

# SENATE BILL 253

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SB 889/21 – EHE

(PRE-FILED)

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CF HB 62

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By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Commerce)**

Requested: October 4, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Hazardous Substance Facility Permit – Research Facilities –**  
3 **Chemical Warfare Material Requirements**

4 FOR the purpose of providing that certain provisions of law regarding chemical warfare  
5 material requirements under a controlled hazardous substance facility permit do not  
6 apply to certain research facilities under certain circumstances; and generally  
7 relating to controlled hazardous substance facility permits.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 7–239.1, 7–239.2, 7–239.3, and 7–239.4  
11 Annotated Code of Maryland  
12 (2013 Replacement Volume and 2024 Supplement)

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

15 **Article – Environment**

16 7–239.1.

17 (a) In §§ 7–239.1 through 7–239.4 of this subtitle the following words have the  
18 meanings indicated.

19 (b) (1) “Chemical warfare material” means any of the following:

20 (i) Adamsite (Phenarsazine chloride);

21 (ii) GA (Ethyl–N, N–dimethyl phosphoramidocyanidate);

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) GB (Isopropyl methyl phosphonofluoridate);
- 2 (iv) GD (Pinacolyl methylphosphonofluoridate);
- 3 (v) H, HD (Bis(2-chloroethyl) sulfide);
- 4 (vi) HT (60 percent HD and 40 percent T  
5 (Bis[2(2-chloroethyl-thio)ethyl]ester));
- 6 (vii) L (Dichloro(2-chlorovinyl)arsine);
- 7 (viii) T (2-2' Di (3-chloroethylthio)-diethyl ether); or
- 8 (ix) VX (O-ethyl-S-(2-diisopropylaminoethyl) methyl  
9 phosphonothiolate).

10 (2) "Chemical warfare material" includes any substance that has chemical  
11 warfare material as an active or principal ingredient or ingredients, and degradation  
12 products of chemical warfare material.

13 (c) (1) "Monitoring data" means data from actual stack emissions under all  
14 operating conditions at a controlled hazardous substance facility.

15 (2) "Monitoring data" does not include trial burn data or data derived from  
16 incineration of agent simulants.

17 **(D) "RESEARCH FACILITY" MEANS A FACILITY DESIGNATED BY THE U.S.**  
18 **DEPARTMENT OF DEFENSE FOR THE RESEARCH, DEVELOPMENT, AND**  
19 **DEMONSTRATION OF TECHNOLOGIES RELATED TO CHEMICAL WARFARE**  
20 **MATERIALS.**

21 7-239.2.

22 (a) The State of Maryland finds that the chemical warfare materials specified  
23 under § 7-239.1 of this subtitle were designed for warfare, specifically the destruction of  
24 human beings, and for no legitimate civilian industrial use.

25 (b) The State recognizes the need to dispose of these chemical warfare materials  
26 as safely as possible, ensuring the health and safety of State residents by the regulation of  
27 their release into the environment.

28 (c) Since these chemical warfare materials are highly toxic or carcinogenic, in  
29 addition to any other applicable requirements at law, the State shall require [without  
30 exemption or waiver] that an applicant for the treatment by incineration of chemical

1 warfare materials shall comply with all [the] APPLICABLE requirements of this subtitle  
2 and all APPLICABLE regulations adopted under this subtitle.

3 (D) NOTHING IN THIS SECTION OR IN §§ 7-239.3 AND 7-239.4 OF THIS  
4 SUBTITLE SHALL LIMIT THE AUTHORITY OF THE DEPARTMENT TO APPLY  
5 REGULATIONS ADOPTED UNDER THIS SUBTITLE TO A CHEMICAL WARFARE  
6 MATERIAL THAT IS A CONTROLLED HAZARDOUS SUBSTANCE.

7 7-239.3.

