

(ii) Damaged through proper use during an emergency response, containment, cleanup, and abatement of a release of hazardous materials resulting from a traffic accident involving a motor vehicle operated by a motor carrier that is transporting hazardous materials OR FROM A RELEASE OR THREATENED RELEASE OF HAZARDOUS MATERIALS AT A FIXED FACILITY.

(2) "Expense of an emergency response" includes the reasonable costs of replacing the chemicals that are used or damaged during an emergency response, containment, cleanup, and abatement.

(C) (1) "FIXED FACILITY" MEANS ANY INSTALLATION, STRUCTURE, OR PREMISES, ABOVE GROUND OR UNDERGROUND, IN WHICH HAZARDOUS MATERIALS ARE STORED WITH A CAPACITY TO STORE MORE THAN 1,000 POUNDS OF HAZARDOUS MATERIALS.

(2) "FIXED FACILITY" DOES NOT INCLUDE A FARM OR ANY BUILDING OR STRUCTURE ASSOCIATED WITH A FARM.

[(c)](D) (1) "Hazardous materials" means a substance or material in a quantity or form that the United States Secretary of Transportation designates may pose an unreasonable risk to health and safety of individuals or to property when transported in commerce.

(2) "Hazardous materials" includes any grouping or classification of materials, that the United States Secretary of Transportation designates as a hazardous material, including:

- (i) Explosives;
- (ii) Radioactive materials;
- (iii) Etiologic agents;
- (iv) Flammable liquids or solids;
- (v) Combustible liquids or solids;
- (vi) Poisons;
- (vii) Oxidizing or corrosive materials; and
- (viii) Compressed gases.

[(d)](E) "Highway" has the same meaning as provided in § 11-127 of the Transportation Article.

[(e)](F) "Motor carrier" means a common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier by motor vehicle that carries a hazardous material in commerce.

(G) "PERSON IN CONTROL", WITH RESPECT TO A RELEASE OR THREATENED RELEASE OF HAZARDOUS MATERIALS AT A FIXED FACILITY, MEANS:

- (1) THE OWNER OF THE HAZARDOUS MATERIALS; AND