X 3'	431064Y	\$2.84 /FOOT	30 FEET	\$85.20	
LINES WHITE	16" X 3'	431065	\$3.80 /FOOT	30 FEET	\$114.00	
LINES WHITE	18" X 3'	431067	\$4.30 /FOOT	30 FEET	\$129.00	
LINES WHITE	24" X 3'	430566	\$5.60 /FOOT	15 FEET	\$84.00	
"SCHOOL"	10'	120100	\$248.00 /PCS	1 PCS	\$248.00	FHWA STANDARD
"SCHOOL"	8'	110101	\$193.00 /PCS	1 PCS	\$193.00	FHWA STANDARD
"ONLY"	8'	130102	\$124.00 /PCS	1 PCS	\$124.00	FHWA STANDARD
"R X R"	6'-16"X22'	130103	\$240.00 /PCS	1 PCS	\$240.00	FHWA STANDARD
"R X R" SD	6'-16"X22'	130119	\$240.00 /PCS	1 PCS	\$240.00	SPECIAL DESIGN
"R"	6'	130203	\$35.50 /PCS	2 PCS	\$71.00	FHWA STANDARD
"R" SD	6'	130204	\$35.50 /PCS	2 PCS	\$71.00	SPECIAL DESIGN
"STOP"	8'	130104	\$124.00 /PCS	1 PCS	\$124.00	FHWA STANDARD
"SIGNAL"	8'	130105	\$172.00 /PCS	1 PCS	\$172.00	FHWA STANDARD
"AHEAD"	8'	130106	\$172.00 /PCS	1 PCS	\$172.00	FHWA STANDARD
"X-ING"	8'	130107	\$129.00 /PCS	1 PCS	\$129.00	FHWA STANDARD
"RIGHT"	8'	130108	\$135.00 /PCS	1 PCS	\$135.00	FHWA STANDARD
"LEFT"	8'	130109	\$110.00 /PCS	1 PCS	\$110.00	FHWA STANDARD
"SLOW"	8'	130110	\$124.00 /PCS	1 PCS	\$124.00	FHWA STANDARD
"THRU"	8'	130111	\$128.00 /PCS	1 PCS	\$128.00	FHWA STANDARD
"TURN"	8'	130112	\$128.00 /PCS	1 PCS	\$128.00	FHWA STANDARD
"LANE"	8'	130113	\$128.00 /PCS	1 PCS	\$128.00	FHWA STANDARD
"PED"	8'	130114	\$103.00 /PCS	1 PCS	\$103.00	FHWA STANDARD
"WPH"	8'	130115	\$103.00 /PCS	1 PCS	\$103.00	FHWA STANDARD
"MERGE"	8'	130116	\$178.00 /PCS	1 PCS	\$178.00	FHWA STANDARD
"BUS"	8'	130117	\$103.00 /PCS	1 PCS	\$103.00	FHWA STANDARD
"FIRE"	8'	130118	\$124.00 /PCS	1 PCS	\$124.00	FHWA STANDARD
"EXIT"	8'	130120	\$124.00 /PCS	1 PCS	\$124.00	FHWA STANDARD
"1"	8'	130501	\$13.00 /PCS	5 PCS	\$65.00	FHWA STANDARD
"2-3-4-5-6-7-8-9-0"	8'	130502-0	\$34.00 /PCS	5 PCS	\$170.00	FHWA STANDARD
NO PARKING	12"	130133	\$72.00 /PCS	1 PCS	\$72.00	
TURN ARROW STD. FHWA	8'	330241	\$86.00 /PCS	2 PCS	\$172.00	FHWA STANDARD
STRAIGHT ARROW STD. FHWA	9'6"	330240	\$75.00 /PCS	2 PCS	\$150.00	FHWA STANDARD
COMBI ARROW STD. FHWA	12'9"	330142	\$156.00 /PCS	1 PCS	\$156.00	FHWA STANDARD
TURN ARROW SD	8'3"	330244	\$86.00 /PCS	2 PCS	\$172.00	SPECIAL DESIGN
COMBI ARROW SD	13'4"	330146	\$156.00 /PCS	1 PCS	\$156.00	SPECIAL DESIGN
TURN ARROW NEW FHWA	12'	330247	\$85.00 /PCS	2 PCS	\$170.00	FHWA STANDARD
STRAIGHT ARROW NEW FHWA	12'	330248	\$75.00 /PCS	2 PCS	\$150.00	FHWA STANDARD
COMBI ARROW NEW FHWA	20'	330149	\$150.00 /PCS	1 PCS	\$150.00	FHWA STANDARD
LANE DROP ARROW	18'	330155	\$224.00 /PCS	1 PCS	\$224.00	MD, CA STANDARD

