

**SB0253/353621/1**

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 253  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon, insert “establishing additional requirements applicable to research, development, and demonstration permits issued for the incineration of chemical warfare materials at a research facility;”; and after line 12, insert:

“BY adding to

Article - Environment

Section 7-239.5

Annotated Code of Maryland

(2013 Replacement Volume and 2024 Supplement)”.

AMENDMENT NO. 2

On page 1, in line 17, strike “7-239.4” and substitute “7-239.5”.

On page 3, in line 3, strike “AND 7-239.4” and substitute “THROUGH 7-239.5”; strike in their entirety lines 8 through 10, inclusive; in lines 11 and 13, in each instance, strike the brackets; in line 11, strike “(B)”; in line 13, strike “(C)” and substitute “(1)”

SUBJECT TO § 7-239.5 OF THIS SUBTITLE, THIS SUBSECTION DOES NOT APPLY TO THE INCINERATION OF CHEMICAL WARFARE MATERIALS AT A RESEARCH FACILITY IF THE INCINERATION IS DONE FOR RESEARCH, DEVELOPMENT, OR DEMONSTRATION PURPOSES.

(2)”;

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in line 17, strike “(1)” and substitute “**(I)**”; and in lines 19, 23, 26, 28, and 32, strike “(i)”, “(ii)”, “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “**1.**”, “**2.**”, “**3.**”, “**4.**”, and “**5.**”, respectively.

On page 4, in line 1, strike “(vi)” and substitute “**6.**”; in lines 3 and 7, strike “(2)” and “(3)”, respectively, and substitute “**(II)**” and “**(III)**”, respectively; in line 10, strike “paragraph (1)(v) of this subsection” and substitute “**ITEM (I)5 OF THIS PARAGRAPH**”; and in line 12, strike “THIS” and substitute “**SUBJECT TO § 7-239.5 OF THIS SUBTITLE, THIS**”.

On page 5, after line 3, insert:

**“7-239.5.**

**(A) (1) THE DEPARTMENT MAY ISSUE A RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMIT FOR THE INCINERATION OF CHEMICAL WARFARE MATERIALS AT A RESEARCH FACILITY IN ACCORDANCE WITH THIS SECTION.**

**(2) THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO ANY GENERAL REQUIREMENTS FOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS, INCLUDING GENERAL REQUIREMENTS RELATED TO PUBLIC PARTICIPATION IN THE PERMITTING PROCESS.**

**(B) A PERMIT ISSUED UNDER THIS SECTION SHALL:**

**(1) LIMIT THE DURATION OF THE PERMIT IN ACCORDANCE WITH DEPARTMENT REGULATIONS;**

**(2) PROVIDE FOR THE RECEIPT AND TREATMENT BY THE RESEARCH FACILITY OF ONLY THOSE TYPES AND QUANTITIES OF CHEMICAL**

WARFARE MATERIALS THAT THE DEPARTMENT CONSIDERS NECESSARY FOR PURPOSES OF DETERMINING THE EFFICACY AND PERFORMANCE CAPABILITIES OF THE INCINERATION TECHNOLOGY OR PROCESS; AND

(3) SUBJECT TO SUBSECTION (C) OF THIS SECTION, INCLUDE REQUIREMENTS AS THE DEPARTMENT CONSIDERS NECESSARY TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT, INCLUDING REQUIREMENTS REGARDING:

(I) MONITORING;

(II) OPERATION;

(III) FINANCIAL RESPONSIBILITY;

(IV) CLOSURE AND REMEDIAL ACTION; AND

(V) ANY OTHER MATTER THAT THE DEPARTMENT CONSIDERS NECESSARY RELATED TO TESTING AND PROVIDING INFORMATION TO THE DEPARTMENT WITH RESPECT TO THE OPERATION OF THE RESEARCH FACILITY.

(C) IN DEVELOPING PERMIT REQUIREMENTS UNDER THIS SECTION, THE DEPARTMENT SHALL:

(1) REQUIRE CONTINUOUS NEAR-REAL TIME AIR EMISSIONS MONITORING, WITH A LAG TIME OF NOT MORE THAN 10 MINUTES, DURING INCINERATION; AND

(Over)

**(2) CONSIDER THE NEED FOR SOIL AND WATER POLLUTION MONITORING.**

**(D) THE DEPARTMENT MAY ORDER AN IMMEDIATE TERMINATION OF ALL INCINERATION OPERATIONS AT A RESEARCH FACILITY AT ANY TIME THE DEPARTMENT DETERMINES THAT TERMINATION IS NECESSARY TO PROTECT HUMAN HEALTH OR THE ENVIRONMENT.**

**(E) (1) THE DEPARTMENT SHALL REQUIRE A RESEARCH FACILITY THAT RECEIVES A PERMIT UNDER THIS SECTION TO:**

**(I) AT LEAST ONCE EVERY YEAR, REPORT TO THE DEPARTMENT ON OPERATIONS UNDER THE PERMIT, INCLUDING:**

**1. THE QUANTITIES AND TYPES OF CHEMICAL WARFARE MATERIALS INCINERATED DURING THE REPORTING PERIOD;**

**2. THE RESULTS OF ALL EMISSIONS AND POLLUTION MONITORING UNDERTAKEN UNDER THE PERMIT; AND**

**3. ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT; AND**

**(II) AT LEAST ONCE EVERY 2 YEARS, CONDUCT AND SUBMIT TO THE DEPARTMENT AN ASSESSMENT OF INCINERATION ACTIVITIES CONDUCTED UNDER THE PERMIT ON LOCAL ECOSYSTEMS, PUBLIC HEALTH, AND AIR QUALITY.**

**(2) THE DEPARTMENT:**

(I) SHALL REVIEW ALL REPORTS AND ASSESSMENTS SUBMITTED UNDER THIS SUBSECTION; AND

(II) MAY, ON THE BASIS OF A REPORT OR ASSESSMENT SUBMITTED UNDER THIS SUBSECTION, MODIFY OR REVOKE A PERMIT ISSUED UNDER THIS SECTION.

(3) THE DEPARTMENT SHALL:

(I) TO THE EXTENT THAT DOING SO IS CONSISTENT WITH § 4-352 OF THE GENERAL PROVISIONS ARTICLE, MAKE ALL REPORTS AND ASSESSMENTS REQUIRED UNDER THIS SUBSECTION AVAILABLE ON THE DEPARTMENT'S WEBSITE; AND

(II) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, SUBMIT ALL REPORTS AND ASSESSMENTS REQUIRED UNDER THIS SUBSECTION TO THE SENATE COMMITTEE ON EDUCATION, ENERGY, AND THE ENVIRONMENT AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.”.