

Chapter 529

(Senate Bill 425)

AN ACT concerning

Environment – Coal Combustion By-Products – Fees, Coordinating Committee, and Regulations

FOR the purpose of ~~providing that a certain base fee established by the Department of the Environment that is paid by a certain generator of coal combustion by-products is not less than a certain amount;~~ altering the factors that the Department of the Environment is required to consider in establishing a certain fee; requiring the Department to use certain excess fees collected from certain generators of coal combustion by-products for certain purposes; establishing the Statewide Coal Combustion By-Products Coordinating Committee to share information, monitoring results, and certain remedial actions with respect to certain coal combustion by-product sites; requiring the Department to adopt certain regulations on or before a certain date to implement a certain federal guidelines and rules rule; and generally relating to the regulation of coal combustion by-products in the State.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–283

Annotated Code of Maryland

(2014 Replacement Volume and 2024 Supplement)

BY adding to

Article – Environment

Section 9–291

Annotated Code of Maryland

(2014 Replacement Volume and 2024 Supplement)

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

Article – Environment

9–283.

(a) ~~(1)~~ Except as provided in subsection (c) of this section, by regulation, the Department shall establish and collect a fee to be paid by a generator of coal combustion by-products~~f~~, based on a~~f~~

~~(2) THE BASE FEE ESTABLISHED BY THE DEPARTMENT UNDER THIS SUBSECTION MAY NOT BE LESS THAN \$2.30~~ per ton [rate] of coal combustion by-products generated by the generator annually.

(b) The Department shall base the fees on the following factors:

(1) The total annual tonnage of coal combustion by-products that the generator generates;

(2) The type and volume of coal combustion by-products generated by the generator;

(3) Whether the generator uses or disposes of the coal combustion by-products;

(4) To the extent that the coal combustion by-products are used rather than disposed of, the types of the uses;

(5) Whether the coal combustion by-products are transported for use or disposal out-of-state; [and]

(6) **THE VOLUME OF COAL COMBUSTION BY-PRODUCTS THAT HAVE BEEN DISPOSED OF AND REMAIN IN LANDFILLS OR OTHER STORAGE UNITS IN THE STATE THAT ARE SUBJECT TO INSPECTION AND MONITORING, NOT INCLUDING COAL COMBUSTION BY-PRODUCTS THAT HAVE BEEN:**

(I) ADDED TO CEMENT PRODUCTS;

(II) USED IN COAL MINE RECLAMATION; OR

(III) BENEFICIALLY REUSED IN A MANNER ACCEPTABLE TO THE DEPARTMENT; AND

(7) Other factors the Department considers appropriate.

(c) The Department may not establish or impose a fee on coal combustion by-products that are:

(1) Beneficially used, as the Department determines; or

(2) Used for coal mine reclamation in accordance with regulations the Department adopts or with regulations of the receiving state.

(d) Fees imposed on coal combustion by-products that are transported for use or disposal out-of-state may not exceed 50% of the fees established for disposal in-State.

(e) The fees collected by the Department under this section shall be deposited into the Fund and used in accordance with § 9–284 of this subtitle.

(f) The fees imposed shall be set at the rate necessary to implement the purposes set forth in § 9–284 of this subtitle.

(g) In any fiscal year, if the fee schedule established by the Department generates revenue that exceeds the amount necessary to operate a regulatory program to control the management of coal combustion by-products, the Department shall ~~reduce the fees in the following fiscal year~~ **USE THE EXCESS REVENUE TO TAKE ACTION NECESSARY TO:**

(1) INCREASE THE BENEFICIAL REUSE OF COAL COMBUSTION BY-PRODUCTS; AND

(2) MITIGATE HUMAN HEALTH AND ENVIRONMENTAL IMPACTS DUE TO THE RELEASE OF COAL COMBUSTION BY-PRODUCTS FROM PRIORITY SITES.

9–291.

(A) IN THIS SECTION, “COORDINATING COMMITTEE” MEANS THE STATEWIDE COAL COMBUSTION BY-PRODUCTS COORDINATING COMMITTEE.

(B) THERE IS A STATEWIDE COAL COMBUSTION BY-PRODUCTS COORDINATING COMMITTEE.

(C) THE COORDINATING COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY, OR THE SECRETARY’S DESIGNEE;

(2) ONE REPRESENTATIVE OF THE COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES;

(3) ONE REPRESENTATIVE OF THE POWER PLANT RESEARCH PROGRAM IN THE DEPARTMENT OF NATURAL RESOURCES; AND

(4) THREE MEMBERS, APPOINTED BY THE SECRETARY, EACH WITH TECHNICAL EXPERTISE IN ONE OF THE FOLLOWING SUBJECTS:

(I) COAL COMBUSTION BY-PRODUCTS;

(II) PUBLIC HEALTH; AND

(III) WATER QUALITY.

(D) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE COORDINATING COMMITTEE.

(E) THE DEPARTMENT AND THE POWER PLANT RESEARCH PROGRAM IN THE DEPARTMENT OF NATURAL RESOURCES SHALL JOINTLY PROVIDE STAFF FOR THE COORDINATING COMMITTEE.

(F) A MEMBER OF THE COORDINATING COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COORDINATING COMMITTEE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) THE COORDINATING COMMITTEE SHALL:

(1) BEGINNING IN 2026, MEET AT LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE COORDINATING COMMITTEE DETERMINES; AND

(2) WITH RESPECT TO COAL COMBUSTION BY-PRODUCT SITES:

(I) SHARE INFORMATION ON MONITORING RESULTS; AND

(II) DISCUSS REMEDIAL ACTION THAT IS IN PROCESS, THAT IS STILL REQUIRED, OR BOTH.

(H) ON OR BEFORE OCTOBER 1, 2026, AND EACH OCTOBER 1 THEREAFTER, THE COORDINATING COMMITTEE SHALL REPORT ITS FINDINGS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR TO THE SENATE COMMITTEE ON EDUCATION, ENERGY, AND THE ENVIRONMENT AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of the Environment shall:

(1) on or before December 1, 2025, update regulations in accordance with § 9-283 of the Environment Article, as enacted by Section 1 of this Act; and

(2) on or before October 1, 2026, adopt regulations to implement

~~(i) the federal Steam Electric Power Generating Effluent guidelines as adopted on May 9, 2024; and~~

~~(ii) the final rule governing legacy coal combustion residuals as adopted on May 9, 2024.~~

(b) In adopting regulations in accordance with subsection ~~(a)(2)(ii)~~ (a)(2) of this section, the Department of the Environment may amend the regulations as necessary to protect human health and the environment in the State, including:

(1) targeting actions at specific locations where coal combustion by-products have been used previously; and

(2) expanding the list of chemicals required to be tested beyond those required by the U.S. Environmental Protection Agency to include:

- (i) arsenic;
- (ii) boron;
- (iii) cadmium;
- (iv) hexavalent chromium;
- (v) radium 226;
- (vi) selenium;
- (vii) vanadium; and

(viii) other chemicals as determined by the Department of the Environment.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, May 13, 2025.