DESCRIPTION	SIZE	ORDER #	PRICE PER FOOT/ PIECE	QUANTITY PER PACKAGE	CE PER PACKAGE	REMARK
HANDICAP SYMBOL WHITE	39"	230520	\$38.00 /PCS	5 PCS	\$190.00	INTERNATIONAL DESIGN
HANDICAP SYMBOL BLUE	39"	230520B	\$40.00 /PCS	5 PCS	\$200.00	INTERNATIONAL DESIGN
HANDICAP KIT WHT ON BLUE BKGD. 4' X 4'		230130	\$98.00 /PCS	1 PCS	\$98.00	INTERNATIONAL DESIGN
HANDICAP KIT BLUE ON WHT BKGD. 4' X 4'		230131	\$98.00 /PCS	1 PCS	\$98.00	INTERNATIONAL DESIGN
BICYCLE TRAIL SYMBOL	4'	230522	\$58.00 /PCS	5 PCS	\$290.00	FHWA STANDARD
BICYCLE DESIGNATED LANE SYMB. 8'X4'		230223	\$100.00 /PCS	2 PCS	\$200.00	FHWA STANDARD
BICYCLE DESIGNATED LANE SYMB. 4'X2'		230525	\$58.00 /PCS	5 PCS	\$290.00	FHWA STANDARD
<b>ACCESSORIES</b>						
-----						
RIPACK 920 EX-24	4"	530101	\$749.00 /PCS	1 PC	\$749.00	CPL. KIT EXCL. CYLINDER
EL-BROOM		530102	\$56.00 /PCS	1 PC	\$56.00	INCL. CHARGER
PLIOBOND 20 SEALER	1 QUART	631201	\$11.00 /QUART	12 QUARTS	\$132.00	( SHOULD BE USED
PLIOBOND 20 SEALER	1 GALLON	630402	\$33.50 /GAL	4 GAL	\$134.00	( WHEN PREMARK IS
PLIOBOND 20 SEALER	5 GALLON	630103	\$32.70 /GAL	5 GAL	\$163.50	( APPLIED ON CONCRETE
C-20 LPG CYLINDER	20 LBS. CAP.	530105	\$45.20 /PCS	1 PC	\$45.20	
C-30 LPG CYLINDER	30 LBS. CAP.	530106	\$58.00 /PCS	1 PC	\$58.00	
C-40 LPG CYLINDER	40 LBS. CAP.	530107	\$77.30 /PCS	1 PC	\$77.30	
C-100 LPG CYLINDER	100 LBS. CAP.	530115	\$132.00 /PCS	1 PC	\$132.00	
CYLINDER DOLLY CD100	FOR C 20-40	530108	\$73.50 /PCS	1 PC	\$73.50	

ALL PRICES ARE FOB GREENSBORO, N. CAROLINA. PLEASE STIPULATE QUANTITY IN PACKAGES WHEN YOU ORDER.  
SPECIAL LEGENDS/SYMBOLS CAN BE MADE ACCORDING TO YOUR DESIGN IN WHITE, YELLOW, BLUE, RED, GREY OR BLACK.  
TO ORDER PLEASE CALL 919/294-4911



# TERMS AND CONDITIONS OF SALE

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## WARRANTY:

Flint Trading, Inc. warrants to the original buyer PREMARK® products against defective materials for a period of one year from date of delivery of the goods. Seller's sole obligation under this warranty is, at its option, to provide replacement material where it appears to Seller's satisfaction that the defect was present at the time of delivery of the goods. Warranty does not apply to items that have been altered or subjected to misuse or negligence.

