
By: Senators Della, Collins, Madden, Trotter, Stone, Van Hollen, Conway, Dorman, Frosh, Sfikas, Currie, Kelley, Pinsky, Jimeno, and Lawlah

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER _____

1 AN ACT concerning

2 **Toxics Safety Information Act**

3 FOR the purpose of requiring certain toxics users to provide certain information to the
 4 Department of the Environment concerning the manufacture, processing, and other
 5 use of toxic and hazardous substances under certain circumstances; expressing the
 6 findings and declarations of the General Assembly of Maryland concerning the
 7 presence and effect of toxic and hazardous substances in Maryland; requiring the
 8 Department to establish and maintain a toxic or hazardous substance list containing
 9 certain information; establishing a Toxics Safety Advisory Council; providing for the
 10 appointment, membership, powers, duties, and operation of the Council; requiring
 11 certain large quantity toxics users to prepare and report certain information relating
 12 to toxic and hazardous substances to the Department on an annual basis; providing
 13 a procedure for entities seeking an exemption from certain reporting requirements
 14 because the release of certain information would reveal a trade secret; requiring the
 15 Department, the Department of Health and Mental Hygiene, and certain local
 16 governmental agencies to maintain certain information and make that information
 17 available to the public under certain circumstances; ~~providing a statewide goal for~~
 18 ~~the reduction of the quantity of toxic and hazardous substances generated in~~
 19 ~~Maryland by a certain date~~; providing penalties for violations of this Act; defining
 20 certain terms; ~~repealing current provisions of law relating to public access to~~
 21 ~~information on hazardous and toxic chemicals~~; and generally relating to the
 22 reporting and disclosure of information concerning the manufacture, processing, or
 23 use of toxic and hazardous substances.

24 ~~BY repealing~~

25 ~~Article — Environment~~

26 ~~Section 6-501 through 6-504, inclusive, and the subtitle "Subtitle 5. Public Access to~~

2

1 ~~Information on Hazardous or Toxic Chemicals"~~
2 ~~Annotated Code of Maryland~~
3 ~~(1996 Replacement Volume and 1996 Supplement)~~

4 BY adding to

5 Article - Environment
6 ~~Section 6-501 through 6-509, inclusive, to be under the new subtitle "Subtitle 5.~~
7 ~~Section 6-601 through 6-608, inclusive, to be under the new subtitle "Subtitle 6.~~
8 ~~Toxics Safety Information Act"~~
9 ~~Annotated Code of Maryland~~
10 ~~(1996 Replacement Volume and 1996 Supplement)~~

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Environment**

14 ~~{Subtitle 5. Public Access to Information on Hazardous or Toxic Chemicals}~~

15 ~~{6-501.~~

16 ~~In this subtitle, "hazardous or toxic chemical" has the meaning stated under Title 5~~
17 ~~of the Labor and Employment Article.]~~

18 ~~{6-502.~~

19 ~~The purpose of this subtitle is to provide the following persons with access to any~~
20 ~~information on hazardous or toxic chemicals that the Department maintains under this~~
21 ~~subtitle:~~

22 ~~(1) Any environmental organization that is in the State of Maryland;~~

23 ~~(2) Any civic or consumer organization that is in the State of Maryland; and~~

24 ~~(3) Any individual who lives:~~

25 ~~(i) In a local community where a business stores, produces, or locates~~
26 ~~hazardous or toxic chemicals; or~~

27 ~~(ii) In the nearest local community to a business that stores, produces,~~
28 ~~or locates hazardous or toxic chemicals.]~~

29 ~~{6-503.~~

30 ~~(a) The Department shall:~~

31 ~~(1) Duplicate information contained on all chemical information lists and~~
32 ~~material safety data sheets that the Department receives under § 5-406 of the Labor and~~
33 ~~Employment Article;~~

34 ~~(2) Maintain this information in a central repository for a period of 40 years;~~
35 ~~and~~

1 ~~(3) Provide access to this information by the persons who are allowed access~~
2 ~~under this subtitle.~~

3 ~~(b) On written request to the Department, the following persons may have access~~
4 ~~to, inspect, and make a copy, at the person's expense, of any chemical information list and~~
5 ~~material safety data sheet that contains information on hazardous or toxic chemicals and~~
6 ~~that the Department maintains under this subtitle:~~

7 ~~(1) Any environmental organization that is in the State of Maryland;~~

8 ~~(2) Any civic or consumer organization that is in the State of Maryland; and~~

9 ~~(3) Any individual who lives:~~

10 ~~(i) In a local community where a business stores, produces, or locates~~
11 ~~hazardous or toxic chemicals; or~~

12 ~~(ii) In the nearest local community to a business that stores, produces,~~
13 ~~or locates hazardous or toxic chemicals.~~

14 ~~(c) Whenever the Department receives a written request, under this subtitle, for~~
15 ~~chemical information lists and material safety data sheets submitted by an employer in~~
16 ~~accordance with § 5-406 of the Labor and Employment Article, the Department shall~~
17 ~~promptly notify the employer of the request.]~~

18 ~~[6-504.~~

19 ~~(a) The Department may adopt rules and regulations to provide for access by the~~
20 ~~public in an efficient manner that does not interrupt or impede the normal course of~~
21 ~~business of the Department to any information that the Department has concerning~~
22 ~~hazardous or toxic chemicals on chemical information lists and material safety data~~
23 ~~sheets.~~

24 ~~(b) The Department of the Environment shall consult with the Division of Labor~~
25 ~~and Industry of the Department of Labor, Licensing, and Regulation when the~~
26 ~~Department of the Environment adopts rules and regulations under this section.]~~

27 SUBTITLE 5-6. TOXICS SAFETY INFORMATION ACT.

28 ~~6-504~~ 6-601.

29 (A) IN THIS SUBTITLE THE FOLLOWING WORDS SHALL HAVE THE MEANINGS
30 INDICATED.

31 (B) "BY-PRODUCT" MEANS ALL NONPRODUCT OUTPUTS OF TOXIC OR
32 HAZARDOUS SUBSTANCES GENERATED BY A PRODUCTION UNIT, PRIOR TO
33 HANDLING, TRANSFER, TREATMENT, OR RELEASE.

34 ~~(C) "CERCLA" MEANS THE COMPREHENSIVE ENVIRONMENTAL RESPONSE~~
35 ~~COMPENSATION AND LIABILITY ACT.~~

36 ~~(D)~~ (C) "CWA" MEANS THE FEDERAL WATER POLLUTION CONTROL ACT
37 ("CLEAN WATER ACT").

4

1 ~~(D)~~ (D) "COUNCIL" MEANS THE TOXICS SAFETY ADVISORY COUNCIL AS
2 ESTABLISHED UNDER THIS SUBTITLE.

