

# HOUSE BILL 1088

M3, L6

EMERGENCY BILL

3lr2485

---

By: **Delegate Bridges**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Emissions Standards, Ambient Air Quality Standards, and Solid Waste**  
3 **Management – Local Authority**

4 FOR the purpose of altering certain provisions of law relating to the authority of a political  
5 subdivision to adopt certain ordinances, rules, or regulations that set certain  
6 emission standards or ambient air quality standards; specifying that a certain  
7 requirement for the Department of the Environment to approve a certain county  
8 water and sewerage plan does not limit certain authority of the county; specifying  
9 that certain provisions of law do not limit certain authority of a political subdivision  
10 to regulate refuse disposal systems or solid waste, subject to a certain condition;  
11 requiring the Department to publish certain information on its website on or before  
12 a certain date; and generally relating to local authority and emissions standards,  
13 ambient air quality standards, and solid waste management.

14 BY repealing and reenacting, with amendments,  
15 Article – Environment  
16 Section 2–104  
17 Annotated Code of Maryland  
18 (2013 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Environment  
21 Section 9–502  
22 Annotated Code of Maryland  
23 (2014 Replacement Volume and 2022 Supplement)

24 BY adding to  
25 Article – Environment  
26 Section 9–731 to be under the new part “Part IV. Refuse Disposal Systems and Solid  
27 Waste Regulation”  
28 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2022 Supplement)

Preamble

WHEREAS, The Maryland General Assembly has previously enacted State laws to expressly authorize political subdivisions to adopt local ordinances, rules, or regulations to ensure clean air and to regulate solid waste management within the jurisdictional boundaries of the political subdivision so long as the local standards are at least as stringent as State or federal standards; and

WHEREAS, Certain court decisions have made it apparent that the legislative intent under the prior enactments regarding local authority have not been made sufficiently clear; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Environment**

2–104.

(a) (1) Except as provided in this [section] SUBSECTION, this title does not limit the power of a political subdivision to adopt ordinances, rules, or regulations that set emission standards or ambient air quality standards.

(2) A political subdivision may not adopt any ordinance, rule, or regulation that sets an emission standard or ambient air quality standard less stringent than the standards set by the Department under this title.

(b) [The] **IN ADDITION TO THE AUTHORITY PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE** governing body of any political subdivision may **ALSO** ask the Department to adopt rules and regulations that set more restrictive emission standards or ambient air quality standards in that political subdivision.

(c) **AN ORDINANCE, A RULE, OR A REGULATION ADOPTED IN ACCORDANCE WITH THIS SECTION MAY NOT BE CONSTRUED TO BE IN CONFLICT WITH A STANDARD SET BY THE DEPARTMENT IF:**

**(1) THE LOCAL STANDARD IS AT LEAST AS STRINGENT AS THE STANDARD SET BY THE DEPARTMENT; AND**

**(2) IT IS TECHNICALLY POSSIBLE FOR A REGULATED ENTITY TO COMPLY WITH THE DEPARTMENT’S STANDARD AND THE LOCAL STANDARD.**

9–502.

1 (a) Unless the operation of a water supply system would interfere with a cleanup  
2 or remediation action of the Department, this subtitle does not prohibit the installation or  
3 operation of a water supply system that is used only to supply water for purposes other  
4 than human or animal consumption.

5 (b) If a county is exempt from the provisions of this subtitle, the county may not  
6 receive funds from the sanitary facilities fund.

7 (c) Any rule or regulation adopted under this subtitle does not limit or supersede  
8 any other county, municipal, or State law, rule, or regulation that provides greater  
9 protection to the public health, safety, or welfare.

10 **(D) THE REQUIREMENT FOR THE DEPARTMENT TO APPROVE A COUNTY**  
11 **WATER AND SEWERAGE PLAN UNDER § 9-503 OF THIS SUBTITLE DOES NOT LIMIT:**

12 **(1) THE CONTRACTING AUTHORITY OF A COUNTY; OR**

13 **(2) THE AUTHORITY OF A COUNTY TO SET EMISSION STANDARDS OR**  
14 **AMBIENT AIR QUALITY STANDARDS IN ACCORDANCE WITH § 2-104 OF THIS ARTICLE.**

15 **9-729. RESERVED.**

16 **9-730. RESERVED.**

17 **PART IV. REFUSE DISPOSAL SYSTEMS AND SOLID WASTE REGULATION.**

18 **9-731.**

19 **(A) EXCEPT AS PROVIDED IN THIS PART, THIS TITLE DOES NOT LIMIT THE**  
20 **POWER OF A POLITICAL SUBDIVISION TO ADOPT ANY ORDINANCE, RULE, OR**  
21 **REGULATION TO REGULATE REFUSE DISPOSAL SYSTEMS OR SOLID WASTE.**

22 **(B) A POLITICAL SUBDIVISION MAY NOT ADOPT ANY ORDINANCE, RULE, OR**  
23 **REGULATION TO REGULATE REFUSE DISPOSAL SYSTEMS OR SOLID WASTE IN A**  
24 **MANNER THAT IS LESS STRINGENT THAN THE STANDARDS SET BY THE DEPARTMENT**  
25 **UNDER THIS TITLE.**

26 **(C) AN ORDINANCE, A RULE, OR A REGULATION ADOPTED IN ACCORDANCE**  
27 **WITH THIS SECTION MAY NOT BE CONSTRUED TO BE IN CONFLICT WITH A STANDARD**  
28 **SET BY THE DEPARTMENT IF THE LOCAL STANDARD IS AT LEAST AS STRINGENT AS**  
29 **THE STANDARD SET BY THE DEPARTMENT.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2023,  
31 the Department of the Environment shall publish information on its website recognizing

1 the legal authority of political subdivisions to adopt local ordinances, rules, or regulations  
2 to ensure clean air and to regulate solid waste management within the jurisdictional  
3 boundaries of the political subdivision so long as the local standards are at least as  
4 stringent as State and federal standards.

5         SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
6 measure, is necessary for the immediate preservation of the public health or safety, has  
7 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
8 each of the two Houses of the General Assembly, and shall take effect from the date it is  
9 enacted.