## PRICES:

Prices are subject to change without notice. Prices charged will be those in effect at the time of acceptance of the order.

## ACCEPTANCE:

All orders are subject to acceptance by an officer of Flint Trading, Inc.

## PRODUCT CHANGES:

Our manufacturer is constantly at work improving the products. Therefore, in order to incorporate new technological advances, we reserve the right to alter chemical nature, specification, design or weight. Flint Trading, Inc. shall not be required to modify goods already sold or in service.

## FREIGHT POLICY:

FOB our warehouse in Greensboro, NC, unless otherwise informed.

## RESTOCKING CHARGES:

No merchandise may be returned for credit without the Seller's prior approval, and only with the transportation charges prepaid. A 15% (fifteen percent) restocking charge will be deducted from any credit issued.

## PAYMENTS:

Seller's prices are calculated on a "cash with order" basis. Therefore, all orders are COD basis unless credit is already established by an acknowledged credit application.

Terms on established credit accounts are net on presentation. Balances unpaid after 30 days from date of invoice are subject to a service charge of 1-1/2% (one and one-half percent) per month or maximum allowed by law, if different, together with expenses incidental to collection, including specifically set forth reasonable attorneys' fees of 20% (twenty percent) on the unpaid balance.

## CLAIMS, DAMAGES, SHORTAGES:

Any claims for shortages or goods damaged in transit must be made within 10 days after receipt of the merchandise. All claims should be made to the delivering carrier by the consignee.

## TAXES:

The price of the products specified herein is exclusive of any federal, state or local taxes.

The Buyer is responsible for any federal, state, or local taxes that apply.

The Buyer agrees to reimburse Seller for any taxes it might ultimately be obligated to pay as a result of this sale which normally would have been collected at time of sale.

## IMPORTANT NOTICE:

Should a product prove to be defective or unsuitable in any way, it is understood that the Seller's and manufacturer's limit of liability for all damages, including but not limited to direct, incidental or consequential injury, loss or damage arising out of the use of or the inability to use the product, shall be to repair the defective product, or to provide equivalent quantity of replacement product. Before using, user shall determine the suitability of the product for its intended use, and user assumes all risk and liability whatsoever in connection therewith.

## FLINT TRADING, INC.

MAILING ADDRESS: P.O. Box 19147 • Greensboro, NC 27419      PHONE: (919) 294-4911  
DELIVERY ADDRESS: 3404-K W. Wendover Ave. • Greensboro, NC 27407 • FAX: (919) 632-1578

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# PREMARK®

## Heavy-Duty Intersection Grade

### Preformed Thermoplastic Pavement Markings

#### Composition

PREMARK® is a thermoplastic that consists of aggregates, pigments, binders and reflective glass beads. This composition enables the letters to be preformed, allows reasonable handling at normal temperatures and enables the product to liquify and fuse together with the road surface when heated with a simple propane torch.

#### Appearance

Standard colors are white and yellow, however, other colors can be special ordered. The product complies with standards outlined in the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration. The thickness is 125 mil. Non-standard signs, symbols and letters can be special ordered.

#### Durability

When correctly applied, PREMARK® is permanently bonded to the road surface and is suitable for all traffic conditions on any type of road and will last at least as long as machine applied thermoplastic markings. Under normal conditions, the material will not chip or crack. It has superior self-cleaning abilities as well as an excellent skid resistance of over 55 BPN.

#### Effect of Chemicals and Climate

PREMARK® is oil and gas resistant and is not affected by water, atmospheric pollution, salt and other substances likely to come into contact with it in normal use. PREMARK® resists damage by frost and snow under normal conditions.

#### Reflectivity

The inclusion of 30% glass beads in the thermoplastic material provides excellent reflectivity throughout the lifetime of the product.

#### Applications

PREMARK® is ideal for all types of roads and pavements including concrete. PREMARK® is also designed for ease of application on parking lots, docks, airports and similar locations.

The product is particularly useful in intersections, and other situations

where heavy-duty special markings and transverse lines are necessary. PREMARK® can be applied on top of old thermoplastic, but not on paint or tape.