3 ~~(E)~~ (E) "EMISSION" MEANS A RELEASE OF A TOXIC OR HAZARDOUS
4 SUBSTANCE TO THE ENVIRONMENT OR A TRANSFER OF A TOXIC OR HAZARDOUS
5 SUBSTANCE IN WASTE TO AN OFF-SITE LOCATION.

6 ~~(F)~~ (F) "EPCRA" MEANS THE EMERGENCY PLANNING AND COMMUNITY
7 RIGHT-TO-KNOW ACT.

8 ~~(G)~~ (G) "FACILITY" MEANS ALL BUILDINGS, EQUIPMENT, STRUCTURES, AND
9 OTHER STATIONARY ITEMS THAT ARE LOCATED ON A SINGLE SITE OR ON
10 CONTIGUOUS OR ADJACENT SITES AND THAT ARE OWNED OR OPERATED BY THE
11 SAME PERSON, OR BY ANY PERSON WHO CONTROLS, IS CONTROLLED BY, OR IS
12 UNDER COMMON CONTROL WITH THAT PERSON.

13 ~~(H)~~ (H) "INTERMEDIATE PRODUCT" MEANS:

14 (1) IN CHEMICAL MANUFACTURING, ANY CHEMICAL SUBSTANCE THAT
15 IS CONSUMED, IN WHOLE OR IN PART, IN CHEMICAL REACTIONS USED FOR THE
16 INTENTIONAL MANUFACTURE OF ANOTHER CHEMICAL SUBSTANCE OR MIXTURE,
17 OR THAT IS INTENTIONALLY PRESENT FOR THE PURPOSE OF ALTERING THE RATE
18 OF CHEMICAL REACTIONS, OTHER THAN A NONISOLATED INTERMEDIATE; AND

19 (2) IN ANY OTHER SETTING, ANY MANUFACTURED SUBSTANCE,
20 COMPOUND, OR PRODUCT THAT:

21 (I) IS CONSUMED, IN WHOLE OR IN PART, IN A CHEMICAL OR
22 PHYSICAL PROCESS FOR THE INTENTIONAL MANUFACTURE OF ANOTHER PRODUCT;

23 (II) BECOMES A COMPONENT PART OF ANOTHER PRODUCT; OR

24 (III) IS INTENTIONALLY PRESENT FOR THE PURPOSE OF AIDING
25 THE MANUFACTURE OF ANOTHER PRODUCT, OTHER THAN A NONISOLATED
26 INTERMEDIATE.

27 ~~(I)~~ (I) "LARGE QUANTITY TOXICS USER" MEANS ANY TOXICS USER WHO
28 MANUFACTURES, PROCESSES, OR OTHERWISE USES ANY TOXIC OR HAZARDOUS
29 SUBSTANCE IN AN AMOUNT EQUAL TO OR GREATER THAN THE APPLICABLE
30 THRESHOLD AMOUNT IN A CALENDAR YEAR AT A FACILITY.

31 ~~(J)~~ (J) "MANUFACTURE" MEANS TO PRODUCE, PREPARE, IMPORT, OR
32 COMPOUND A TOXIC OR HAZARDOUS SUBSTANCE.

33 ~~(K)~~ (K) "MIXTURE" MEANS ANY COMBINATION OF TWO OR MORE
34 CHEMICALS THAT:

35 (1) IS NOT, IN WHOLE OR IN PART, THE RESULT OF A CHEMICAL
36 REACTION;

37 (2) WAS PRODUCED BY A CHEMICAL REACTION, BUT COULD HAVE
38 BEEN PRODUCED WITHOUT A CHEMICAL REACTION; AND

39 (3) CONSISTS OF CHEMICAL AND ASSOCIATED IMPURITIES.

5

1 ~~(M)~~ (L) "MULTIMEDIA" MEANS ALL ENVIRONMENTAL MEDIA INCLUDING
2 WATER, LAND, AND AIR.

3 ~~(N)~~ (M) "NONISOLATED INTERMEDIATE" MEANS ANY INTERMEDIATE
4 WHICH IS NOT INTENTIONALLY REMOVED FROM THE EQUIPMENT IN WHICH IT IS
5 MANUFACTURED:

6 (1) INCLUDING:

7 (I) ANY REACTION VESSEL IN WHICH IT IS MANUFACTURED;

8 (II) EQUIPMENT THAT IS ANCILLARY TO THE REACTION VESSEL
9 OR SIMILAR EQUIPMENT; AND

10 (III) ANY EQUIPMENT THROUGH WHICH THE INTERMEDIATE
11 PASSES DURING A CONTINUOUS FLOW PROCESS; BUT

12 (2) EXCLUDING TANKS OR OTHER VESSELS OR EQUIPMENT IN WHICH
13 THE SUBSTANCE OR PRODUCT IS STORED AFTER MANUFACTURE.

14 ~~(O)~~ (N) "PERSON" MEANS ANY INDIVIDUAL, TRUST, FIRM, JOINT STOCK
15 COMPANY, CORPORATION, PARTNERSHIP, OR ASSOCIATION, EXCLUDING THIS
16 STATE AND ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE.

17 ~~(P)~~ (O) "PROCESS" MEANS THE PREPARATION OF A TOXIC OR HAZARDOUS
18 SUBSTANCE, AFTER ITS MANUFACTURE FOR COMMERCIAL DISTRIBUTION:

19 (1) IN THE SAME FORM OR PHYSICAL STATE;

20 (2) IN A DIFFERENT FORM OR PHYSICAL STATE FROM THE STATE IN
21 WHICH IT WAS RECEIVED BY THE TOXICS USER; OR

22 (3) AS PART OF AN ARTICLE CONTAINING THE TOXIC OR HAZARDOUS
23 SUBSTANCE.

24 ~~(Q)~~ (P) "PRODUCT" MEANS A PRODUCT, A FAMILY OF PRODUCTS, AN
25 INTERMEDIATE PRODUCT, A FAMILY OF INTERMEDIATE PRODUCTS, A DESIRED
26 RESULT, OR A FAMILY OF RESULTS.

27 ~~(R)~~ (Q) "PRODUCTION UNIT" MEANS A PROCESS, LINE, METHOD, ACTIVITY,
28 OR TECHNIQUE, OR A COMBINATION OR SERIES THEREOF, USED TO PRODUCE A
29 PRODUCT.

30 ~~(S)~~ (R) "REPORT" MEANS AN ANNUAL TOXICS OR HAZARDOUS
31 SUBSTANCES USE REPORT REQUIRED UNDER THIS SUBTITLE.

32 ~~(T)~~ (S) "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF
33 THE ENVIRONMENT.

34 ~~(U)~~ (T) "SIC CODE" MEANS THE IDENTIFICATION CODE ASSIGNED TO
35 FACILITIES BY THE UNITED STATES DEPARTMENT OF COMMERCE.

