

of the agency heads of the Maryland Department of the Environment and the Maryland Public Service Commission. Note that these provisions address CAA § 128 for all of the NAAQS:

*State Government Article (2012), Annotated Code of Maryland*

*STATE GOVERNMENT  
TITLE 15. PUBLIC ETHICS  
SUBTITLE 1. FINDINGS; DEFINITIONS; GENERAL PROVISIONS*

**§ 15-102. Definitions**

*(a) In general. -- In this title the following words have the meanings indicated unless:*

*(1) the context clearly requires a different meaning; or*

*(2) a different definition is adopted for a particular provision.*

...

*(bb) Official. -- "Official" means either a State official or a public official.*

...

*(ff) Public official. -- "Public official" means an individual determined to be a public official in or pursuant to § 15-103 of this subtitle.*

...

*(ll) State official. -- "State official" means:*

*(1) a constitutional officer or officer-elect in an executive unit;*

*(2) a member or member-elect of the General Assembly;*

*(3) a judge or judge-elect of a court under Article IV, § 1 of the Constitution;*

*(4) a judicial appointee as defined in Maryland Rule 16-814;*

*(5) a State's Attorney;*

*(6) a clerk of the circuit court;*

*(7) a register of wills; or*

*(8) a sheriff.*

(Subsections of Sec. 15-102 not included above are not part of this plan.)

*State Government Article § 15-103 (2012), Annotated Code of Maryland*

**§ 15-103. Designation of individuals as public officials**

*(a) Generally. -- The determination of whether an individual is a "public official" for the purposes of this title shall be made in accordance with the provisions of this section.*

*(b) Public officials of executive units. -- Except as provided in subsection (f) of this section, the following individuals in executive units are public officials:*

*(1) an individual who receives compensation at a rate equivalent to at least State grade level 16, or who is appointed to a board, if the Ethics Commission determines under § 15-208 of this title that:*

*(i) the individual, acting alone or as a member of an executive unit, has decision making authority or acts as a principal advisor to one with that authority:*

*1. in making State policy in an executive unit; or*

*2. in exercising quasi-judicial, regulatory, licensing, inspecting, or auditing functions; and*

*(ii) the individual's duties are not essentially administrative and ministerial;*

*(2) any other individual in an executive unit, if the Ethics Commission determines that the individual, acting alone or as a member of the executive unit, has decision making authority or acts as a principal advisor to one with that authority in drafting specifications for, negotiating, or executing contracts that commit the State or an executive unit to spend more than \$ 10,000 in a year;*

*(3) a member, appointee, or employee of the Maryland Stadium Authority;*

*(4) a member, appointee, or employee of the Canal Place Preservation and Development Authority; and*

*(5) a member of the Emergency Medical Services Board.*

*...*

*(f) Exceptions. -- The following are not public officials:*

*(1) a State official;*

*(2) an individual employed on a contractual basis unless the individual is:*

*(i) employed on a full-time basis for more than 6 months; and*

*(ii) designated pursuant to subsection (b)(1) or (c) of this section; and*

*(3) a part-time or full-time faculty member at a State institution of higher education:*

*(i) as to subsection (b)(2) of this section, only when the individual is acting in the capacity of a faculty member; and*

*(ii) as to any other provision of this section, unless the individual also:*

1. is employed in another position that causes the individual to be designated as a public official;  
or

2. directly procures, directly influences, or otherwise directly affects the formation or execution of any State contract, purchase, or sale, as established by regulations adopted by the Ethics Commission and approved by the Joint Committee on Administrative, Executive, and Legislative Review.

(Subsections of Sec. 15-103 not included above are not part of this plan.)

*State Government Article (2012), Annotated Code of Maryland*

STATE GOVERNMENT  
TITLE 15. PUBLIC ETHICS  
SUBTITLE 6. FINANCIAL DISCLOSURE

**§ 15-601. Individuals required to file statement**

(a) Officials and candidates. -- Except as provided in subsections (b) and (c) of this section, and subject to subsections (d) and (e) of this section, each official and candidate for office as a State official shall file a statement as specified in §§ 15-602 through 15-608 of this subtitle.

**§15-602. Financial disclosure statement -- Filing requirements**

(a) Except as otherwise provided in this subtitle, a statement filed under § 15-601, § 15-603, § 15-604, or § 15-605 of this subtitle shall:

- (1) be filed with the Ethics Commission;
- (2) be filed under oath;
- (3) be filed on or before April 30 of each year;
- (4) cover the calendar year immediately preceding the year of filing; and
- (5) contain the information required in § 15-607 of this subtitle.

(The rest of Sec. 15-602 is not relevant and is not part of this plan.)

**§ 15-607. Content of statements**

(a) In general. -- A statement that is required by § 15-601 (a) of this subtitle shall contain schedules disclosing the information and interests specified in this section, if known, for the individual making the statement for the applicable period under this subtitle.

