

(2) THE DEPARTMENT FINDS THAT THE APPLICANT HAS FULLY EVALUATED ALL REASONABLE ALTERNATIVE METHODS FOR TREATMENT OR DISPOSAL INCLUDING TRANSPORT TO A LESS POPULATED DISPOSAL SITE IN ORDER TO CREATE LESS RISK OF RELEASE OR HARM TO THE GENERAL PUBLIC OR THE ENVIRONMENT; AND

(3) THE LOCAL GOVERNING BODY OF EACH COUNTY AND MUNICIPAL CORPORATION INCLUDED IN THE WORST-CASE RELEASE HAS A REASONABLE OPPORTUNITY TO REVIEW AND PROVIDE COMMENT ON THE FACILITY PERMIT APPLICATION AND THE EMERGENCY PREPAREDNESS PLAN UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION.

7-239.4.

(A) THE DEPARTMENT SHALL REQUIRE AS CONDITIONS OF OPERATION OF A CONTROLLED HAZARDOUS SUBSTANCE FACILITY TO BE USED FOR THE TREATMENT BY INCINERATION OF A CHEMICAL WARFARE MATERIAL THAT:

(1) TREATMENT BY INCINERATION BE MONITORED ON A CONTINUOUS BASIS;

(2) MONITORING DATA BE REGULARLY REVIEWED BY A QUALIFIED INDEPENDENT THIRD PARTY SELECTED BY THE DEPARTMENT; AND

(3) MONITORING DATA AND REVIEWS BE REPORTED TO THE DEPARTMENT IN THE MANNER AND FREQUENCY DETERMINED APPROPRIATE BY THE DEPARTMENT.

(B) ANY PERMIT ISSUED UNDER THIS SECTION SHALL BE FOR A QUANTITY THAT IS SPECIFICALLY IDENTIFIED AND:

(1) MAY BE RENEWED FOR GOOD CAUSE AS TO THE LENGTH OF TIME FOR COMPLETION OF THE INCINERATION AUTHORIZED UNDER THE PERMIT; BUT

(2) MAY NOT BE MODIFIED AS TO THE AMOUNT OF CONTROLLED HAZARDOUS SUBSTANCE TO BE DESTROYED.

(C) AFTER DESTRUCTION OF THE SPECIFIC QUANTITY OF THE CONTROLLED HAZARDOUS SUBSTANCE ALLOWED BY THE TERMS OF THE PERMIT ISSUED UNDER THIS SECTION, THE INCINERATOR SHALL BE DISASSEMBLED AND DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE FEDERAL AND STATE PERFORMANCE STANDARDS AND IN A TIME PERIOD ESTABLISHED BY THE PERMIT.

(D) IN ADDITION TO THE FACILITY PERMIT FEE REQUIRED UNDER § 7-237 OF THIS SUBTITLE, THE APPLICANT SHALL PAY THE COMPENSATION OF AN INDEPENDENT THIRD PARTY WITH WHOM THE DEPARTMENT MAY CONTRACT FOR THE REVIEW OF APPLICATION MATERIALS AND MONITORING DATA.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1993.