36 ~~(V)~~ (U) "STATE AGENCY" MEANS ANY AGENCY OR AUTHORITY OF THE
37 STATE.

6

1 ~~(W)~~ (V) "THRESHOLD AMOUNTS" MEANS:

2 (1) FOR THOSE TOXICS USERS THAT MANUFACTURE OR PROCESS OR
 3 OTHERWISE USE A TOXIC OR HAZARDOUS SUBSTANCE, 10,000 POUNDS EACH YEAR
 4 AT ANY ONE FACILITY; OR

5 (2) THE THRESHOLD AMOUNT SET BY THE ADMINISTRATOR OF THE
 6 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, IF THE ADMINISTRATOR
 7 SETS A THRESHOLD AMOUNT FOR FACILITY REPORTING ON A TOXIC OR
 8 HAZARDOUS SUBSTANCE UNDER § 313 OF EPCRA THAT IS LOWER THAN THE
 9 CORRESPONDING THRESHOLD AMOUNT SPECIFIED IN PARAGRAPH (1) OF THIS
 10 SUBSECTION.

11 ~~(X)~~ (W) "TOXICS USER" MEANS ANY PERSON WHO OWNS OR OPERATES ANY
 12 FACILITY THAT MANUFACTURES, PROCESSES, OR OTHERWISE USES ANY TOXIC OR
 13 HAZARDOUS SUBSTANCE ~~THAT IS CLASSIFIED IN SIC CODES:~~

14 ~~(1) TEN THROUGH FOURTEEN, INCLUSIVE;~~

15 ~~(2) TWENTY THROUGH FORTY, INCLUSIVE;~~

16 ~~(3) FORTY FOUR, THROUGH FIFTY ONE, INCLUSIVE; AND~~

17 ~~(4) SEVENTY TWO, SEVENTY THREE, SEVENTY FIVE, OR SEVENTY SIX~~
 18 AND IS SUBJECT TO EPCRA § 313 REPORTING REQUIREMENTS.

19 ~~(Y)~~ (X) (1) "TOXIC OR HAZARDOUS SUBSTANCE" INCLUDES ANY
 20 CHEMICAL SUBSTANCE IN A GASEOUS, LIQUID, OR SOLID STATE THAT IS IDENTIFIED
 21 ON THE TOXIC OR HAZARDOUS SUBSTANCE LIST ESTABLISHED UNDER THIS
 22 SUBTITLE.

23 (2) "TOXIC OR HAZARDOUS SUBSTANCE" EXCLUDES ANY CHEMICAL
 24 SUBSTANCE WHEN IT IS:

25 (I) PRESENT IN AN ARTICLE;

26 (II) USED AS A STRUCTURAL COMPONENT OF A FACILITY;

27 (III) PRESENT IN A PRODUCT USED FOR ROUTINE JANITORIAL OR
 28 FACILITY GROUNDS MAINTENANCE;

29 (IV) PRESENT IN FOODS, DRUGS, COSMETICS, OR OTHER PERSONAL
 30 ITEMS USED BY EMPLOYEES OR OTHER PERSONS AT A FACILITY;

31 (V) PRESENT IN PROCESS WATER OR NONCONTACT COOLING
 32 WATER AS DRAWN FROM THE ENVIRONMENT OR FROM MUNICIPAL SOURCES;

33 (VI) PRESENT IN AIR USED EITHER AS COMPRESSED AIR OR AS
 34 PART OF COMBUSTION; OR

35 (VII) PRESENT IN CRUDE, LUBE, OR FUEL OILS OR OTHER
 36 PETROLEUM MATERIALS HELD FOR DIRECT WHOLESALE OR RETAIL SALE.

7

1 ~~(Z)~~ (Y) "TOXIC OR HAZARDOUS SUBSTANCE LIST" MEANS THE LIST OF
 2 TOXIC OR HAZARDOUS SUBSTANCES ESTABLISHED UNDER THIS SUBTITLE AND
 3 MAINTAINED BY THE TOXICS SAFETY ADVISORY COUNCIL.

4 ~~(AA)~~ (Z) "TRADE SECRET" MEANS ANY FORMULA, PLAN, PATTERN, PROCESS,
 5 PRODUCTION DATA, DEVICE, INFORMATION, OR COMPILATION OF INFORMATION
 6 THAT IS USED IN THE BUSINESS OF A TOXICS USER, AND THAT GIVES THE TOXICS
 7 USER AN OPPORTUNITY TO OBTAIN AN ADVANTAGE OVER COMPETITORS WHO DO
 8 NOT KNOW OR USE IT.

9 ~~6-502~~ 6-602.

10 THE GENERAL ASSEMBLY OF MARYLAND FINDS AND DECLARES THAT:

11 (1) THE PROLIFERATION OF HAZARDOUS SUBSTANCES IN THE
 12 ENVIRONMENT POSES A GROWING THREAT TO THE HEALTH, SAFETY, AND
 13 WELFARE OF THE PUBLIC;

14 (2) THE CONSTANTLY INCREASING NUMBER AND VARIETY OF
 15 HAZARDOUS SUBSTANCES, AND THE MANY ROUTES OF EXPOSURE TO THEM MAKE
 16 IT DIFFICULT AND EXPENSIVE TO ADEQUATELY MONITOR AND DETECT ANY
 17 ATTRIBUTABLE ADVERSE HEALTH EFFECTS;

18 (3) INDIVIDUALS ARE OFTEN ABLE TO DETECT AND MINIMIZE THE
 19 EFFECTS OF EXPOSURE TO HAZARDOUS SUBSTANCES IF THEY ARE AWARE OF THE
 20 IDENTITY OF THE SUBSTANCES AND THE EARLY SYMPTOMS OF UNSAFE EXPOSURE;

21 (4) THAT LOCAL GOVERNMENTAL AGENCIES REQUIRE DETAILED
 22 INFORMATION ABOUT THE IDENTITY, CHARACTERISTICS, AND QUANTITIES OF
 23 HAZARDOUS SUBSTANCES USED AND STORED IN THEIR COMMUNITIES TO
 24 ADEQUATELY PLAN FOR, AND RESPOND TO, EMERGENCIES AND ENFORCE
 25 COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS CONCERNING THESE
 26 SUBSTANCES;

27 (5) THE EXTENT OF TOXIC CONTAMINATION OF THE AIR, WATER, AND
 28 LAND OF THIS STATE HAS CAUSED A HIGH DEGREE OF CONCERN AMONG ITS
 29 RESIDENTS; AND

30 (6) IT IS IN THE INTEREST OF THE PUBLIC TO ESTABLISH A
 31 COMPREHENSIVE PROGRAM FOR THE DISCLOSURE OF INFORMATION ABOUT
 32 HAZARDOUS SUBSTANCES IN THE COMMUNITY AND TO PROVIDE A PROCEDURE
 33 WHEREBY RESIDENTS OF THIS STATE MAY GAIN ACCESS TO THIS INFORMATION.