(b) Interests in real property. --

(1) The statement shall include a schedule of each interest in real property, wherever located, including each interest held in the name of a partnership, limited liability partnership, or limited liability company in which the individual held an interest.

(2) For each interest reported the schedule shall include:

- (i) the nature of the property;*
- (ii) the street address, mailing address, or legal description of the property;*
- (iii) the nature and extent of the interest in the property, including any conditions to and encumbrances on the interest;*
- (iv) the date and manner in which the interest was acquired;*
- (v) the identity of the entity from which the interest was acquired;*
- (vi) if the interest was acquired by purchase, the nature and amount of the consideration given for the interest;*
- (vii) if the interest was acquired in any other manner, the fair market value of the interest when acquired;*
- (viii) if any interest was transferred, in whole or in part, during the applicable period:
  - 1. a description of the interest transferred;*
  - 2. the nature and amount of the consideration received for the interest; and*
  - 3. the identity of the entity to which the interest was transferred; and**
- (ix) the identity of any other entity with an interest in the property.*

*(c) Interests in corporations and partnerships. --*

*(1) The statement shall include a schedule of each interest held by the individual in a corporation, partnership, limited liability partnership, or limited liability company, whether or not the corporation, partnership, limited liability partnership, or limited liability company does business with the State.*

*(2) For each interest reported, the schedule shall include:*

- (i) the name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability company;*
- (ii) subject to paragraph (3) of this subsection, the nature and amount of the interest held, including any conditions to and encumbrances on the interest;*
- (iii) except as provided in paragraph (4) of this subsection, if any interest was acquired during the applicable period:
  - 1. the date and manner in which the interest was acquired;*
  - 2. the identity of the entity from which the interest was acquired;*
  - 3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and**

*4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and*

*(iv) if any interest was transferred, in whole or in part, during the applicable period:*

*1. a description of the interest transferred;*

*2. the nature and amount of the consideration received for the interest; and*

*3. if known, the identity of the entity to which the interest was transferred.*

*(3) (i) As to an equity interest in a corporation, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount:*

*1. the number of shares held; and*

*2. unless the corporation's stock is publicly traded, the percentage of equity interest held.*

*(ii) As to an equity interest in a partnership, limited liability partnership, or limited liability company, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount, the percentage of equity interest held.*

*(4) If an interest acquired during the applicable reporting period consists of additions to existing publicly traded corporate interests acquired by dividend or dividend reinvestment, and the total value of the acquisition is less than \$ 500, only the manner of acquisition is required to be disclosed under paragraph (2)(iii) of this subsection.*

*(d) Interest in business entity doing business with State. --*

*(1) The statement shall include a schedule of each interest in a business entity doing business with the State, other than interests reported under subsection (c) of this section.*

*(2) For each interest reported, the schedule shall include:*

*(i) the name and address of the principal office of the business entity;*

*(ii) the nature and amount of the interest held, including any conditions to and encumbrances on the interest;*

*(iii) if any interest was acquired during the applicable period:*

*1. the date and manner in which the interest was acquired;*

*2. the identity of the entity from which the interest was acquired;*

*3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and*

*4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and*

*(iv) if any interest was transferred, in whole or in part, during the applicable period:*

- 1. a description of the interest transferred;*
- 2. the nature and amount of the consideration received for the interest; and*
- 3. the identity of the entity to which the interest was transferred.*

*(e) Gifts. --*

*(1) This subsection does not apply to a gift received from a member of the immediate family, another child, or a parent of the individual.*

*(2) The statement shall include a schedule of each gift, specified in paragraph (3) of this subsection, received during the applicable period:*

*(i) by the individual or by another entity at the direction of the individual; and*

*(ii) directly or indirectly, from or on behalf of an entity that is:*

- 1. a regulated lobbyist;*
- 2. regulated by the State; or*
- 3. otherwise an entity doing business with the State.*

*(3) (i) Except as provided in subparagraph (ii) of this paragraph, the schedule shall include each gift with a value of more than \$ 20 and each of two or more gifts with a cumulative value of \$ 100 or more received from one entity during the applicable period.*

*(ii) The statement need not include as a gift:*

- 1. food or beverages received and consumed by an official of the Legislative Branch in the presence of the donor or sponsoring entity as part of a meal or reception, to which were invited all members of a legislative unit;*
- 2. food or beverages received by a member of the General Assembly at the time and geographic location of a meeting of a legislative organization for which the member's presiding officer has approved the member's attendance at State expense; or*
- 3. a ticket or free admission extended to a member of the General Assembly by the person sponsoring or conducting the event as a courtesy or ceremony to the office to attend a charitable, cultural, or political event to which were invited all members of a legislative unit.*

*(iii) Notwithstanding the provisions of subparagraph (ii) of this paragraph, the statement shall include the acceptance of each of two or more tickets or free admissions, extended to a member of the General Assembly by the person sponsoring or conducting the event, with a cumulative value of \$ 100 or more received from one entity during the applicable period.*

