

(1) DETERMINES THAT THE IMPLEMENTATION OF THE PROGRAM IN MARYLAND IN CONJUNCTION WITH THE USE OF FEDERAL REFORMULATED GASOLINE THAT IS CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER 42 U.S.C. § 7545(K) FOR SALE AND USE IN STATES OTHER THAN CALIFORNIA VIOLATES THE FEDERAL CLEAN AIR ACT, 42 U.S.C. §§ 7401 ET SEQ.; OR

(II) OTHERWISE REQUIRES THE SALE AND USE OF ANY TYPE OF REFORMULATED GASOLINE IN MARYLAND OTHER THAN THE FEDERAL REFORMULATED GASOLINE THAT IS CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER 42 U.S.C. § 7545(K) FOR SALE AND USE IN STATES OTHER THAN CALIFORNIA; OR

(2) THE ENACTMENT OF A FEDERAL STATUTE OR ADOPTION OF A FEDERAL REGULATION THAT:

(1) PROVIDES THAT IMPLEMENTATION OF THE PROGRAM IN MARYLAND REQUIRES THE SALE AND USE OF ANY TYPE OF GASOLINE OTHER THAN THE FEDERAL REFORMULATED GASOLINE THAT IS CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER 42 U.S.C. § 7545(K) FOR SALE AND USE IN STATES OTHER THAN CALIFORNIA; OR

(II) OTHERWISE REQUIRES THE SALE AND USE OF ANY TYPE OF GASOLINE IN MARYLAND OTHER THAN THE FEDERAL REFORMULATED GASOLINE THAT IS CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER 42 U.S.C. § 7545(K) FOR SALE AND USE IN STATES OTHER THAN CALIFORNIA.

(F) (1) IN ADDITION TO THE PROVISIONS OF SUBSECTION (E)(1) OF THIS SECTION, THE SECRETARY SHALL SUSPEND THE IMPLEMENTATION OF THE PROGRAM ESTABLISHED UNDER THIS SUBTITLE IF ANY COURT:

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(II) OTHERWISE REQUIRES THE SALE AND USE OF ANY TYPE OF REFORMULATED GASOLINE IN MARYLAND OTHER THAN THE FEDERAL REFORMULATED GASOLINE THAT IS CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER 42 U.S.C. § 7545(K) FOR SALE AND USE IN STATES OTHER THAN CALIFORNIA.

(2) IF THE IMPLEMENTATION OF THE PROGRAM IS SUSPENDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PROGRAM SHALL REMAIN SUSPENDED UNTIL A FINAL NONAPPEALABLE DECISION OR ORDER IS ISSUED BY THE HIGHEST COURT OF COMPETENT JURISDICTION.