34 ~~6-503~~ 6-603.

35 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE TOXIC OR
 36 HAZARDOUS SUBSTANCE LIST SHALL CONSIST OF THE CHEMICALS IDENTIFIED ON
 37 THE TOXIC CHEMICAL LIST ESTABLISHED PURSUANT TO § 313 OF EPCRA, ~~THE~~
 38 ~~CHEMICALS LISTED PURSUANT TO §§ 101(14) AND 102 OF CERCLA AND THE~~
 39 CHEMICALS LISTED ON THE CHESAPEAKE BAY PROGRAMS TOXICS OF CONCERN
 40 LIST.

8

1 (B) EACH YEAR, THE COUNCIL SHALL ADJUST THE TOXIC OR HAZARDOUS
2 SUBSTANCE LIST TO ADD OR DELETE SUBSTANCES CONSISTENT WITH CHANGES IN
3 THE TOXIC CHEMICAL LISTS PROVIDED IN SUBSECTION (A) OF THIS SECTION.

4 (C) FOR THE CALENDAR YEAR REPORTING PERIODS 1998 AND BEYOND, THE
5 COUNCIL MAY ADD ADDITIONAL CHEMICALS TO THE LIST THAT THE DEPARTMENT,
6 BASED ON DOCUMENTED SCIENTIFIC EVIDENCE, DETERMINES POSE A THREAT TO:

7 (1) THE HEALTH AND SAFETY OF THE PUBLIC; OR

8 (2) THE ENVIRONMENT OF THIS STATE.

9 (D) (1) NO MORE THAN 10 CHEMICALS MAY BE ADDED UNDER SUBSECTION
10 (C) OF THIS SECTION FOR ANY 1 CALENDAR YEAR.

11 (2) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND
12 MENTAL HYGIENE SHALL PROVIDE RECOMMENDATIONS PROPOSING ADDITIONS
13 UNDER SUBSECTION (C) OF THIS SECTION.

14 (3) A CHANGE IN THE LIST REQUIRES A 90-DAY NOTICE TO THE PUBLIC
15 DURING WHICH TIME THE DEPARTMENT SHALL ACCEPT AND CONSIDER COMMENTS
16 ON THE PROPOSED ADDITIONS.

17 ~~6-504~~ 6-604.

18 (A) THERE IS A TOXICS SAFETY ADVISORY COUNCIL IN THE DEPARTMENT.

19 (B) (1) THE COUNCIL CONSISTS OF 11 MEMBERS APPOINTED BY THE
20 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND.

21 (2) EACH MEMBER OF THE COUNCIL SHALL BE APPOINTED FOR A TERM
22 OF 3 YEARS.

23 (3) OF THE 11 MEMBERS:

24 (I) ONE SHALL BE A PERSON HAVING TRAINING AND EXPERIENCE
25 IN INDUSTRIAL HYGIENE RECOMMENDED BY RECOGNIZED LABOR UNIONS;

26 (II) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
27 ENVIRONMENTAL ORGANIZATIONS;

28 (III) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
29 PUBLIC INTEREST ~~ORGANIZATION~~ ORGANIZATIONS;

30 (IV) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
31 ORGANIZATIONS OF CHEMICAL INDUSTRIES;

32 (V) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
33 COMMUNITY ORGANIZATIONS;

34 (VI) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
35 ORGANIZATIONS OF PETROLEUM INDUSTRIES;

9

1 (VII) ONE SHALL BE A PERSON RECOMMENDED BY ~~RECOGNIZED~~
2 ~~ORGANIZATIONS OF FIREFIGHTERS~~ THE MARYLAND AND DISTRICT OF COLUMBIA
3 FIREFIGHTERS ASSOCIATIONS;

4 (VIII) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
5 BUSINESS OR TRADE ORGANIZATIONS;

6 (IX) ONE SHALL BE A PERSON RECOMMENDED BY RECOGNIZED
7 ORGANIZATIONS OF SMALL BUSINESS;

8 (X) ONE SHALL BE A PERSON HOLDING AN M.D. DEGREE
9 RECOMMENDED BY RECOGNIZED PUBLIC HEALTH ORGANIZATIONS; AND

10 (XI) ONE SHALL BE A PERSON WITH TRAINING AND EXPERIENCE IN
11 ENVIRONMENTAL EPIDEMIOLOGY RECOMMENDED BY RECOGNIZED RESEARCH OR
12 ACADEMIC ORGANIZATIONS.

13 (4) IF NO RECOMMENDATIONS FOR A PARTICULAR CATEGORY OF
14 MEMBERSHIP OF THE COUNCIL ARE MADE TO THE GOVERNOR 3 MONTHS PRIOR TO
15 THE EFFECTIVE DATE OF THIS ACT FOR THE APPOINTMENT OF THE INITIAL
16 MEMBERS, OR WITHIN 60 DAYS OF THE DATE OF THE EXPIRATION OF A MEMBER'S
17 TERM OR THE OCCURRENCE OF ANY VACANCY FOR SUBSEQUENT APPOINTMENTS,
18 THE GOVERNOR SHALL APPOINT A PERSON WHOM THE GOVERNOR BELIEVES WILL
19 BE REPRESENTATIVE OF THE CATEGORY REPRESENTED BY THE VACANT OFFICE.

20 (C) A MAJORITY OF THE COUNCIL SHALL CONSTITUTE A QUORUM.

21 (D) THE COUNCIL MAY TAKE ACTION BY THE AFFIRMATIVE VOTE OF A
22 MAJORITY OF THE COUNCIL PRESENT AND VOTING.

23 (E) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE
24 COUNCIL SHALL MEET REGULARLY AT THE DISCRETION OF ITS MEMBERS.

25 (2) THE COUNCIL MAY NOT MEET LESS THAN 4 TIMES EACH YEAR.

26 (3) THE COUNCIL SHALL MEET AT THE DIRECTION OF THE SECRETARY
27 OF THE DEPARTMENT OF THE ENVIRONMENT OR THE SECRETARY OF THE
28 DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

29 (F) THE COUNCIL SHALL APPOINT A CHAIRPERSON AND OTHER OFFICERS AS
30 NECESSARY FROM AMONG ITS MEMBERS.

31 (G) THE COUNCIL MAY HIRE STAFF OR CONSULT WITH EXPERTS AS
32 PROVIDED IN THE STATE BUDGET.

33 (H) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION, BUT
34 MAY BE REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE TRAVEL
35 REGULATIONS AS PROVIDED IN THE STATE BUDGET.

