

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 1

Bill No. 1-2017

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending certain permit requirements related to hazardous substances; defining certain terms and setting forth different types of hazardous substances; and generally relating to the Howard County Fire Prevention Code.

Introduced and read first time _____, 2017. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the Howard
2 County Code is amended as follows:

3

4 *By adding Title 17 “Public Protection Services”*
5 *Section 17.104 “Howard County Fire Prevention Code”*
6 *Subsection (c)(40A)*

7

8 *By amending Title 17 “Public Protection Services”*
9 *Section 17.104 “Howard County Fire Prevention Code”*
10 *Subsection (c)(281) and Subsection (c)(282).*

11

12 *By adding Title 17 “Public Protection Services”*
13 *Section 17.104 “Howard County Fire Prevention Code”*
14 *Subsection (c)(282A)*

15

16 **Title 17. Public Protection Services.**
17 **Subtitle 1. Fire and Rescue Services.**

18

19 **Section 17.104. Howard County Fire Prevention Code.**

20 (c) *Local amendments to the Howard County Fire Prevention Code:* The following amendments
21 modify certain provisions of the adopted Code:

22 (40A) *SECTION 1.12.8.*

23 DELETE THIS SUBSECTION AND SUBSTITUTE THE FOLLOWING:

24 A PERMIT FOR A HAZARDOUS MATERIAL IS REQUIRED IN ACCORDANCE WITH TABLE
25 1.12.8(A) THROUGH TABLE 1.12.8(D), AND FOR A HAZARDOUS MATERIAL IDENTIFIED IN
26 SECTION 60.1.1.1 OF THIS CODE.

27 (281) *Section [[60.1]]60.1.1.1.*

28 Add new section [[60.1]]60.1.1.1, immediately [[prior to]]AFTER section 60.1.1 as
29 follows:

1 [[60.1 Hazmat Permitting. If a facility stores, transports on site, dispenses, uses, or
2 handles any hazardous materials listed in the tables included in NFPA 1 Chapter 60, the
3 facility shall obtain an annual permit issued by the AHJ.

4 (i) For purposes of this subsection, Type I, II, III, and IV shall be as defined in the
5 Emergency Planning and Community Right-to-Know Act, 42 USC Section 11004.
6 Type V shall be defined as any facility utilizing a hazardous material not listed as an
7 Extremely Hazardous Substance but listed in the tables included in Chapter 60 of
8 NFPA 1.]]

9 60.1.1.1 HAZMAT PERMITTING. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
10 CODE, AN ANNUAL PERMIT ISSUED BY THE AHJ IS REQUIRED FOR ANY FACILITY THAT
11 STORES, RECEIVES, DISPENSES, USES, OR HANDLES ANY HAZARDOUS MATERIALS IDENTIFIED
12 IN SUBSECTION 60.1.1.1(I) OF THIS CODE. FOR THE PURPOSES OF THIS SECTION, THE TERM
13 “HAZARDOUS MATERIAL” IS EQUIVALENT TO “HAZARDOUS SUBSTANCE” AND “HAZARDOUS
14 CHEMICAL”.

15 (I) THERE ARE FIVE TYPES OF HAZARDOUS MATERIALS PERMITS BASED ON THE TYPE AND
16 QUANTITY OF HAZARDOUS MATERIAL:

17 A. TYPE I PERMITS ARE REQUIRED FOR HAZARDOUS CHEMICALS IDENTIFIED IN 40 CFR
18 PART 370, SUBJECT TO THE THRESHOLD PLANNING QUANTITY (“TPQ”) WHERE
19 APPLICABLE THEREIN.

20 B. TYPE II, TYPE III, AND TYPE IV PERMITS ARE REQUIRED FOR EXTREMELY
21 HAZARDOUS SUBSTANCES, AS DEFINED IN 40 CFR PART 355, THAT HAVE A TPQ OF
22 10 POUNDS OR LESS, THAT DO NOT OTHERWISE REQUIRE A TYPE I PERMIT, AS
23 FOLLOWS:

24 1. TYPE II PERMITS ARE REQUIRED FOR 5 POUNDS OR MORE, UP TO 10 POUNDS.

25 2. TYPE III PERMITS ARE REQUIRED FOR 1 POUND OR MORE, UP TO 5 POUNDS.

