

HOUSE BILL 1331

M3, P2

2lr3247

By: **Delegate McKay**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

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

18 BY adding to
19 Article – Environment
20 Section 9–291
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2021 Supplement)

23 BY adding to
24 Article – State Finance and Procurement
25 Section 4–1201 to be under the new subtitle “Subtitle 12. Coal Ash Recycling”
26 Annotated Code of Maryland
27 (2021 Replacement Volume)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Environment**

3 **9–291.**

4 **(A) IN THIS SECTION, “COAL ASH” MEANS RESIDUAL COAL ASH FROM THE**
5 **BURNING OF COAL IN THE STATE.**

6 **(B) THE FOLLOWING MATERIALS USED IN THE STATE SHALL INCLUDE COAL**
7 **ASH AS A COMPONENT OF THE MATERIAL:**

8 **(1) MATERIALS USED FOR THE PROTECTION AND STABILIZATION OF**
9 **SHORELINES;**

10 **(2) PRECAST CONCRETE; AND**

11 **(3) CONCRETE USED IN FORMS, CASTINGS, AND WIND TURBINE**
12 **FOUNDATIONS.**

13 **(C) BEGINNING JUNE 1, 2022, ANY OFFSHORE WIND PROJECT FOR WHICH**
14 **AN APPLICATION IS SUBMITTED OR PENDING APPROVAL UNDER § 7–704.1 OF THE**
15 **PUBLIC UTILITIES ARTICLE SHALL GIVE PREFERENCE TO CEMENT MATERIALS**
16 **THAT:**

17 **(1) USE COAL ASH; AND**

18 **(2) MEET THE ASTM INTERNATIONAL STANDARDS FOR CEMENT USE**
19 **IN MARINE ENVIRONMENTS.**

20 **(D) ALL CONTRACTORS LICENSED IN THE STATE SHALL, TO THE EXTENT**
21 **FEASIBLE, USE AND GIVE PREFERENCE TO MATERIALS THAT INCLUDE COAL ASH AS**
22 **A COMPONENT OF THE MATERIAL.**

23 **(E) ANY PERSON USING MATERIALS IN THE STATE THAT INCLUDE COAL ASH**
24 **AS A COMPONENT OF THE MATERIAL SHALL:**

25 **(1) GIVE PREFERENCE TO MATERIALS THAT USE COAL ASH FROM ANY**
26 **STATE RESERVES;**

27 **(2) TO THE EXTENT FEASIBLE, HIRE LOCAL EMPLOYEES FOR THE**
28 **WORK INVOLVING COAL ASH; AND**

29 **(3) SUBMIT TWICE A YEAR ANY INFORMATION REQUESTED BY THE**

1 DEPARTMENT FOR THE TRACKING SYSTEM DEVELOPED UNDER SUBSECTION (F) OF
2 THIS SECTION.

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

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

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

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

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

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

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

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

20 Article – State Finance and Procurement

21 SUBTITLE 12. COAL ASH RECYCLING.

22 4-1201.

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
27 1, 2022.