36 (I) THE COUNCIL SHALL ESTABLISH AN ANNUAL GOVERNOR'S TOXICS USE
37 REDUCTION AWARD PROGRAM TO RECOGNIZE OUTSTANDING BUSINESS AND
38 INDUSTRY ACHIEVEMENT IN TOXICS USE REDUCTION.

10

1 ~~6-505~~ 6-605.

2 (A) BEGINNING IN 1998, BY ~~APRIL 1~~ JULY 1 OF EACH YEAR, EACH LARGE
3 QUANTITY TOXICS USER SHALL PROVIDE TO THE DEPARTMENT, THE COUNTY
4 HEALTH DEPARTMENT, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND
5 THE LOCAL FIRE AND POLICE DEPARTMENTS IN THEIR AREA AN ANNUAL REPORT
6 FOR EACH TOXIC OR HAZARDOUS SUBSTANCE MANUFACTURED, PROCESSED, OR
7 OTHERWISE USED AT EACH FACILITY IN AMOUNTS EQUAL TO OR EXCEEDING THE
8 APPLICABLE THRESHOLD AMOUNTS.

9 (B) EACH REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
10 SHALL:

11 (1) BE EXPRESSED IN TERMS OF THE MASS OF EACH TOXIC OR
12 HAZARDOUS SUBSTANCE MANUFACTURED, PROCESSED, OR OTHERWISE USED,
13 REGARDLESS OF WHETHER THE SUBSTANCE WAS IN A PURE FORM OR CONTAINED
14 IN A MIXTURE, SUBJECT TO THE ESTABLISHMENT OF DE MINIMIS LEVELS OF
15 CHEMICALS IN A MIXTURE BY THE DEPARTMENT BY REGULATION.

16 (2) CONTAIN DATA ACCOUNTING FOR TOXIC OR HAZARDOUS
17 SUBSTANCES MANUFACTURED, PROCESSED OR OTHERWISE USED DURING THE
18 PRECEDING CALENDAR YEAR.

19 (3) (I) USE THE REPORTING FORMS REQUIRED BY THE REGULATIONS
20 ADOPTED UNDER § 313 OF EPCRA.

21 (II) TO THE EXTENT THAT INFORMATION REQUIRED BY THIS
22 SECTION IS NOT INCLUDED IN THE FORMS REFERENCED IN SUBPARAGRAPH (I) OF
23 THIS PARAGRAPH, THAT INFORMATION SHALL BE SUBMITTED ON SUPPLEMENTAL
24 FORMS ESTABLISHED BY THE DEPARTMENT BY REGULATION.

25 (4) INCLUDE:

26 (I) THE INFORMATION REQUIRED UNDER THE REGULATIONS
27 ADOPTED UNDER § 313 OF EPCRA;

28 (II) THE INFORMATION NECESSARY TO IDENTIFY THE LARGE
29 QUANTITY TOXICS USER, THE FACILITY, THE PRODUCTION UNIT, AND THE TOXIC
30 OR HAZARDOUS SUBSTANCE;

31 ~~(III) AN INDICATION OF WHETHER THE TOXIC OR HAZARDOUS~~
32 ~~SUBSTANCE WAS USED IN THE PRODUCTION UNIT IN AMOUNTS:~~

33 ~~1. GREATER THAN ZERO POUNDS AND LESS THAN OR~~
34 ~~EQUAL TO 5,000 POUNDS;~~

35 ~~2. GREATER THAN 5,000 POUNDS BUT LESS THAN OR EQUAL~~
36 ~~TO 10,000 POUNDS; OR~~

37 ~~3. GREATER THAN 10,000 POUNDS;~~

38 ~~(IV)~~ (III) THE QUANTITIES OF THE TOXIC OR HAZARDOUS
39 SUBSTANCE AT THE FACILITY THAT ARE:

11

1 1. MANUFACTURED, PROCESSED, OR OTHERWISE USED;

2 2. GENERATED AS A BY-PRODUCT PRIOR TO ANY
3 HANDLING, TRANSFER, TREATMENT, OR RELEASE; AND

4 3. SHIPPED AS OR IN PRODUCT FROM THE FACILITY; AND

5 ~~(V)~~ (IV) FOR EACH PRODUCTION UNIT AT THE LARGE QUANTITY
6 TOXICS USER'S FACILITY IN WHICH THE TOXIC OR HAZARDOUS SUBSTANCE IS
7 MANUFACTURED, PROCESSED, OR OTHERWISE USED:

8 1. THE INFORMATION NECESSARY TO IDENTIFY ~~THE LARGE~~
9 ~~QUANTITY TOXICS USER, THE FACILITY,~~ THE PRODUCTION UNIT, ~~AND~~ AND THE
10 TOXIC OR HAZARDOUS SUBSTANCE;

11 2. AN INDICATION OF WHETHER THE TOXIC OR
12 HAZARDOUS SUBSTANCE WAS USED IN THE PRODUCTION UNIT IN AMOUNTS:

13 A. GREATER THAN ZERO POUNDS AND LESS THAN OR
14 EQUAL TO 5,000 POUNDS;

15 B. GREATER THAN 5,000 POUNDS BUT LESS THAN OR EQUAL
16 TO 10,000 POUNDS; OR

17 C. GREATER THAN 10,000 POUNDS;

18 3. THE REPORTING BASE YEAR, WHICH SHALL BE THE FIRST
19 CALENDAR YEAR FOR WHICH THE LARGE QUANTITY TOXICS USER WAS OR IS
20 REQUIRED TO FILE ANY INFORMATION REGARDING THE TOXIC OR HAZARDOUS
21 SUBSTANCE UNDER THIS SUBTITLE OR § 313 OF EPCRA; AND

22 4. INFORMATION ON THE PERCENT REDUCTION IN USE OF
23 EACH CHEMICAL AND BY-PRODUCT FOR EACH PRODUCTION UNIT WHEN
24 COMPARED TO THE BASE YEAR; ~~AND~~

25 ~~5. INFORMATION ON HOW EACH REDUCTION UNDER ITEM 4~~
26 ~~OF THIS SUBPARAGRAPH WAS ACHIEVED.~~

27 ~~(V)~~ (V) FOR THE INFORMATION SUBMITTED UNDER
28 SUBPARAGRAPH ~~(V)~~ (IV) OF THIS PARAGRAPH, THE LARGE QUANTITY TOXICS USER
29 SHALL MAINTAIN AT THE FACILITY DOCUMENTATION THAT SUBSTANTIATES THE
30 INFORMATION SUBMITTED, INCLUDING DOCUMENTATION OF THE QUANTITY OF
31 THE TOXIC OR HAZARDOUS SUBSTANCE USED IN EACH PRODUCTION UNIT AND THE
32 QUANTITY GENERATED AS BY-PRODUCT BY EACH PRODUCTION UNIT.

