
By: **Delegates Rosso, Cadden, Leopold, Pitkin, and D'Amato**

Introduced and read first time: February 11, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Coal Combustion Flyash**

3 FOR the purpose of requiring a person who operates a certain coal combustion flyash
4 disposal site to obtain certain permits, to conduct certain investigations, to
5 evaluate certain environmental impacts, to implement certain leachate
6 collection systems, to limit the exposure of certain coal combustion flyash, and to
7 implement best management practices for the handling of certain coal
8 combustion flyash; requiring the Department of the Environment to conduct a
9 certain study and to develop a certain monitoring system; requiring the
10 Department to adopt certain regulations; defining certain terms; and generally
11 relating to coal combustion flyash.

12 BY adding to

13 Article - Environment

14 Section 9-211.2

15 Annotated Code of Maryland

16 (1996 Replacement Volume and 1998 Supplement)

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

19 **Article - Environment**

20 9-211.2.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "COAL COMBUSTION FLYASH DISPOSAL SITE" MEANS A LOCATION
24 FOR THE PERMANENT DISPOSAL OF COAL COMBUSTION FLYASH.

25 (3) "COAL COMBUSTION FLYASH" MEANS ASH PRODUCED AS A RESULT
26 OF THE BURNING OF COAL.

27 (4) "PERSON" INCLUDES A POWER PLANT.

1 (B) A PERSON WHO OPERATES A COAL COMBUSTION FLYASH DISPOSAL SITE
2 SHALL:

3 (1) OBTAIN A NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM
4 PERMIT FOR SITE EFFLUENT THAT CONTAINS COAL COMBUSTION FLYASH;

5 (2) CONDUCT A HYDROGEOLOGICAL INVESTIGATION TO IDENTIFY THE
6 PRESENCE OF ANY AQUIFER BENEATH A COAL COMBUSTION FLYASH DISPOSAL SITE;

7 (3) EVALUATE ANY POTENTIAL ENVIRONMENTAL IMPACTS THAT THE
8 COAL COMBUSTION FLYASH DISPOSAL SITE MAY HAVE ON THE ENVIRONMENT,
9 INCLUDING DRINKING WATER SUPPLY AND SURFACE WATER RECEPTORS;

10 (4) CONDUCT AN INVENTORY OF WATER SUPPLY WELLS WITHIN A
11 5-MILE RADIUS OF A COAL COMBUSTION FLYASH DISPOSAL SITE;

12 (5) (I) IMPLEMENT A LEACHATE COLLECTION SYSTEM; AND

13 (II) INSTALL AND MAINTAIN A LINER CONSISTING OF EITHER A
14 CONTINUOUS, LOW PERMEABLE MEMBRANE LAYER, SUBJECT TO THE SAME
15 REQUIREMENTS OF RUBBLE LANDFILLS UNDER THIS TITLE, OR AT LEAST 30 INCHES
16 OF CLAY WITH A PERMEABILITY OF AT LEAST 10⁻⁷ CM/SEC. UNDER THE COAL
17 COMBUSTION FLYASH;

18 (6) SUBMIT A MONITORING PLAN TO THE DEPARTMENT TO INSTALL AND
19 TO OPERATE A PARTICULATE MONITORING STATION FOR PM-10 AND PM-2.5 AT THE
20 COAL COMBUSTION FLYASH DISPOSAL SITE DURING THE DISPOSAL SITE'S
21 CONSTRUCTION AND OPERATION WITH OPTIMUM LOCATIONS TO BE DETERMINED
22 BY AIR QUALITY MODELING;

23 (7) LIMIT THE AMOUNT OF EXPOSED COAL COMBUSTION FLYASH ON
24 THE COAL COMBUSTION FLYASH DISPOSAL SITE TO NO MORE THAN 10 ACRES AT A
25 TIME; AND

26 (8) IMPLEMENT BEST MANAGEMENT PRACTICES FOR HANDLING COAL
27 COMBUSTION FLYASH.

28 (C) THE DEPARTMENT MAY NOT CONSIDER COAL COMBUSTION FLYASH TO
29 BE, OR APPROVE IT FOR USE AS, STRUCTURAL FILL.

30 (D) THE DEPARTMENT SHALL:

31 (1) CONDUCT A STUDY OF AIR QUALITY AS IT RELATES TO
32 PARTICULATES IN THE VICINITY OF A COAL COMBUSTION FLYASH DISPOSAL SITE TO
33 ENSURE THAT CONSTRUCTION AND OPERATION OF THE SITE DO NOT CONTRIBUTE
34 TO A VIOLATION OF AIR QUALITY STANDARDS;

35 (2) DEVELOP AN ANNUAL MONITORING SYSTEM FOR GROUNDWATER
36 QUALITY AND FLOW DIRECTION ON EACH COAL COMBUSTION FLYASH DISPOSAL
37 SITE; AND

1 (3) ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
3 effect October 1, 1999.