

Environmental Protection Agency or other Federal agency acting pursuant to Section 109 et seq. of the Federal Clean Air Act or other applicable Federal legislation." To the extent that existing State standards are inconsistent with this requirement, they are repealed.

The bill also provides that, with regard to all fuel burning stationary sources of air emissions, all regulations proposed by the Department and adopted by the State Board of Health and Mental Hygiene for Garrett and Allegany Counties shall be identical to "national air emissions standards established by or pursuant to the Federal Clean Air Act and other applicable Federal legislation in effect on July 1, 1975. Previously adopted regulations which are inconsistent with this requirement are, as of October 31, 1975, repealed to the extent of the inconsistency.

House Bill 685 is based upon the assumption, unfortunately an erroneous one, that there are, in fact, national air emissions standards in existence which are less restrictive than standards adopted by the State; and that if Maryland's standards could be lowered to these federal standards, a lower priced fossil fuel could be used by electric generating companies.

The fact is, that although the Federal Government has adopted emission standards for new sources, it has not done so with respect to existing sources. Thus, there are no "national air emissions standards" for "all fuel burning stationary sources of air emissions". The bill, to that extent, cannot be implemented, as the criteria to which the State standards must conform simply do not exist.

As a result, if this bill became law, the effect would be uncertain, but clearly not what its authors intended. One possible effect, according to the Director of the Environmental Health Administration, would be that for existing stationary sources, there would be no standards at all. Another, more likely effect, according to the Director of the Bureau of Air Quality and Noise Control, would be that the Federal Government would step in and enforce the existing State standard. This is, you may recall, exactly what happened with the "bee's wing" episode, when the General Assembly attempted to relieve grain drying installations from State requirements. Neither effect is what the Legislature intended or what I can permit to happen.

The provisions added as new Section 693(b) (3) to Article 43 also raise serious problems. This new paragraph, as noted, provides that, with respect to ambient air quality, "all standards" must be identical to national primary or secondary Federal ambient air quality