33 (C) (1) THE FOLLOWING SHALL BE EXEMPTED FROM THE REPORTING
34 REQUIREMENTS OF THIS SECTION:

35 (I) FACILITIES WITH FEWER THAN THE EQUIVALENT OF 10
36 FULL-TIME EMPLOYEES; AND

37 (II) ACTIVITIES IN LABORATORIES, INCLUDING QUALITY
38 CONTROL LABORATORIES, TO THE EXTENT AND IN THE MANNER THAT THE

12

1 ACTIVITIES ARE EXEMPTED FROM REPORTING IN REGULATIONS ADOPTED UNDER §
2 313 OF EPCRA.

3 (2) THE FOLLOWING SHALL BE EXEMPTED FROM THE REPORTING
4 REQUIREMENTS OF PARAGRAPH ~~(4)(V)~~ (4)(IV) OF SUBSECTION (B) OF THIS SECTION:

5 (I) PILOT PLANTS AND PILOT PRODUCT UNITS; AND

6 (II) START-UP PRODUCTION UNITS FOR A TIME PERIOD EQUAL TO
7 THE SHORTER OF EITHER:

8 1. THE TIME PERIOD FROM THE DATE OF INITIAL
9 OPERATION UNTIL REQUIRED OPERATIONAL EFFICIENCY IS ACHIEVED; OR

10 2. 2 YEARS FROM THE INITIAL DATE OF OPERATION.

11 (3) FACILITIES CLAIMING ANY EXEMPTIONS PROVIDED FOR IN THIS
12 SUBSECTION SHALL MAINTAIN ON-SITE DOCUMENTATION SUPPORTING ALL
13 EXEMPTION CLAIMS.

14 (D) IN CALCULATING, MEASURING, OR ESTIMATING QUANTITIES OF A TOXIC
15 OR HAZARDOUS SUBSTANCE TO BE REPORTED UNDER THIS SECTION, LARGE
16 QUANTITY TOXICS USERS SHALL REPORT WITH THE MAXIMUM ACCURACY THAT IS
17 FEASIBLE AND PRACTICABLE, ~~WITH ACCURACY TO TWO SIGNIFICANT DIGITS.~~

18 (E) IF THE DEPARTMENT DISCOVERS A DEFICIENCY IN A REPORT, THE
19 DEPARTMENT SHALL ALLOW THE USER 90 DAYS FROM THE DATE THAT THE
20 DEFICIENCY WAS NOTICED TO CORRECT THE DEFICIENCY UNLESS THE DEFICIENCY
21 WAS INTENTIONAL.

22 (F) A SENIOR MANAGEMENT OFFICIAL OF A SUBMITTING LARGE QUANTITY
23 TOXICS USER SHALL SIGN EACH REPORT CERTIFYING ITS ACCURACY AND
24 COMPLETENESS.

25 (G) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC AND, TO THE
26 EXTENT PRACTICABLE, SHALL REQUIRE REPORTING AND RECORDING OF THE
27 REPORT DATA THROUGH MAGNETIC OR ELECTRONIC MEDIA.

28 ~~6-506~~ 6-606.

29 (A) IF A PERSON BELIEVES THAT DISCLOSING INFORMATION REQUIRED
30 UNDER THIS SUBTITLE WILL REVEAL A TRADE SECRET, A PERSON MAY FILE WITH
31 THE DEPARTMENT A TRADE SECRET CLAIM.

32 (B) (1) IF A PERSON CLAIMS THAT DISCLOSING INFORMATION ON A
33 REPORT REQUIRED UNDER THIS SUBTITLE WOULD REVEAL A TRADE SECRET, A
34 PERSON SHALL FILE WITH THE DEPARTMENT A TRADE SECRET CLAIM AT LEAST 90
35 DAYS BEFORE THE DUE DATE OF THE REPORT.

36 (2) A PERSON MAKING A TRADE SECRET CLAIM SHALL SUBMIT 2 COPIES
37 OF THE REPORT TO THE DEPARTMENT.

38 (3) ONE REPORT REQUIRED UNDER THIS SUBTITLE SHALL CONCEAL
39 THE INFORMATION FOR WHICH A TRADE SECRET CLAIM IS BEING MADE AND THE

13

1 OTHER REQUIRED REPORT SHALL BE SEALED IN AN ENVELOPE MARKED
2 "CONFIDENTIAL" CONTAINING THE INFORMATION FOR WHICH A TRADE SECRET
3 CLAIM IS BEING MADE.

4 (4) DURING THE PENDENCY OF THE TRADE SECRET CLAIM, THE
5 DEPARTMENT SHALL KEEP THE SEALED REPORT IN A LOCKED FILE OR ROOM.

6 (5) ON THE REPORTS SENT TO OTHER ENTITIES AS REQUIRED BY THIS
7 SUBTITLE, THE PERSON SHALL CONCEAL THE INFORMATION FOR WHICH THE
8 TRADE SECRET CLAIM IS BEING MADE.

9 (C) (1) THE DEPARTMENT SHALL DETERMINE THE VALIDITY OF A TRADE
10 SECRET CLAIM WHEN A REQUEST IS MADE FOR THE DISCLOSURE OF THE
11 INFORMATION FOR WHICH THE TRADE SECRET CLAIM WAS MADE, OR AT ANY
12 OTHER TIME THAT THE DEPARTMENT DEEMS APPROPRIATE.

13 (2) UPON MAKING A DETERMINATION ON THE VALIDITY OF A TRADE
14 SECRET CLAIM, THE DEPARTMENT SHALL INFORM THE PERSON CLAIMING A TRADE
15 SECRET OF THE DETERMINATION BY CERTIFIED MAIL.

16 (3) IF THE DEPARTMENT DETERMINES THAT THE PERSON'S TRADE
17 SECRET CLAIM IS NOT VALID, THE PERSON SHALL HAVE 45 DAYS FROM THE RECEIPT
18 OF THE DEPARTMENT'S DETERMINATION TO FILE WITH THE DEPARTMENT A
19 WRITTEN REQUEST FOR AN ADMINISTRATIVE HEARING.

20 (4) IF THE PERSON DOES NOT FILE A REQUEST AUTHORIZED UNDER
21 PARAGRAPH (3) OF THIS SUBSECTION WITHIN 45 DAYS, THE DEPARTMENT SHALL
22 TAKE ACTION TO RELEASE THE INFORMATION FOR WHICH THE TRADE SECRET
23 CLAIM WAS MADE.

24 (5) IF ~~AN EMPLOYER~~ A PERSON REQUESTS AN ADMINISTRATIVE
25 HEARING UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE DEPARTMENT SHALL
26 REFER THE MATTER TO AN ADMINISTRATIVE LAW JUDGE.

27 (6) AT THE HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE, THE
28 ~~EMPLOYER~~ PERSON SHALL HAVE THE BURDEN TO SHOW THAT THE TRADE SECRET
29 CLAIM IS VALID.

