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**By: Delegate Guns**

Introduced and read first time: February 12, 1996  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Air Quality - Ozone Transport Region - Exclusions**

3 FOR the purpose of requiring the Governor and the Secretary of the Environment to  
4 undertake certain actions to remove certain portions of the State from the Ozone  
5 Transport Region; prohibiting the imposition or continuation of certain air quality  
6 control measures in certain portions of the State under certain circumstances;  
7 limiting the authority of the Secretary and the Motor Vehicle Administration to  
8 require certain air quality control measures in certain portions of the State under  
9 certain circumstances; requiring the Governor and the Secretary to provide a  
10 certain report to certain committees by a certain date; providing for the effective  
11 date of this Act; and generally relating to the Ozone Transport Region and air  
12 quality control.

13 BY adding to

14 Article - Environment  
15 Section 2-303.4  
16 Annotated Code of Maryland  
17 (1993 Replacement Volume and 1995 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Transportation  
20 Section 23-202(a)(1) and 23-207  
21 Annotated Code of Maryland  
22 (1992 Replacement Volume and 1995 Supplement)

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

25 **Article - Environment**

26 2-303.4.

27 (A) ON OR BEFORE OCTOBER 1, 1996, THE GOVERNOR AND THE SECRETARY  
28 SHALL UNDERTAKE ALL ACTIONS AUTHORIZED UNDER THE FEDERAL CLEAN AIR  
29 ACT, INCLUDING 42 U.S.C. § 7506A(A)(2), TO OBTAIN THE APPROVAL OF THE FEDERAL  
30 ENVIRONMENTAL PROTECTION AGENCY TO REMOVE FROM THE OZONE  
31 TRANSPORT REGION ESTABLISHED UNDER 42 U.S.C. § 7511C ANY METROPOLITAN

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1 STATISTICAL AREA OR COUNTY OF THE STATE WITHIN WHICH CONTROL OF  
2 EMISSIONS UNDER THIS TITLE OR UNDER 42 U.S.C. § 7511C OR OTHER PROVISIONS OF  
3 THE FEDERAL CLEAN AIR ACT WILL NOT SIGNIFICANTLY CONTRIBUTE TO THE  
4 VIOLATION OF THE NATIONAL AMBIENT AIR QUALITY STANDARD FOR OZONE IN  
5 ANY AREA IN THE OZONE TRANSPORT REGION.

6 (B) THE ACTIONS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION  
7 INCLUDE BUT ARE NOT LIMITED TO:

8 (1) REVIEWING EACH COUNTY AND METROPOLITAN STATISTICAL  
9 AREA OF THE STATE, IDENTIFYING THE SOURCES OF OZONE AND OZONE  
10 PRECURSORS LOCATED IN EACH COUNTY AND AREA, AND ASSESSING, USING  
11 COMPUTER MODELING AND ALL OTHER APPROPRIATE MEANS, THE CONTRIBUTION  
12 OF THESE SOURCES TO THE VIOLATION OF THE NATIONAL AMBIENT AIR QUALITY  
13 STANDARD FOR OZONE IN ANY AREA IN THE OZONE TRANSPORT REGION;

14 (2) ASSESSING THE PROBABLE IMPACT OF EMISSIONS CONTROL  
15 MEASURES, UNDER THIS TITLE OR UNDER 42 U.S.C. § 7511C OR OTHER PROVISIONS  
16 OF THE FEDERAL CLEAN AIR ACT, WITHIN THESE COUNTIES AND METROPOLITAN  
17 STATISTICAL AREAS, ON THE VIOLATION OF THE NATIONAL AMBIENT AIR QUALITY  
18 STANDARD FOR OZONE IN ANY AREA IN THE OZONE TRANSPORT REGION; AND

19 (3) REMOVING FROM THE OZONE TRANSPORT REGION ANY COUNTY  
20 OR METROPOLITAN STATISTICAL AREA WITHIN WHICH CONTROL OF EMISSIONS  
21 UNDER THIS TITLE OR UNDER 42 U.S.C. § 7511C OR OTHER PROVISIONS OF THE  
22 FEDERAL CLEAN AIR ACT WILL NOT SIGNIFICANTLY CONTRIBUTE TO THE  
23 VIOLATION OF THE NATIONAL AMBIENT AIR QUALITY STANDARD FOR OZONE IN  
24 ANY AREA IN THE OZONE TRANSPORT REGION.

25 (C) THE DEPARTMENT MAY NOT IMPOSE OR CONTINUE ANY REQUIREMENT  
26 TO COMPLY WITH THE VEHICLE EMISSIONS INSPECTION PROGRAM UNDER TITLE 23,  
27 SUBTITLE 2 OF THE TRANSPORTATION ARTICLE, OR THE REDUCTION OF VEHICLE  
28 MILES TRAVELED UNDER § 2-303.2 OF THIS SUBTITLE OR 42 U.S.C. § 7511A(D)(1) IN ANY  
29 METROPOLITAN STATISTICAL AREA OR COUNTY THAT IS REMOVED FROM THE  
30 OZONE TRANSPORT REGION UNDER SUBSECTION (A) OF THIS SECTION.

31 **Article - Transportation**

32 23-202.

33 (a) (1) Subject to [subsection (d) of this section] § 2-303.4 OF THE  
34 ENVIRONMENT ARTICLE, the Administration and the Secretary shall establish an  
35 emissions control program in the State in accordance with the federal Clean Air Act.

36 23-207.

37 [The] SUBJECT TO § 2-303.4 OF THE ENVIRONMENT ARTICLE, THE  
38 Administration and the Secretary may jointly adopt rules and regulations as required for  
39 purposes of implementation, administration, regulation, and enforcement of the  
40 provisions of this subtitle, including rules and regulations that, consistent with federal  
41 law, exempt certain vehicles from the inspections and tests under this subtitle.

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1           SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 8,  
2 1997, and subject to § 2-1312 of the State Government Article, the Governor and the  
3 Secretary of the Environment shall report to the Legislative Policy Committee, the House  
4 Environmental Matters Committee, and the Senate Judicial Proceedings Committee on  
5 the actions undertaken under § 2-303.4 of the Environment Article as enacted by this  
6 Act.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 June 1, 1996.