

Introduced 1/3/17  
Public Hearing 1/17/17  
Council Action 2/6/17  
Executive Action 2/9/17  
Effective Date 4/11/17

### 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 January 3, 2017. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
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 January 17, 2017.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on February 6, 2017 and Passed , Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

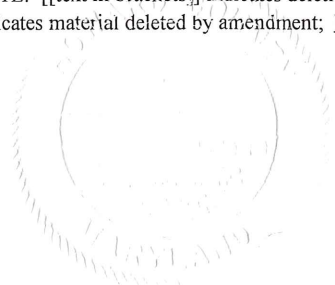
Sealed with the County Seal and presented to the County Executive for approval this 9<sup>th</sup> day of February, 2017 at 3 a.m./p.m.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive Feb 9, 2017

Allan H. Kittleman  
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 1.12.8(A)  
25 THROUGH TABLE 1.12.8(D), AND FOR A HAZARDOUS MATERIAL IDENTIFIED IN SECTION  
26 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 follows:  
29 [[60.1 Hazmat Permitting. If a facility stores, transports on site, dispenses, uses, or handles  
30 any hazardous materials listed in the tables included in NFPA 1 Chapter 60, the facility  
31 shall obtain an annual permit issued by the AHJ.

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

6 60.1.1.1 HAZMAT PERMITTING. NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
7 CODE, AN ANNUAL PERMIT ISSUED BY THE AHJ IS REQUIRED FOR ANY FACILITY THAT  
8 STORES, RECEIVES, DISPENSES, USES, OR HANDLES ANY HAZARDOUS MATERIALS IDENTIFIED  
9 IN SUBSECTION 60.1.1.1(i) OF THIS CODE. FOR THE PURPOSES OF THIS SECTION, THE TERM  
10 “HAZARDOUS MATERIAL” IS EQUIVALENT TO “HAZARDOUS SUBSTANCE” AND “HAZARDOUS  
11 CHEMICAL”.

12 (i) THERE ARE FIVE TYPES OF HAZARDOUS MATERIALS PERMITS BASED ON THE TYPE AND  
13 QUANTITY OF HAZARDOUS MATERIAL:

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

17 B. TYPE II, TYPE III, AND TYPE IV PERMITS ARE REQUIRED FOR EXTREMELY  
18 HAZARDOUS SUBSTANCES, AS DEFINED IN 40 CFR PART 355, THAT HAVE A TPQ OF  
19 10 POUNDS OR LESS, THAT DO NOT OTHERWISE REQUIRE A TYPE I PERMIT, AS  
20 FOLLOWS:

- 21 1. TYPE II PERMITS ARE REQUIRED FOR 5 POUNDS OR MORE, UP TO 10 POUNDS.
- 22 2. TYPE III PERMITS ARE REQUIRED FOR 1 POUND OR MORE, UP TO 5 POUNDS.
- 23 3. TYPE IV PERMITS ARE REQUIRED FOR AMOUNTS LESS THAN A POUND.

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

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

- 29 a. A general site plan is required for Type I, II, and III facilities. A general site plan  
30 shall be drawn at a legible scale and shall include the location of buildings, exterior  
31 storage facilities, permanent access ways, evacuation routes, parking lots, internal

1 roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer  
2 accesses, emergency equipment, and adjacent property uses.

3 b. A building floor plan is required for Type I, II, and III facilities. A building floor  
4 plan shall be drawn to a legible scale that shall include the identity of each  
5 hazardous materials storage areas within the building and shall indicate rooms,  
6 doorways, corridors, means of egress, and evacuation routes.

7 c. A hazardous materials inventory statement (HMIS) is required for all facilities. The  
8 inventory statement shall include: hazard class, common or trade name, chemical  
9 name, major constituents, and concentrations if a mixture. If the hazardous material  
10 is waste, the waste category, chemical abstract service number (CAS number)  
11 found in title 29 of the Code of Federal Regulations (CFR), whether the material is  
12 pure or a mixture, and whether the material is a solid, liquid, or gas, storage  
13 conditions related to the storage type, temperature, and pressure.

14 d. Safety data sheets (SDS) are required for all facilities and for all chemicals listed  
15 on the application.

16 e. Type I, II, and III facilities are required to provide a copy of a contract with a  
17 disposal/clean-up company or a plan to dispose of chemicals or clean-up spills or  
18 leaks.

19 (iii) Any amendments to the hazardous materials inventory statements shall be provided to  
20 the AHJ within 30 days of the storage of any hazardous materials that either:

21 a. Changes or adds a hazard class; or

22 b. That causes a five percent increase in the amount of any one hazard class.

23 (iv) The business shall notify the AHJ in writing 30 days prior to vacating the property or  
24 area where hazardous materials are located. The AHJ shall conduct an inspection on  
25 the last day that the business occupies the property or area to confirm that all hazardous  
26 materials have been removed from the property or area. A violation of this subsection  
27 is a Class A offense. Each day that a violation continues is a separate offense.

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

30 a. Type I - Filing date: March 1<sup>st</sup>

31 b. Type II - Filing date: August 1<sup>st</sup>

1 c. Type III - Filing date: September 1<sup>st</sup>

2 d. Type IV - Filing date May 1<sup>st</sup>

3 e. Type V - Filing date: June 1<sup>st</sup>

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

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

8 (282) *Subsection [[60.1.1.1]]60.1.1.1.1.*

9 Add new subsection [[60.1.1.1]]60.1.1.1.1 after subsection [[60.1.1]]60.1.1.1 as follows:

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

13 (282A) *SUBSECTION 60.1.2.*

14 DELETE THE FIRST PARAGRAPH AND SUBSTITUTE THE FOLLOWING:

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

18

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

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on February 9, 2017.

  
\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council