30 (7) WITHIN 45 DAYS OF RECEIPT OF THE ADMINISTRATIVE LAW JUDGE'S
31 RECOMMENDATION, THE DEPARTMENT SHALL AFFIRM, REJECT, OR MODIFY THE
32 RECOMMENDATION.

33 (8) THE DEPARTMENT'S ACTION SHALL BE CONSIDERED THE
34 DEPARTMENT'S FINAL ACTION AND SHALL BE SUBJECT ONLY TO JUDICIAL REVIEW
35 AS PROVIDED IN THE MARYLAND RULES.

36 (9) THE DEPARTMENT SHALL INFORM THE ~~EMPLOYER~~ PERSON OF ITS
37 DECISION ON THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDATION BY
38 CERTIFIED MAIL.

39 (10) IF THE DEPARTMENT DETERMINES THAT THE TRADE SECRET
40 CLAIM IS NOT VALID, THE PERSON CLAIMING A TRADE SECRET SHALL HAVE 45

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1 DAYS TO NOTIFY THE DEPARTMENT IN WRITING THAT ~~HE~~ THE PERSON HAS FILED
2 AN APPEAL TO THE DEPARTMENT'S DECISION IN A COURT HAVING JURISDICTION.

3 (11) IF THE PERSON DOES NOT NOTIFY THE DEPARTMENT, THE
4 DEPARTMENT SHALL TAKE ACTION TO RELEASE THE INFORMATION FOR WHICH
5 THE TRADE SECRET CLAIM WAS MADE.

6 (D) ANY REPORT CONTAINING INFORMATION FOR WHICH A TRADE SECRET
7 CLAIM IS PENDING OR HAS BEEN APPROVED SHALL BE MADE AVAILABLE TO THE
8 PUBLIC WITH THAT INFORMATION CONCEALED.

9 (E) (1) THE SUBJECT OF ANY TRADE SECRET CLAIM PENDING OR
10 APPROVED SHALL BE TREATED AS CONFIDENTIAL INFORMATION BY THE
11 DEPARTMENT.

12 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
13 DEPARTMENT ~~SHALL~~ MAY NOT DISCLOSE ANY CONFIDENTIAL INFORMATION TO
14 ANY PERSON EXCEPT:

15 (I) TO AN OFFICER OR EMPLOYEE OF THE STATE IN CONNECTION
16 WITH THE OFFICIAL DUTIES OF THE OFFICER OR EMPLOYEE UNDER ANY LAW FOR
17 THE PROTECTION OF PUBLIC HEALTH; OR

18 (II) TO A CONTRACTOR OF THE STATE AND ITS EMPLOYEES IF THE
19 DEPARTMENT BELIEVES THE DISCLOSURE IS NECESSARY FOR THE COMPLETION OF
20 ANY WORK IN CONNECTION WITH THE IMPLEMENTATION OF THIS SUBTITLE.

21 (3) ANY OFFICER OR EMPLOYEE OF THE STATE, CONTRACTOR OF THE
22 STATE, PHYSICIAN OR OSTEOPATH, OR EMPLOYEE OF A COUNTY HEALTH
23 DEPARTMENT, LOCAL FIRE DEPARTMENT, OR LOCAL POLICE DEPARTMENT WHO
24 HAS ACCESS TO ANY CONFIDENTIAL INFORMATION, AND WHO WILLINGLY AND
25 KNOWINGLY DISCLOSES THE CONFIDENTIAL INFORMATION TO ANY PERSON NOT
26 AUTHORIZED TO RECEIVE IT, IS IN VIOLATION OF THIS SUBTITLE.

27 (F) THE PROVISIONS OF THIS SECTION ~~MAY~~ DO NOT APPLY TO THE
28 DISCLOSURE OF INFORMATION CONCERNING EMISSIONS.

29 ~~6-507~~ 6-607.

30 (A) (1) THE DEPARTMENT, THE DEPARTMENT OF HEALTH AND MENTAL
31 HYGIENE, AND EACH COUNTY HEALTH DEPARTMENT SHALL MAINTAIN COPIES OF
32 ALL REPORTS SUBMITTED UNDER THIS SUBTITLE FOR 20 YEARS.

33 (2) THE REPORTS MAINTAINED UNDER PARAGRAPH (1) OF THIS
34 SUBSECTION SHALL BE MADE AVAILABLE TO THE PUBLIC AT REASONABLE HOURS
35 AND AT A FEE NOT TO EXCEED THE COST OF REPRODUCING THE REPORTS.

36 (B) (1) THE DEPARTMENT SHALL, ON AN ANNUAL BASIS, PRODUCE A
37 SUMMARY REPORT OF THE ANNUAL REPORTS SUBMITTED UNDER THIS SUBTITLE.

38 (2) THIS SUMMARY REPORT SHALL, BY FACILITY AND PRODUCTION
39 UNIT, INCLUDE:

40 (I) THE TYPES OF CHEMICALS USED;

15

1 (II) THE QUANTITY OF CHEMICALS USED; AND

2 (III) THE BY-PRODUCT AND EMISSIONS REDUCTION INDICES.

3 (3) SUMMARY INFORMATION REGARDING QUANTITIES OF CHEMICALS
4 USED SHALL ALSO BE PRESENTED BY SIC CODE, CHEMICAL TYPE, AND
5 GEOGRAPHICALLY BY COUNTY AND CITY.

6 (4) INFORMATION COLLECTED UNDER THIS SECTION SHALL BE MADE
7 AVAILABLE TO THE PUBLIC THROUGH ELECTRONIC MEDIA AND IN WRITING.

8 (5) THE ANNUAL SUMMARY REPORT SHALL BE PRODUCED BY
9 SEPTEMBER 1 OF THE SAME YEAR THE REPORTS ARE SUBMITTED TO THE
10 DEPARTMENT.

11 (6) THE DEPARTMENT SHALL SEND A COPY OF THE ANNUAL REPORT
12 TO THE COUNCIL EACH YEAR BY SEPTEMBER 1.

13 (C) (1) FOR ALL WATER QUALITY LIMITED SEGMENTS LISTED ON THE
14 STATE'S "303(D) LIST" AS IMPAIRED DUE TO IMPACTS FROM TOXIC OR HAZARDOUS
15 SUBSTANCES, FILED WITH THE UNITED STATES ENVIRONMENTAL PROTECTION
16 AGENCY UNDER THE CWA, THE DEPARTMENT SHALL NOTIFY, IN WRITING
17 THROUGH SEMIANNUAL PUBLICATION IN NEWSPAPERS OF GENERAL CIRCULATION
18 IN THE AREA OF THE WATER QUALITY LIMITED SEGMENT, ALL CITIZENS LIVING
19 IMMEDIATELY ADJACENT TO EACH LISTED WATER QUALITY LIMITED SEGMENT.