8 (A) THIS SECTION DOES NOT APPLY TO THE INCINERATION OF CHEMICAL  
9 WARFARE MATERIALS AT A RESEARCH FACILITY IF THE INCINERATION IS DONE FOR  
10 RESEARCH, DEVELOPMENT, OR DEMONSTRATION PURPOSES.

11 [(a)] (B) A chemical warfare material that is a solid waste is a controlled  
12 hazardous substance.

13 [(b)] (C) In addition to any other applicable requirements, the Department may  
14 not issue a permit for the construction, material alteration, or operation of a controlled  
15 hazardous substance facility to be used for the treatment by incineration of a chemical  
16 warfare material unless:

17 (1) The permit applicant demonstrates to the satisfaction of the  
18 Department prior to issuance of a controlled hazardous substance facility permit:

19 (i) That the proposed incinerator technology has consistently met  
20 all applicable federal and State performance standards in an operational facility  
21 comparable to the proposed facility for a period of time and under conditions acceptable to  
22 the Department;

23 (ii) That emissions and monitoring data from a comparable facility  
24 demonstrate compliance with State toxic air pollutant standards established under Title 2  
25 of this article;

26 (iii) That a destruction and removal efficiency of 99.9999 percent is  
27 achievable for each chemical warfare material to be incinerated at the facility;

28 (iv) That the applicant has made adequate provision to support and  
29 fund the development of a plan that demonstrates the capability of removing, sheltering,  
30 and protecting persons from the largest area at risk from a worst-case release, as defined  
31 by the Department;

32 (v) That an emergency preparedness plan has been developed with  
33 adequate public participation that provides training, coordination, and equipment  
34 necessary for State and local emergency response personnel and community members to  
35 respond to a release of a chemical warfare material from the proposed facility; and

1 (vi) That the emergency preparedness plan has been presented at  
2 public meetings in each county potentially impacted by a worst-case release;

3 (2) The Department finds that the applicant has fully evaluated all  
4 reasonable alternative methods for treatment or disposal including transport to a less  
5 populated disposal site in order to create less risk of release or harm to the general public  
6 or the environment; and

7 (3) The local governing body of each county and municipal corporation  
8 included in the worst-case release has a reasonable opportunity to review and provide  
9 comment on the facility permit application and the emergency preparedness plan under  
10 paragraph (1)(v) of this subsection.

11 7-239.4.

12 **(A) THIS SECTION DOES NOT APPLY TO THE INCINERATION OF CHEMICAL**  
13 **WARFARE MATERIALS AT A RESEARCH FACILITY IF THE INCINERATION IS DONE FOR**  
14 **RESEARCH, DEVELOPMENT, OR DEMONSTRATION PURPOSES.**

15 **[(a)] (B)** The Department shall require as conditions of operation of a controlled  
16 hazardous substance facility to be used for the treatment by incineration of a chemical  
17 warfare material that:

18 (1) Treatment by incineration be monitored on a continuous basis;

19 (2) Monitoring data be regularly reviewed by a qualified independent third  
20 party selected by the Department; and

21 (3) Monitoring data and reviews be reported to the Department in the  
22 manner and frequency determined appropriate by the Department.

23 **[(b)] (C)** Any permit issued under this section shall be for a quantity that is  
24 specifically identified and:

25 (1) May be renewed for good cause as to the length of time for completion  
26 of the incineration authorized under the permit; but

27 (2) May not be modified as to the amount of controlled hazardous substance  
28 to be destroyed.

29 **[(c)] (D)** After destruction of the specific quantity of the controlled hazardous  
30 substance allowed by the terms of the permit issued under this section, the incinerator shall  
31 be disassembled and disposed of in accordance with all applicable federal and State  
32 performance standards and in a time period established by the permit.

1            **[(d)] (E)**        In addition to the facility permit fee required under § 7-237 of this  
2 subtitle, the applicant shall pay the compensation of an independent third party with whom  
3 the Department may contract for the review of application materials and monitoring data.

4            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
5 1, 2025.