#### Packaging

The markings are packed in protective plastic film with cardboard stiffeners where necessary to prevent damage in transit. Complete markings are then packed into nonreturnable cartons which are labeled for ease of identification. For ease of handling, storage and on-site application, PREMARK® packages do not exceed 40" in length and 24" in width, and weigh an average of 40 lbs. per carton.

#### Sitework

The road markings can be laid down by one or two unskilled men quickly and easily. No equipment is required apart from a simple propane torch.

Sweep the base to ensure it is clean and preheat the asphalt to ensure no moisture is present. Thereafter, the symbols and letters are simply placed in position. Before bonding it can be repositioned until the correct alignment is obtained.

Once in position the flame of the torch is moved over the marking. The marking should be heated to the melting point, but not beyond this to avoid burning or distortion. It is easy to judge when the correct temperature has been reached as the plastic material will bubble and melt sufficiently to bond it permanently into position.

The heated marking cools rapidly on removal of the flame and is ready for traffic in minutes.

PREMARK® has been mixed with glass beads to provide high reflectivity after a short abrasion period. If you want PREMARK® to be fully reflective right from the start, scatter glass beads while PREMARK® is still liquid, this will also accelerate the cooling of the marking. Note: Pliobond 20, a heat activated sealer, has to be used on concrete surfaces before PREMARK® is applied as outlined above.

#### Maintenance

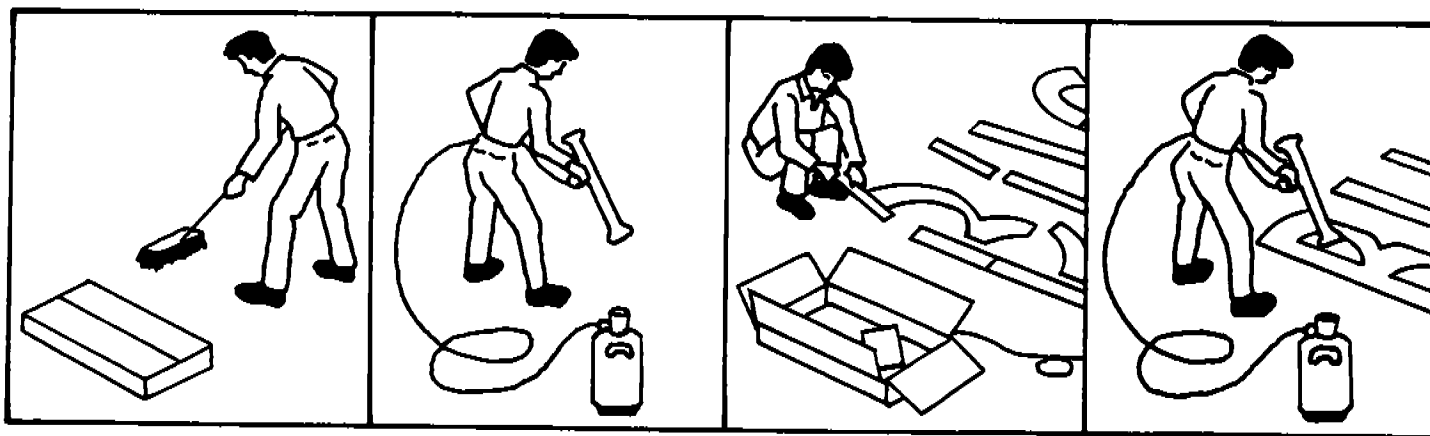
No maintenance is required. However, if a marking is damaged, it can be easily patched with a piece of PREMARK® which will melt together with the existing marking.

#### Prices and Conditions of Sale

Available from the company at the address below.

#### Technical Services

Flint Trading Inc. offers a complete technical advisory service on all problems concerning PREMARK® and on the correct specification and use of the product. Special markings can be produced to order in accordance with designs supplied.



## FLINT TRADING, INC.

Mailing Address: P.O. Box 19147, Greensboro, N.C. 27419.

Delivery Address: 3404-K W. Wendover Ave., Greensboro, N.C. 27407.

