



HB1193/243127/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

04 MAR 24
15:08:20

BY: Delegate Lehman

(To be offered in the Economic Matters Committee and the
Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 1193

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “altering the sources of funds for the State Coal Combustion By-Products Management Fund;”; strike beginning with “owner” in line 3 down through the first “the” in line 4; in line 4, after “Environment” insert “to adopt certain regulations pertaining to coal combustion by-products units”; strike beginning with “and” in line 4 down through “plans” in line 6; in line 6, after “before” insert “a”; in the same line, strike “dates” and substitute “date”; strike beginning with “owner” in line 6 down through the first “the” in line 8; in line 8, after “Department” insert “to establish and collect a certain fee; requiring the Department to base a certain fee on certain factors”; strike beginning with “of” in line 8 down through “exception” in line 18; in line 19, strike “of the Environment”; and after line 25, insert:

“BY repealing and reenacting, with amendments,

Article – Environment

Section 9-282

Annotated Code of Maryland

(2014 Replacement Volume and 2023 Supplement)”.

On page 2, in line 1, strike “9-293.11” and substitute “9-293.5”.

AMENDMENT NO. 2

On page 2, after line 16, insert:

“9-282.

- (a) There is a State Coal Combustion By-Products Management Fund.
- (b) The Fund shall consist of:
- (1) Fees collected by the Department under [§ 9-283] §§ 9-283 AND 9-293.3 of this subtitle;
- (2) Funds appropriated by the General Assembly for deposit to the Fund; and
- (3) Any additional money made available from any sources, public or private, for the purposes for which the Fund has been established.
- (c) (1) The Fund is a special, continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.
- (2) Notwithstanding any law to the contrary, unused money in the Fund may not revert to the General Fund.
- (d) The Fund shall be maintained and administered by the Department in accordance with the provisions of this part and any regulations the Department adopts.

On page 3, in line 3, strike “ALL APPLICABLE” and substitute “INDUSTRY”; in the same line, after “STANDARDS” insert “APPLICABLE TO THE PRODUCT”; in line 6, strike “(1)”; strike in their entirety lines 9 and 10, inclusive; and in line 27, after “(A)” insert “ON OR BEFORE APRIL 1, 2026, THE DEPARTMENT SHALL ADOPT REGULATIONS REQUIRING EACH OWNER OR OPERATOR OF A COAL COMBUSTION BY-PRODUCTS UNIT IN THE STATE TO:”

(1) (I) IDENTIFY THE LOCATION AND CONTENTS OF ALL COAL COMBUSTION BY-PRODUCTS DISPOSAL SITES AT THE UNIT;

(II) DESCRIBE ALL LINERS OR OTHER SYSTEMS OR MANAGEMENT ACTIVITIES UNDERTAKEN TO PROTECT AGAINST DISCHARGES OR OTHER ENVIRONMENTAL HAZARDS EMANATING FROM THE UNIT; AND

(III) DESCRIBE ANY ACTIONS TO REMOVE OR BENEFICIALLY REUSE COAL COMBUSTION BY-PRODUCTS AT THE UNIT;

(2) MONITOR AND, AT LEAST ONCE EACH CALENDAR YEAR, SUBMIT A REPORT TO THE DEPARTMENT DETAILING THE FOLLOWING FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR:

(I) ANY DISCHARGES FROM THE UNIT TO:

1. SURFACE WATERS; OR

2. GROUNDWATER; AND

(II) ANY CONTAMINATION OF DRINKING WATER SUPPLIES IN AN AREA WITHIN 1 MILE OF THE UNIT;

(3) PROVIDE ALTERNATIVE WATER SUPPLIES TO ANY RESIDENT WHOSE DRINKING WATER IS IDENTIFIED AS CONTAMINATED IN EXCEEDANCE OF APPLICABLE GROUNDWATER OR DRINKING WATER STANDARDS; AND

(4) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT ON:

(Over)

(I) THE AMOUNT OF COAL COMBUSTION BY-PRODUCTS THAT HAVE BEEN AND ARE EXPECTED TO BE USED FOR:

- 1. BENEFICIAL USE; AND**
- 2. ENCAPSULATED BENEFICIAL USE;**

(II) ANY CLOSURE ACTIVITIES UNDERTAKEN, INCLUDING CLOSURE ACTIONS TAKEN TO COMPLY WITH APPLICABLE FEDERAL REQUIREMENTS; AND

(III) THE AMOUNT OF COAL COMBUSTION BY-PRODUCTS REMOVED OR PLACED INTO LINED LANDFILLS AND THE AMOUNT OF COAL COMBUSTION BY-PRODUCTS REMAINING AT THE UNIT AFTER THE REMOVAL OR PLACEMENT INTO LINED LANDFILLS".

On pages 3 and 4, strike beginning with “**(1)**” in line 27 on page 3 down through “DISCHARGES” in line 14 on page 4.

On page 4, in line 15, after “**(B)**” insert “**THE DEPARTMENT SHALL MAKE EACH REPORT SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION PUBLICLY AVAILABLE**”.

On pages 4 and 5, strike beginning with “**(1)**” in line 15 on page 4 down through “EXISTS” in line 21 on page 5.

