

Legal Authority for Local Air Pollution Laws in Maryland:

The Clean Air Act (CAA), at 42 U.S.C. § 7416, allows states to have stricter air pollution laws than the federal floor:

§ 7416. Retention of State authority

Except as otherwise provided in sections 119(c), (e), and (f) (as in effect before the date of the enactment of the Clean Air Act Amendments of 1977), 209, 211(c)(4), and 233 (preempting certain State regulation of moving sources) nothing in this Act shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce (1) any standard or limitation respecting emissions of air pollutants or (2) any requirement respecting control or abatement of air pollution; except that if an emission standard or limitation is in effect under an applicable implementation plan or under section 111 or 112, such State or political subdivision may not adopt or enforce any emission standard or limitation which is less stringent than the standard or limitation under such plan or section.

Md. ENVIRONMENT Code Ann. § 2-104

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

§ 2-104. Powers of political subdivisions

(a) Adopting ordinances, rules, or regulations. --

(1) Except as provided in this section, 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) Requesting rules or regulations. -- The governing body of any political subdivision may ask the Department to adopt rules and regulations that set more restrictive emission standards or ambient air quality standards in that political subdivision.

HISTORY: An. Code 1957, art. 43, §§ 693, 705; 1982, ch. 240, § 2.