Phone (919) 294-4911

FAX (919) 632-1578

## SPECIFICATION

### PREFORMED THERMOPLASTIC PAVEMENT MARKINGS

1. **USE:** A durable, retro-reflective pavement marking material suitable for use as roadway, intersection, airport, commercial or private delineation and markings.
  - 1.1 The markings must be a resilient white or yellow hydrocarbon thermoplastic product with uniformly distributed glass beads throughout the entire cross sectional area. Lines, legends and symbols are capable of being affixed to bituminous and/or Portland concrete pavements by the use of the normal heat of a propane type of torch. Other colors shall be available as required.
  - 1.2 The markings must be capable of conforming to pavement contours, breaks and faults through the action of traffic at normal pavement temperatures. The markings shall have resealing characteristics, such that it is capable of fusing with itself and previously applied thermoplastic when heated with the torch.
  - 1.3 The markings must be able to be applied in temperatures down to 32 degrees F. without any special storage, preheating or treatment of the material before application.
2. **MATERIAL:** Must be composed of hydrocarbon resin, aggregates, pigments, binders and glass beads which have been factory produced as a finished product, which is designed to meet the requirements of the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways. The thermoplastic material conforms to AASHTO designation M249-79 (86), with the exception of the relevant differences due to the material is supplied in a preformed state.
  - 2.1 Graded Glass Beads:

The material must contain a minimum of thirty percent (30%) graded glass beads by weight. The beads are clear and transparent. Not more than twenty percent (20%) consist of irregular fused spheroids, or silica. The index of refraction shall not be less than 1.50.
  - 2.2 Pigments:

White: Sufficient titanium dioxide pigment is used to ensure a color similar to Federal Highway White, Color No. 17886, as per Federal Standard 595.

Yellow: Sufficient yellow pigment is used to ensure a color similar to Federal Highway Yellow, Color No. 13655, as per Federal Standard 595. The yellow pigment must be of organic origin only.

2.3 Skid Resistance: The surface must provide a minimum resistance value of 55 BPN when tested according to ASTM: E 303.

2.4 Thickness: The material must be supplied at a minimum thickness of 125 mils (3.15 mm).

2.5 Versatility: No glass beads must be applied on the surface of the material before application, as the material shall be able to be placed on the pavement either side up. For instance: Should an arrow, either left or right, be desired, only one arrow needs to be purchased. It is also true of combination arrows and other legends where applicable.

2.6 Environmental Resistance: The material must be resistant to deterioration due to exposure to sunlight, water, oil, gasoline, salt or adverse weather conditions.

### 3. APPLICATION:

3.1 Asphalt: The materials shall be applied using the propane torch method recommended by the manufacturer. The material must be able to be applied at ambient and road temperatures down to 32 degrees F. without any preheating of the pavement to a specific temperature. The pavement shall be clean, dry and free of debris. Supplier must enclose application instructions with each box/package.

3.2 Portland Concrete: The same application procedure shall be used as described under Section 3.1. However, a compatible primer sealer may be applied before application to assure proper adhesion.

4. **PACKAGING:** The preformed thermoplastic markings shall be placed in protective plastic film with cardboard stiffeners where necessary to prevent damage in transit. Linear material must be cut to a maximum of 3' long pieces. Legends and symbols must also be supplied in flat pieces. The cartons in which packed shall be nonreturnable and shall not exceed 40" in length and 25" in width, and be labeled for ease of identification. The weight of the individual carton must not exceed seventy (70) pounds.

5. **TECHNICAL SERVICES:** The successful bidder shall provide technical services as required.