On page 5, after line 22, insert:

“(A) (1) BY REGULATION, THE DEPARTMENT SHALL ESTABLISH AND COLLECT A FEE TO BE PAID BY AN OWNER OF A COAL COMBUSTION BY-PRODUCTS UNIT.

(2) THE FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SEPARATE FROM AND IN ADDITION TO THE FEE ESTABLISHED AND COLLECTED UNDER § 9-283 OF THIS SUBTITLE.

(B) THE DEPARTMENT SHALL BASE THE FEES ON THE FOLLOWING FACTORS:

(1) THE VOLUME OF COAL COMBUSTION BY-PRODUCTS:

(I) DISPOSED OF AT EACH UNIT; AND

(II) THAT REMAIN IN LANDFILLS, IMPOUNDMENTS, OR OTHER STORAGE UNITS AT EACH UNIT;

(2) THE EXTENT TO WHICH COAL COMBUSTION BY-PRODUCTS AT THE UNIT ARE BEING USED FOR BENEFICIAL USE;

(3) WHETHER THE COAL COMBUSTION BY-PRODUCTS ARE TRANSPORTED FOR USE OR DISPOSAL OUT-OF-STATE;

(4) TO THE EXTENT TO WHICH DISCHARGES FROM THE UNIT CONSTITUTE THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT; AND

(5) OTHER FACTORS THE DEPARTMENT CONSIDERS APPROPRIATE.

(Over)

(C) THE DEPARTMENT MAY WAIVE THE FEE ESTABLISHED UNDER THIS SECTION IF THE OWNER OF THE COAL COMBUSTION BY-PRODUCTS UNIT DEMONSTRATES TO THE SATISFACTION OF THE DEPARTMENT THAT ALL COAL COMBUSTION BY-PRODUCTS AT THE UNIT ARE DESIGNATED BY CONTRACT OR OTHERWISE COMMITTED FOR:

- (1) ENCAPSULATED BENEFICIAL USE; OR
- (2) DISPOSAL AT A PERMITTED DISPOSAL FACILITY.

(D) THE FEES COLLECTED BY THE DEPARTMENT UNDER THIS SECTION SHALL BE DEPOSITED INTO THE STATE COAL COMBUSTION BY-PRODUCTS MANAGEMENT FUND UNDER § 9-282 OF THIS SUBTITLE AND USED IN ACCORDANCE WITH § 9-284 OF THIS SUBTITLE.

(E) THE FEES IMPOSED SHALL BE SET AT THE RATE NECESSARY TO IMPLEMENT THE PURPOSES SET FORTH IN § 9-284 OF THIS SUBTITLE, INCLUDING THE DEVELOPMENT AND IMPLEMENTATION OF REMEDIAL ACTIVITIES AND PROGRAMS OR INITIATIVES TO ADDRESS RISKS TO HUMAN HEALTH AND THE ENVIRONMENT RELATED TO THE MANAGEMENT OF COAL COMBUSTION BY-PRODUCTS.”.

On pages 5 through 7, strike in their entirety the lines beginning with line 23 on page 5 through line 15 on page 7, inclusive.

On pages 7 through 13, strike in their entirety the lines beginning with line 17 on page 7 through line 3 on page 13, inclusive.

On page 13, in line 7, strike “~~9-293.11.~~” and substitute “9-293.5.”; in lines 14 and 15, strike “~~CHAIR OF THE COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES~~” and substitute “SECRETARY OF COMMERCE”; in line 15, strike “~~CHAIR’S~~” and substitute “SECRETARY’S”; in the same line, after “~~DESIGNEE~~” insert “;”

(4) THE SECRETARY OF PLANNING, OR THE SECRETARY’S DESIGNEE”;

in line 16, strike “~~(4)~~” and substitute “(5)”; in line 18, strike “~~AT LEAST THREE, BUT NOT MORE THAN SIX,~~” and substitute “THREE”; strike beginning with “~~AT~~” in line 21 down through “~~FIVE~~” in line 23 and substitute “THREE”; and in line 23, after “~~COMMUNITIES~~” insert “; AND”

(III) THREE REPRESENTATIVES OF NONGOVERNMENTAL ORGANIZATIONS WITH EXPERTISE REGARDING:

- 1. SOLID WASTE; OR**
- 2. WATER POLLUTION**”.

On page 14, in line 8, after “~~SHALL~~” insert “;”

(1) DISCUSS”;

in lines 8 and 9, strike “~~ADVISE THE DEPARTMENT AND THE POWER PLANT RESEARCH PROGRAM ON~~”; in line 10, after “~~STORAGE~~” insert “;”

(2) ADDRESS RISKS TO HUMAN HEALTH AND THE ENVIRONMENT RELATED TO THE MANAGEMENT OF COAL COMBUSTION BY-PRODUCTS; AND

(Over)

(3) IDENTIFY STRATEGIES TO PROMOTE AND INCENTIVIZE:

(i) ENCAPSULATED BENEFICIAL USE OF COAL COMBUSTION BY-PRODUCTS; AND

(ii) THE ECONOMIC REDEVELOPMENT OF PRIOR COAL COMBUSTION SITES”;

in lines 10 and 11, strike “AND ITS IMPACT ON THE HEALTH AND SAFETY OF NEIGHBORING COMMUNITIES”; and after line 11, insert:

“(H) THE ADVISORY COUNCIL SHALL MEET AT LEAST ONCE EACH YEAR.”.