

to use used oil as a fuel even if, notwithstanding subsection (f)(2), such use would violate State and federal air quality standards. (Other persons presumably would be allowed to use used oil as a fuel only if, as required by subsection (f)(2), that use complied with air quality standards.)

To the extent that the provisions of this bill purport to exempt various air pollution sources from federal requirements, those provisions could not be given effect because of the Supremacy Clause of the United States Constitution. Moreover, even though the General Assembly has the power to exempt pollution sources from State regulation, those State air quality regulations that have been made a part of the State's air quality implementation plan will continue to be enforceable at the federal level until the processes of revising that plan can be completed.

Sincerely,
Stephen H. Sachs
Attorney General

Read and ordered journalized.

House Bill No. 1277

AN ACT concerning

Used Oil - Prohibition on Burning

FOR the purpose of prohibiting a person from burning any used oil unless ~~it--is--refined--re-refined~~ and the emissions from the burning of used oil meet federal and State air quality standards; ~~defining a--certain--term;~~ and exempting certain uses of used oil from this Act.

BY-adding-to

Article---Natural-Resources
Section-8-1411.1(a)(3)
Annotated-Code-of-Maryland
(1974-Volume-and-1981-Supplement)

BY repealing and reenacting, with amendments,

Article - Natural Resources
Section 8-1411.1(f)
Annotated Code of Maryland
(1974 Volume and 1981 Supplement)

The Speaker put the question: Shall the Bill pass, notwithstanding the objections of the Executive?