*(4) For each gift subject to this subsection, the schedule shall include:*

*(i) the nature and value of the gift; and*

*(ii) the identity of the entity from which, directly or indirectly, the gift was received.*

*(5) This subsection does not authorize any gift not otherwise allowed by law.*

*(f) Employment by or interest in business entity doing business with State. --*

*(1) The statement shall include, as specified in this subsection, a schedule of all offices, directorships, and salaried employment, or any similar interest not otherwise disclosed, in business entities doing business with the State.*

*(2) This subsection applies to positions and interests held at any time during the applicable period by:*

*(i) the individual; or*

*(ii) any member of the individual's immediate family.*

*(3) For each position or interest reported, this schedule shall include:*

*(i) the name and address of the principal office of the business entity;*

*(ii) the nature of the position or interest and the date it commenced;*

*(iii) the name of each governmental unit with which the entity is doing business; and*

*(iv) the nature of the business with the State, which, at a minimum, shall be specified by reference to the applicable criteria of doing business described in § 15-102(j) of this title.*

*(g) Indebtedness to entity doing business with State. --*

*(1) The statement shall include a schedule, to the extent the individual may reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any time during the applicable period to entities doing business with the State:*

*(i) by the individual; and*

*(ii) if the individual was involved in the transaction giving rise to the debt, by any member of the immediate family of the individual.*

*(2) For each debt, the schedule shall include:*

*(i) the identity of the entity to which the debt was owed;*

*(ii) the date it was incurred;*

*(iii) the amount owed at the end of the applicable period;*

(iv) the terms of payment;

(v) the extent to which the principal was increased or decreased during the applicable period; and

(vi) any security given.

(h) Family members employed by State. -- The statement shall include a schedule listing the members of the immediate family of the individual who were employed by the State in any capacity at any time during the applicable period.

(i) Sources of earned income. --

(1) Except as provided in paragraph (2) of this subsection, the statement shall include a schedule listing the name and address of each:

(i) place of salaried employment, including secondary employment, of the individual or a member of the individual's immediate family at any time during the applicable period; and

(ii) business entity of which the individual or a member of the individual's immediate family was a sole or partial owner, and from which the individual or family member received earned income, at any time during the applicable period.

(2) The statement may not include a listing of a minor child's employment or business entities of which the child is sole or partial owner, unless the place of employment or the business entity:

(i) is subject to the regulation or authority of the agency that employs the individual; or

(ii) has contracts in excess of \$ 10,000 with the agency that employs the individual.

(j) Additional information. -- The statement may include a schedule listing additional interests or information that the individual chooses to disclose.

(The rest of Sec. 15-607 is not part of this plan.)

**§ 15-608. Interests attributable to individual filing statement**

(a) In general. -- The following are deemed to be interests of the individual under § 15-607(b), (c), and (d) of this subtitle:

(1) an interest held by a spouse or child of the individual, if the interest was directly or indirectly controlled by the individual at any time during the applicable period;

(2) an interest held by a business entity in which the individual held a 30% or greater interest at any time during the applicable period; and

(3) an interest held by a trust or an estate in which, at any time during the applicable period, the individual:

(i) held a reversionary interest;

(ii) was a beneficiary; or

(iii) if a revocable trust, was a settlor.

(b) Effect on other disclosure requirements. -- Subsection (a) (2) of this section does not affect:

(1) the requirement under § 15-607 (b) of this subtitle of disclosure of real estate interests held in the name of a partnership, limited liability partnership, or limited liability company in which the individual holds an interest; and

(2) the requirement under § 15-607 (c) of this subtitle of disclosure of all partnerships, limited liability partnerships, or limited liability companies in which the individual holds an interest.

(c) Blind trusts. -- For the purposes of § 15-607 of this subtitle and the disclosure required by that section, interests held by a blind trust may not be considered to be interests of the person making the statement if the blind trust is approved by the Ethics Commission in accordance with regulations adopted pursuant to § 15-501 (b) or § 15-502 (c) of this title and is operated in compliance with those regulations.

**(E) (iii) Reliance on local units of government:** Requires that the SIP provide, “necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision.”<sup>10</sup>

- Maryland does not rely on local or regional government agencies or instrumentality for specific SIP implementation.

### **Clean Air Act § 110(a)(2)(F)**

**§ 110(a)(2)(F), Stationary source monitoring systems:** Requires the SIP to “provide citations to the state’s regulations for source monitoring, recordkeeping, and reporting requirements applicable to [NO<sub>2</sub>]...” and to “identify state requirements providing for periodic reporting of emissions inventory data by the state to [EPA]...”<sup>11</sup>

**(F)(i): Stationary Source Monitoring Equipment:** Requires that the SIP require, “as may be prescribed by [EPA]... the installation, maintenance, and replacement of equipment, and

<sup>10</sup> See 42 U.S.Code 7410(a)(2)(E)(iii)

<sup>11</sup> See “Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards,” October 14, 2011, Attachment, page 13.