

By: Delegates Curran, Taylor, Cummings, Hurson, Busch, Guns, Hixson, Rawlings, and Vallario

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Secretary of the Environment - Adoption of Regulations - Relationship to Federal**
3 **Regulations**

4 FOR the purpose of prohibiting the Secretary of the Environment from adopting any
5 regulations that are based on certain federal regulations until the federal
6 regulations are final; making stylistic changes; and generally relating to the
7 authority of the Secretary of the Environment to adopt regulations.

8 BY repealing and reenacting, with amendments,
9 Article - Environment
10 Section 1-404(b)
11 Annotated Code of Maryland
12 (1993 Replacement Volume and 1995 Supplement)

13 BY adding to
14 Article - Environment
15 Section 1-404.1
16 Annotated Code of Maryland
17 (1993 Replacement Volume and 1995 Supplement)

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

20 **Article - Environment**
21 [TAG bumtag]1-404.

22 (b) (1) [The] SUBJECT TO § 1-404.1 OF THIS SUBTITLE, THE Secretary may
23 adopt [rules and] regulations to carry out the provisions of law that are within the
24 jurisdiction of the Secretary.

25 (2) The Secretary shall review and may revise the [rules and] regulations
26 of:

27 (i) Each unit in the Department that is authorized by law to adopt
28 [rules and] regulations; and

2

1 (ii) The Department.

2 1-404.1.

3 (A) IN THIS SECTION, "FEDERAL REGULATION" MEANS ANY REGULATION,
4 STANDARD, OR CRITERIA PROMULGATED BY A FEDERAL AGENCY THAT THE
5 AGENCY IS DIRECTED OR AUTHORIZED TO PROMULGATE UNDER:

6 (1) THE CLEAN AIR ACT;

7 (2) THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
8 COMPENSATION, AND LIABILITY ACT;

9 (3) THE FEDERAL WATER POLLUTION CONTROL ACT; OR

10 (4) THE RESOURCE CONSERVATION AND RECOVERY ACT.

11 (B) IF THE SECRETARY PROPOSES ANY REGULATION THAT IS BASED ON A
12 FEDERAL REGULATION, THE SECRETARY MAY NOT ADOPT THE REGULATION UNTIL
13 THE FEDERAL REGULATION BECOMES FINAL UNLESS POSTPONING THE ADOPTION
14 OF THE REGULATION WILL VIOLATE A FEDERAL LAW.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1996.