A BILL ENTITLED

AN ACT concerning

Coal Ash – Use, Recycling, and Management
(Coal Ash Recycling Act of 2022)

FOR the purpose of requiring that certain materials used in the State include coal ash as
a component of the material; requiring certain offshore wind projects to give
preference to certain cement materials beginning on a certain date; requiring all
contractors licensed in the State to use and give preference to materials that include
coal ash; requiring any person using materials in the State that include coal ash to
give preference to certain materials, hire local employees for certain work, and
submit certain information to the Department of the Environment; requiring the
Department of the Environment to develop a certain tracking system; requiring the
Department of the Environment and the University System of Maryland jointly to
identify and make recommendations on certain opportunities and funding sources;
requiring the Department of General Services, in coordination with the Department
of the Environment, to oversee the construction, operation, and maintenance of a
coal ash disposal and recycling facility in the State; and generally relating to the use,
recycling, and management of coal ash in the State.

BY adding to
Article – Environment
Section 9–291
Annotated Code of Maryland
(2014 Replacement Volume and 2021 Supplement)

BY adding to
Article – State Finance and Procurement
Section 4–1201 to be under the new subtitle “Subtitle 12. Coal Ash Recycling”
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – Environment

9–291.

(A) In this section, “coal ash” means residual coal ash from the burning of coal in the State.

(B) The following materials used in the State shall include coal ash as a component of the material:

(1) Materials used for the protection and stabilization of shorelines;

(2) Precast concrete; and

(3) Concrete used in forms, castings, and wind turbine foundations.

(C) Beginning June 1, 2022, any offshore wind project for which an application is submitted or pending approval under § 7–704.1 of the Public Utilities Article shall give preference to cement materials that:

(1) Use coal ash; and

(2) Meet the ASTM International standards for cement use in marine environments.

(D) All contractors licensed in the State shall, to the extent feasible, use and give preference to materials that include coal ash as a component of the material.

(E) Any person using materials in the State that include coal ash as a component of the material shall:

(1) Give preference to materials that use coal ash from any State reserves;

(2) To the extent feasible, hire local employees for the work involving coal ash; and

(3) Submit twice a year any information requested by the
DEPARTMENT FOR THE TRACKING SYSTEM DEVELOPED UNDER SUBSECTION (F) OF THIS SECTION.

(F) (1) THE DEPARTMENT SHALL DEVELOP A SYSTEM FOR TRACKING:

(I) THE AMOUNT OF COAL ASH USED FOR THE PROTECTION AND STABILIZATION OF SHORELINES IN THE STATE; AND

(II) THE USE AND MANAGEMENT OF COAL ASH IN THE STATE.

(2) THE DEPARTMENT SHALL REQUEST FROM A PERSON USING MATERIALS IN THE STATE THAT INCLUDE COAL ASH ANY INFORMATION NECESSARY FOR THE DEVELOPMENT AND USE OF THE TRACKING SYSTEM.

(G) (1) THE DEPARTMENT AND THE UNIVERSITY SYSTEM OF MARYLAND JOINTLY SHALL IDENTIFY AND MAKE RECOMMENDATIONS ON:

(I) OPPORTUNITIES FOR THE USE OF COAL ASH IN THE STATE; AND

(II) FUNDING SOURCES TO PROMOTE AND INCREASE THE USE OF COAL ASH IN THE STATE.

(2) ON OR BEFORE DECEMBER 1, 2022, THE DEPARTMENT AND THE UNIVERSITY SYSTEM OF MARYLAND JOINTLY SHALL REPORT ON THEIR FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

Article – State Finance and Procurement

SUBTITLE 12. COAL ASH RECYCLING.

4–1201.

THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF THE ENVIRONMENT, SHALL OVERSEE THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A COAL ASH DISPOSAL AND RECYCLING FACILITY IN THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.