

7-702.

(A) THIS SUBTITLE APPLIES TO ANY PERSON WHO OWNS, OPERATES, MAINTAINS, OR CAUSES TO OPERATE OR MAINTAIN A FACILITY IN THIS STATE.

(B) THIS SUBTITLE DOES NOT APPLY IN A LOCAL JURISDICTION THAT ADOPTS HAZARDOUS MATERIAL SECURITY STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE STANDARDS UNDER § 7-703 OF THIS SUBTITLE.

(C) ON OR BEFORE OCTOBER 1, 2005, AND AT LEAST EVERY 5 YEARS THEREAFTER, A PERSON SUBJECT TO THIS SUBTITLE SHALL:

(1) ANALYZE THE SECURITY OF THE FACILITY IN ACCORDANCE WITH THE HAZARDOUS MATERIAL SECURITY STANDARDS ADOPTED BY THE DEPARTMENT UNDER § 7-703 OF THIS SUBTITLE;

(2) SUBMIT TO THE DEPARTMENT THE ANALYSIS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, INCLUDING POTENTIAL SECURITY THREATS, VULNERABILITIES, AND CONSEQUENCES TO THE FACILITY AND ANY CHANGES TAKEN TO IMPLEMENT THIS SUBTITLE AT THE FACILITY; AND

(3) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, SUBMIT THE A FEE REQUIRED UNDER THIS SUBTITLE OF \$2,500 TO THE DEPARTMENT.

(D) COUNTIES AND MUNICIPAL CORPORATIONS ARE EXEMPT FROM SUBMITTING THE FEE REQUIRED UNDER SUBSECTION (C)(3) OF THIS SECTION.

(E) THE FEES RECEIVED UNDER SUBSECTION (C)(3) OF THIS SECTION SHALL BE PAID INTO A SEPARATE ACCOUNT IN THE COMMUNITY RIGHT-TO-KNOW FUND.

(F) (1) THE ANALYSES PREPARED AND NOTIFICATIONS SUBMISSIONS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, OR DOCUMENTS PREPARED UNDER § 7-703 OF THIS SUBTITLE TO COMPLY WITH SUBSECTION (C) OF THIS SECTION, AND THEIR SUPPORTING DOCUMENTS ARE CONFIDENTIAL AND ARE NOT PUBLIC DOCUMENTS THAT MAY BE DISCLOSED WITHOUT PRIOR WRITTEN PERMISSION OF THE PERSON SUBJECT TO THIS SUBTITLE IN ACCORDANCE WITH TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(2) (I) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF STATE POLICE SHALL DISCLOSE INFORMATION RELATED TO ANY INVESTIGATION AND ENFORCEMENT ACTION TAKEN AGAINST A FACILITY UNDER THIS SUBTITLE IF THE DEPARTMENT OF STATE POLICE DETERMINES THAT DISCLOSURE WOULD NOT RESULT IN ANY ADDITIONAL RISK TO THE PUBLIC.

(II) IF THE DEPARTMENT OF STATE POLICE MAKES THE DETERMINATION TO DISCLOSE INFORMATION UNDER THIS PARAGRAPH, THE DEPARTMENT OF STATE POLICE SHALL DETERMINE WHICH DOCUMENTS RELATED TO THE ENFORCEMENT ACTION AND INVESTIGATION MAY BE DISCLOSED AS PUBLIC DOCUMENTS SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.