20 (2) THE DEPARTMENT SHALL NOTIFY, IN WRITING, ALL COMMUNITY
21 ASSOCIATIONS IN THE STATE OF THE EXISTENCE OF ANY WATER QUALITY LIMITED
22 SEGMENTS, AS IDENTIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, LOCATED
23 WITHIN THE SAME COUNTY AS THE ASSOCIATIONS.

24 (3) THE NOTICES TO CITIZENS AND COMMUNITY ASSOCIATIONS SHALL
25 PROVIDE:

26 (I) THE REASON FOR THE LISTING;

27 (II) THE CURRENT CONDITION AND THE POTENTIAL HEALTH RISK
28 ASSOCIATED WITH EXPOSURE TO THE WATER QUALITY LIMITED SEGMENT AND
29 CONSUMPTION OF LIVING ORGANISMS CONTAINED IN THE WATER; AND

30 (III) THE MEASURES BEING IMPLEMENTED TO ADDRESS THE
31 DEGRADED WATER QUALITY OF THE WATER QUALITY LIMITED SEGMENT.

32 (4) THE NOTICE SHALL DESIGNATE A DEPARTMENT CONTACT PERSON
33 AND TELEPHONE NUMBER FOR CITIZENS AND ORGANIZATIONS TO OBTAIN
34 ADDITIONAL INFORMATION.

35 (5) THE DEPARTMENT SHALL ALSO PLACE POSTINGS AT ALL PUBLIC
36 ACCESS POINTS ON WATER QUALITY LIMITED SEGMENTS, AS IDENTIFIED IN
37 PARAGRAPH (1) OF THIS SUBSECTION, DETAILING:

38 (I) THE FACT OF THE LISTING OF THE WATER AS A WATER
39 QUALITY LIMITED SEGMENT; AND

16

1 (II) THE CURRENT CONDITION AND THE POTENTIAL HEALTH RISK
2 ASSOCIATED WITH EXPOSURE TO THE WATER QUALITY LIMITED SEGMENT AND
3 CONSUMPTION OF LIVING ORGANISMS CONTAINED IN THE WATER.

4 (6) THE DEPARTMENT SHALL DEVELOP, AND UPDATE ON AN ANNUAL
5 BASIS, AN INFORMATIONAL PAMPHLET CONTAINING:

6 (I) A COMPLETE LIST OF ALL WATER QUALITY LIMITED
7 SEGMENTS, AS IDENTIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, WITHIN THE
8 STATE;

9 (II) THE REASONS FOR EACH LISTING;

10 (III) THE CURRENT CONDITION AND THE POTENTIAL HEALTH RISK
11 ASSOCIATED WITH EXPOSURE TO THE WATER QUALITY LIMITED SEGMENT AND
12 CONSUMPTION OF LIVING ORGANISMS CONTAINED IN THE WATER; AND

13 (IV) THE MEASURES BEING IMPLEMENTED TO ADDRESS THE
14 DEGRADED WATER QUALITY OF THE WATER QUALITY LIMITED SEGMENT.

15 (7) THE DEPARTMENT SHALL ENSURE THAT THIS PAMPHLET IS
16 DISTRIBUTED WITH EACH BOATING LICENSE AND FISHING LICENSE ISSUED IN THE
17 STATE.

18 (8) THE DEPARTMENTAL ACTIVITIES IDENTIFIED IN THIS SUBSECTION
19 SHALL BE IMPLEMENTED FOR EACH WATER QUALITY LIMITED SEGMENT UNTIL THE
20 SEGMENT HAS BEEN REMOVED FROM THE LIST.

21 ~~6-508 6-608.~~

22 ~~(A) THE GOAL OF THE STATE IS TO ACHIEVE, ON OR BEFORE OCTOBER 1, 2007,~~
23 ~~A 50% REDUCTION OF THE QUANTITIES OF TOXIC OR HAZARDOUS BY PRODUCTS~~
24 ~~GENERATED BY INDUSTRY IN MARYLAND IN 1998; AND~~

25 ~~(B) TO TRACK ACHIEVEMENTS RELATIVE TO THIS GOAL, THE DEPARTMENT,~~
26 ~~IN ADDITION TO THE ANNUAL REPORTS MANDATED UNDER THIS SUBTITLE, SHALL~~
27 ~~BY JANUARY 1, 2003 AND JANUARY 1, 2008, RESPECTIVELY, TRANSMIT A REPORT TO~~
28 ~~THE LEGISLATURE AND THE COUNCIL, DETAILING THE PROGRESS TOWARD~~
29 ~~ACHIEVEMENT OF THE STATEWIDE GOAL.~~

30 ~~6-509.~~

31 ~~(A) ANY EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A~~
32 ~~PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION~~
33 ~~ADOPTED UNDER THIS SUBTITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO~~
34 ~~EXCEED \$25,000 \$1,000 FOR EACH DAY OR PART OF A DAY THAT A VIOLATION~~
35 ~~CONTINUES, WHICH MAY BE ASSESSED IN AN ACTION BROUGHT ON BEHALF OF THE~~
36 ~~STATE IN ANY COURT HAVING JURISDICTION.~~

37 (B) ANY INDIVIDUAL OR TOXICS USER WHO WILLFULLY VIOLATES ANY
38 REQUIREMENT OF ~~§ 6-505 OR § 6-506~~ § 6-605 OR § 6-606 OR ANY REGULATION
39 ADOPTED UNDER THOSE SECTIONS, SHALL BE PUNISHED BY A ~~FINE PENALTY~~ OF
40 NOT ~~LESS THAN \$2,500 OR MORE THAN \$25,000~~ \$10,000 FOR EACH DAY OR PART OF A

17

1 DAY THAT A VIOLATION CONTINUES, BY IMPRISONMENT FOR NOT MORE THAN 1
2 YEAR, OR BY BOTH.

3 (C) IF THE SECRETARY DETERMINES THAT A TRADE SECRET CLAIM IS
4 FRIVOLOUS, THE PERSON MAKING THE TRADE SECRET CLAIM SHALL BE SUBJECT TO
5 A CIVIL PENALTY ~~NOT TO EXCEED \$25,000 PER FRIVOLOUS CLAIM~~ THAT IS EQUAL TO
6 THE DEPARTMENT'S COSTS OF PROCESSING THE CLAIM.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the
8 Environment shall adopt regulations to effectuate and enforce this Act by ~~October 1,~~
9 ~~1997~~ April 1, 1998.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
11 members of the Toxics Safety Advisory Council shall be as follows:

12 (1) four members shall serve for 1 year after appointment;

13 (2) four members shall serve for 2 years after appointment; and

14 (3) three members shall serve for 3 years after appointment.

15 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
16 take effect on June 1, 1997.

17 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
18 Section 4 of this Act, this Act shall take effect on October 1, 1997.