## SPECIFICATION

### HAND HELD HEAT GUN

1. **USE:** This specification is for a propane fueled Heat Gun that is suitable for heating both asphalt and concrete pavement markings.
2. **CONSTRUCTION:** The Heat Gun should be of sturdy design utilizing an accelerated thrust of air heated by a short flame.
  - 2.1 Size: The length of the Heat Gun from air intake to head must be a minimum of 33". The minimum length of the hose shall be 20', and the minimum width of the head shall be 4".
  - 2.2 Weight: The maximum weight of the Heat Gun without the hose shall be 3.5 pounds.
  - 2.3 Ignition: Piezomagnetic type igniter must be built into the trigger of the Heat Gun. No pilot flame, batteries, or flint are acceptable.
  - 2.4 Heat: No part of the torch, including the nozzle, shall become warmer than 125 degrees F. during a three (3) minute uninterrupted run at maximum power with the ambient temperature within 60-90 degrees F.
  - 2.5 Gas Consumption: Maximum fuel consumption of the Heat Gun during continuous use is 8 lb./hour.
  - 2.6 Gas Cylinder Valve: The Heat Gun shall have an automatic safety shut off valve in case of leakage or breakage of hose or connectors. The Heat Gun shall have a regulator valve.
3. **OPERATION:** The Heat Gun shall be operated by a "dead man trigger" and with a lock button, which can be activated when the Heat Gun is not used to prevent accidental firing.
4. **TECHNICAL SERVICES:** The successful bidder shall provide technical services and ensure spare parts supply as required.
5. The successful bidder shall provide a twelve (12) month warranty covering parts and labor. Damage due to negligence, misuse or accident are exempted.





## INSTALLATION INSTRUCTION

### PREMARK - - - PREFORMED THERMOPLASTIC PAVEMENT MARKINGS

#### SURFACE APPLICATION, GENERAL REQUIREMENTS:

- Moisture:** Pavement must be dry. Prior to laying the product on the road thoroughly preheat the application area. All moisture must be removed to ensure a proper bond.
- Surface:** Asphalt and concrete must be free of dirt, dust, chemicals or significant oily substances. Do not apply on top of paint or cold plastic. It can be applied on top of thermoplastic. When applying on top of old thermoplastic scrape off any thermoplastic that is loose and then pre-heat. The old thermoplastic surface must not be chipping, and it must be clean.
- Material:** **PREMARK** shall be kept dry at all times - - in storage, in transit and on the project. Avoid extreme storage temperatures. Preferably, **PREMARK** should be stored in a building that is between 35 degrees F. and 90 degrees F. The packages should be stored flat and stacked a maximum of 25 packs high. **PREMARK** should be handled with care, especially in cold weather when it will become brittle. Shelf life is 12 months.

#### INSTRUCTIONS:

##### FOR APPLICATION ON ASPHALT:

1. Clean area completely free of loose particles and dust. Use an air blower or compressed air if possible.
2. **Preheat the area.** All moisture must be removed. You know you have heated the area enough when you no longer see the pavement change colors (moisture marks) when it is heated.
3. Position the pavement marking on the road. Prior to heating, check that the correct alignment is obtained. Make sure that there are no gaps between the material. Slight overlapping of **PREMARK** is allowed if required.
4. After the marking is in position, the flame of the RIPAC 920 Ex-24 is moved over the marking. Follow a pattern so the entire area eventually is heated. The marking must be heated to the melting point. Watch for the two »tell tale« heating signs – bubbling and a color change. During the heating process, the material will bubble and change to an off-white color. Without the color change the material is not correctly heated. Remember it is better to »overheat«. Don't worry if you get a couple of slightly scorched spots. These spots will be worn off by the traffic. If the material is heated too little there will be no bond and failure is eminent.
5. Inspect to ensure that complete bonding of the entire surface has been obtained. When **PREMARK** has cooled down, try to pry a piece off the pavement. If a putty knife can be pushed under the marking or if you can pry it off without getting any asphalt embedded in the product, then it is not heated enough. Simply reheat the area.
6. **PREMARK** has been mixed with glass beads to provide retro-reflectivity after a short abrasion period. If **PREMARK** is to be reflective right from the start, scatter glass beads while **PREMARK** is still liquid.

