

(2) The Secretary may require an independent audit of any local emergency planning committee not found to be in compliance with paragraph (1) of this subsection.

(1) (1) The Secretary may recover any inappropriate expenditure made by a local emergency planning committee from the Fund.

(2) Any expenditure made by a local emergency planning committee that is inconsistent with subsection (i) of this section or the purpose of this subtitle shall be:

(i) Reimbursed by the local emergency planning committee to the Department; and

(ii) Remitted to the Fund within 90 days after receipt by the local emergency planning committee of a notice from the Department indicating that the expenditure is inappropriate.

(M) NOTWITHSTANDING SUBSECTIONS (B) THROUGH (L) OF THIS SECTION, THERE SHALL BE A SEPARATE ACCOUNT WITHIN THE COMMUNITY RIGHT-TO-KNOW FUND CONSISTING OF ALL FEES COLLECTED BY THE DEPARTMENT UNDER TITLE 7, SUBTITLE 7 OF THIS ARTICLE OR FUNDS APPROPRIATED IN THE STATE BUDGET FOR ALL COSTS INCURRED BY THE DEPARTMENT FOR THE PURPOSES STATED UNDER § 7-706 OF THIS TITLE.

SUBTITLE 7. HAZARDOUS MATERIAL SECURITY.

7-701.

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

(B) (1) "FACILITY" MEANS A LOCATION IN THE STATE IN WHICH A HAZARDOUS MATERIAL IS STORED, DISPENSED, USED, OR HANDLED.

(2) "FACILITY" DOES NOT INCLUDE:

(I) A RAILROAD, RAIL TRAIN, OR RAIL CAR REGULATED UNDER 49 U.S.C. SUBTITLE IV, PART A; OR

(II) A RETAIL DISTRIBUTOR WHOSE PRINCIPAL BUSINESS IS TO SELL OR OFFER FOR SALE, AT THE RETAIL LEVEL, COMMERCIAL FERTILIZER INTENDED FOR AGRICULTURAL USE.

(C) (1) "HAZARDOUS MATERIAL" MEANS A REGULATED SUBSTANCE AS DEFINED IN 40 C.F.R. 68.130 IN EXCESS OF THE THRESHOLD QUANTITY SPECIFIED IN THAT REGULATION.

(2) "HAZARDOUS MATERIAL" DOES NOT INCLUDE A SUBSTANCE THAT IS EXEMPT OR EXCLUDED UNDER 40 C.F.R. 68.125 AND 40 C.F.R. 68.126.