26 3. TYPE IV PERMITS ARE REQUIRED FOR AMOUNTS LESS THAN A POUND.

27 C. TYPE V HAZARDOUS MATERIALS PERMITS ARE REQUIRED FOR ANY SUBSTANCE, IN
28 ACCORDANCE WITH SECTION 1.12.8 OF THIS CODE, THAT DOES NOT OTHERWISE
29 REQUIRE A TYPE I, II, III, OR IV PERMIT.

30 (ii) A permit application will not be accepted unless the following items are submitted
31 with the permit application:

- 1 a. A general site plan is required for Type I, II, and III facilities. A general site plan
2 shall be drawn at a legible scale and shall include the location of buildings,
3 exterior storage facilities, permanent access ways, evacuation routes, parking lots,
4 internal roads, chemical loading areas, equipment cleaning areas, storm and
5 sanitary sewer accesses, emergency equipment, and adjacent property uses.
- 6 b. A building floor plan is required for Type I, II, and III facilities. A building floor
7 plan shall be drawn to a legible scale that shall include the identity of each
8 hazardous materials storage areas within the building and shall indicate rooms,
9 doorways, corridors, means of egress, and evacuation routes.
- 10 c. A hazardous materials inventory statement (HMIS) is required for all facilities.
11 The inventory statement shall include: hazard class, common or trade name,
12 chemical name, major constituents, and concentrations if a mixture. If the
13 hazardous material is waste, the waste category, chemical abstract service number
14 (CAS number) found in title 29 of the Code of Federal Regulations (CFR),
15 whether the material is pure or a mixture, and whether the material is a solid,
16 liquid, or gas, storage conditions related to the storage type, temperature, and
17 pressure.
- 18 d. Safety data sheets (SDS) are required for all facilities and for all chemicals listed
19 on the application.
- 20 e. Type I, II, and III facilities are required to provide a copy of a contract with a
21 disposal/clean-up company or a plan to dispose of chemicals or clean-up spills or
22 leaks.
- 23 (iii) Any amendments to the hazardous materials inventory statements shall be provided to
24 the AHJ within 30 days of the storage of any hazardous materials that either:
25 a. Changes or adds a hazard class; or
26 b. That causes a five percent increase in the amount of any one hazard class.
- 27 (iv) The business shall notify the AHJ in writing 30 days prior to vacating the property or
28 area where hazardous materials are located. The AHJ shall conduct an inspection on
29 the last day that the business occupies the property or area to confirm that all
30 hazardous materials have been removed from the property or area. A violation of this

1 subsection is a Class A offense. Each day that a violation continues is a separate
2 offense.

3 (v) Applications for a hazardous material permit shall be submitted annually by the
4 following dates:

- 5 a. Type I - Filing date: March 1st
- 6 b. Type II - Filing date: August 1st
- 7 c. Type III - Filing date: September 1st
- 8 d. Type IV - Filing date May 1st
- 9 e. Type V - Filing date: June 1st

10 Failure to apply for a hazardous materials permit is a Class A offense. Each day that a
11 violation continues is a separate offense.

12 (vi) A violation of this section is a Class A offense. Each day that a violation continues is
13 a separate offense.

14 (282) *Subsection [[60.1.1.1]]60.1.1.1.*

15 Add new subsection [[60.1.1.1]]60.1.1.1 after subsection [[60.1.1]]60.1.1.1 as follows:

16 In addition to this Code, applicable requirements of the Public Safety Article of the
17 Annotated Code of Maryland, shall apply. WHEN A PERMIT CONFLICTS WITH A PROVISION OF
18 THIS CODE, THE MORE STRINGENT REQUIREMENT APPLIES.

19 (282A) *SUBSECTION 60.1.2.*

20 DELETE THE FIRST PARAGRAPH AND SUBSTITUTE THE FOLLOWING:

21 EXCEPT FOR HAZARDOUS MATERIALS PERMIT REQUIREMENTS, BUILDINGS, AND PORTIONS
22 THEREOF, CONTAINING HIGH HAZARD CONTENTS LIMITED TO ANY OF THE FOLLOWING ARE NOT
23 REQUIRED TO COMPLY WITH THIS CHAPTER.

24

25 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
26 *this Act shall become effective 61 days after its enactment.*