

**Thursday, March 7, 2024**

**TO:** C. T. Wilson, Chair of the House Economic Matters Committee; Marc Korman, Chair of the Environment and Transportation Committee, and Committee Members.

**FROM:** Mariana Rosales, The Nature Conservancy, Director of Climate; Cait Kerr, The Nature Conservancy, State Policy Manager

**POSITION:** Support HB 1193 Coal Combustion By-Products

The Nature Conservancy (TNC) supports HB 1193 offered by Delegate Lehman. HB 1193 aims to improve the tracking, reporting and safe management of coal combustion by-products or CCBs.

Coal ash remains one of our nation's largest toxic industrial waste streams. U.S. coal plants produce approximately 70 million tons every year according to Earth Justice. One of the major coal ash spills occurred in Tennessee at the Kingston Fossil Plant in 2008, when more than 1 billion gallons of toxic coal ash sludge burst from a dam, swept away homes, and contaminated two rivers. As a result, the Environmental Protection Agency laid out the first federal rules for managing this harmful product and the toxins it contains.

It is calculated that across the country, 91% of coal plants are currently polluting groundwater above federal health standards. The Maryland Department of the Environment (MDE)'s CCB regulations were published on November 21, 2008 before the EPA issued the federal regulations governing CCBs that became effective on Oct. 19, 2015. In several areas, federal regulations are more stringent than Maryland's, so MDE convened a workgroup to discuss ways to amend Maryland's CCB regulations to match the federal rule. The workgroup finalized changes in 2018 and additions were proposed in 2019 and 2020.

Due to the significant environmental impacts from CCBs, MDE needs to continue inspection and monitoring activities. CCBs are generated from burning coal to generate electricity. A total of approximately 2 million tons of coal ash is generated annually from Maryland plants. CCBs are either disposed or beneficially used. Disposal of fly ash and bottom ash occurs in surface impoundments or landfills. Beneficial uses of coal ash include mine reclamation, structural fill applications, or as a substitute for cement in the production of concrete.

Under HB 1193 MDE and the Department of Natural Resources will have more information available about the use given to coal combustion byproducts. If CCBs are not managed properly, these materials can be released into the environment. Many coal ash dumps remain unregulated due to sweeping exemptions for legacy coal ash ponds and inactive landfills. The exempted coal ash dumps are sited disproportionately in low-income communities and communities of color. Maryland has 21 coal ash dumpsites, 18 of which are unregulated.

Maryland's legacy of harm from coal ash includes the poisoning of drinking water with heavy metals in Gambrills, MD, an environmental justice community. Coal ash contains hazardous pollutants including arsenic, boron, cobalt, chromium, lead, lithium, mercury, molybdenum, radium, selenium, and other heavy metals, which have been linked to cancer, heart and thyroid disease, reproductive failure, and neurological harm.

TNC congratulates the work of those who introduced HB 1193, which follows through on the Federal and state intentions to keep a clean healthy, environment with safe access to water for all.

**Therefore, we urge a favorable report on HB 1193.**