

REGULATION TO THE STATE SECRETARY OF AGRICULTURE FOR REVIEW AND APPROVAL.

(C) REQUIRED CONSIDERATIONS.

IN ADOPTING ANY RULE OR REGULATION, THE DEPARTMENT SHALL CONSIDER AMONG OTHER THINGS:

- (1) EXISTING PHYSICAL CONDITIONS;
- (2) THE CHARACTER OF AN AFFECTED SPECIFIC AREA;
- (3) ZONING;
- (4) THE NATURE OF ANY EXISTING RECEIVING BODY OF WATER; AND
- (5) THE TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS OF MEASURING OR REDUCING A PARTICULAR TYPE OF WATER POLLUTION.

(D) SCOPE OF RULE OR REGULATION.

A RULE OR REGULATION UNDER THIS SUBTITLE MAY:

(1) APPLY TO POLLUTANT AND HAZARDOUS SUBSTANCE SOURCES LOCATED OUTSIDE THIS STATE THAT CAUSE, CONTRIBUTE TO, OR THREATEN ENVIRONMENTAL DAMAGE IN THIS STATE;

(2) MAKE SPECIAL PROVISIONS FOR ALERT AND ABATEMENT STANDARDS AND PROCEDURES FOR OCCURRENCES OR EMERGENCIES OF POLLUTION OR ON OTHER SHORT TERM CONDITIONS THAT ARE AN ACUTE DANGER TO PUBLIC HEALTH OR TO THE ENVIRONMENT; OR

(3) SPECIFY DIFFERENT PROVISIONS AS CIRCUMSTANCES REQUIRE FOR DIFFERENT:

(I) POLLUTANT AND HAZARDOUS SUBSTANCE SOURCES; AND

(II) GEOGRAPHICAL AREAS.

(E) SPECIFIC RULES AND REGULATIONS.

THE DEPARTMENT, BY RULE OR REGULATION, SHALL:

(1) IDENTIFY ALL HAZARDOUS SUBSTANCES THAT ARE CONTROLLED HAZARDOUS SUBSTANCES GOVERNED BY THIS SUBTITLE;

(2) SET STANDARDS AND DESCRIBE TESTS TO IDENTIFY LETHAL, TOXIC, AND OTHER INJURIOUS EFFECTS OF CONTROLLED HAZARDOUS SUBSTANCES;

(3) SET MINIMUM DESIGN STANDARDS FOR CONTROLLED