##### FOR APPLICATION ON NON-BITUMINOUS SURFACES:

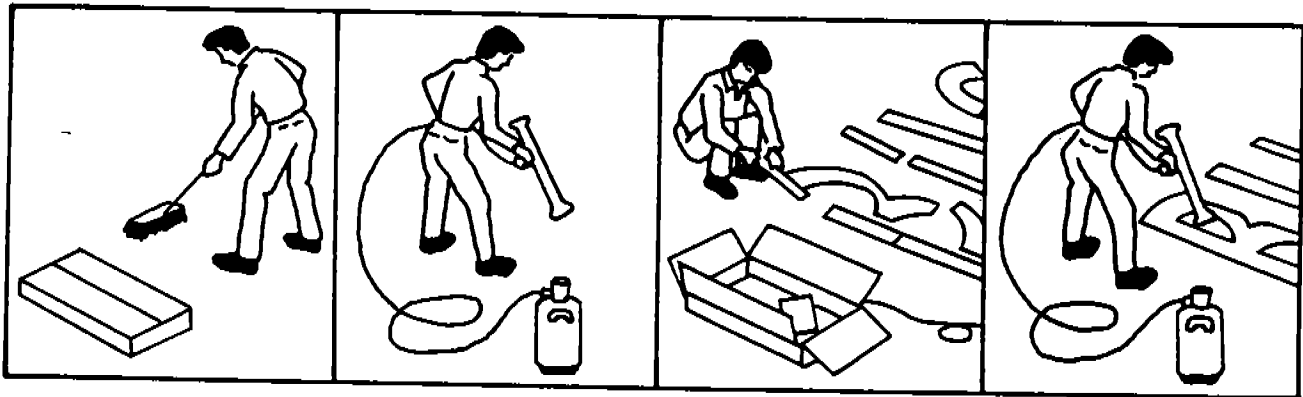
1. Follow steps 1 and 2 as stated for application on asphalt.
2. Lay out marking pattern using chalk or crayon as required for guiding.
3. Apply quick-setting Pliobond 20 Pavement Sealer to areas outlined in chalk or crayon. Allow it to dry until it will not transfer to the finger when touched. The more porous the more sealer. **Do not speed up the drying process by using an open flame as the sealer is flammable at**

4. Remember: It is important to cover the **entire** area where the pavement marking will be applied. **PREMARK** will not bond to the concrete if the sealer is not applied.
5. Continue with Steps 3 through 6 as stated for application on asphalt.

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**NOTES:**

1. **PREMARK** is compatible with all asphaltis surfaces.
  2. Do not put 2 pieces of **PREMARK** together as they will bond together especially in hot weather. Use the plastic separation sheets to avoid this situation.
  3. **PREMARK** can be applied on special surfaces, i.e., bricks and cobble stones but Pliobond 20 Sealer must be used.
  4. If several layers of **PREMARK** are required, i.e., rumble bars, each layer must be heated in place separately.
  5. You can »cut and paste« with **PREMARK**. Use a knife to score the material and carefully break it along the score. In warm weather you can use a scissor.
  6. Don't throw or drop **PREMARK**. It will shatter.
  7. Dropping glass beads on the still molten **PREMARK** helps cool the marking down quickly and makes it more dirt resistant initially.
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**FLINT TRADING CO.**

1905-G Ashwood Court, Suite 234, Greensboro, NC 27408, Phone: (919) 288-6433, FAX: (919) 282-3797.

DST 92-6      Asbestos Column Covers

DST 92-6

MARYLAND DEPARTMENT OF TRANSPORTATION  
MARYLAND AVIATION ADMINISTRATION

**MEMORANDUM**

**TO:** Distribution

**FROM:** Ben Chin, Manager  
Project Design

**DATE:** October 30, 1992

**SUBJECT:** Design Standards at Baltimore/Washington International Airport

During recent construction in the Customs/INS area, it was discovered the column covers contained 30 - 35% chrysotile (asbestos). A review of the contract documents for the 1975 terminal expansion indicates many of the terminal building columns consist of pre-formed asbestos cement. Because this material is non-friable, there is no health hazard associated with its undisturbed presence. However, any cutting, sawing, drilling, or work which disturbs the column will require a licensed asbestos abatement firm to properly isolate, contain, and dispose of debris produced.

Please incorporate this item into your checklists for design and review of BWI projects.

If you have any questions regarding this matter, please contact me at x7093.

BC/lad

**Distribution:** Mr. Emory Carrigan  
Mr. Brad Collins  
Mr. George Eichner  
Mr. Ali Logmanni  
Mr. Chirantan Mukhopadhyay  
Mr. Alex Noorani  
Mr. Charles Steen  
Mr. Bill Tsai

TO NOTE	AN						
CONCURRED	le						
DATE	10/30						