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Testimony in Support of SB 425 – Coal Ash Cleanup and Accountability Act

Hearing Date: February 11, 2025

Position: **FAVORABLE**

Dear Chair Feldman and Members of the Senate Energy, Environment, and Education Committee:

I am submitting this testimony on behalf of Potomac Riverkeeper Network in support of SB902, the Coal Ash Cleanup and Accountability Act. This bill is a necessary step to ensure the responsible management, cleanup, and oversight of coal ash contamination in Maryland, protecting our communities, waterways, and public health. I have a map attached to my testimony that shows the locations of all of the coal ash sites in Maryland.

The Ongoing Threat of Coal Ash Pollution

Coal ash, also known as coal combustion residuals (CCR), is a toxic byproduct of burning coal for power generation. It contains hazardous substances such as arsenic, lead, mercury, and chromium—pollutants that have been directly linked to cancer, neurological damage, reproductive harm, and other severe health issues.

Despite the 2015 federal CCR rules, compliance has been dismal, with a **2019 Earthjustice and Environmental Integrity Project report revealing that 91% of monitored power plants were violating these regulations**. Maryland is no exception. The **Brandywine coal ash landfill has been identified as one of the worst contamination sites in the country**, leaching toxic chemicals into local groundwater supplies.

There are **over 70 coal ash disposal sites across Maryland, amounting to more than 50 million tons of coal ash waste**. Many of these sites continue to pollute our environment, particularly in communities of color and low-income neighborhoods, making coal ash contamination a severe environmental justice issue.

Federal Inaction and the Need for State Leadership

Although the U.S. Environmental Protection Agency (EPA) issued **new 2024 regulations** aimed at addressing legacy coal ash contamination, the **potential for federal rollbacks poses a significant risk**. As seen in past attempts to weaken federal environmental protections, any rollback could delay or dismantle vital cleanup requirements, leaving communities vulnerable.



Potomac Riverkeeper Network is the trade name of Potomac Riverkeeper, Inc.
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For this reason, **Maryland must take independent action** to codify and enforce these federal protections at the state level. SB902 ensures that Maryland will not rely solely on federal enforcement but instead take proactive steps to protect its residents.

How SB902 Addresses the Problem

SB902 provides a **comprehensive approach** to coal ash regulation and cleanup by:

1. **Codifying Federal Regulations in State Law** – Ensuring that Maryland **finalizes regulations within 12 months** to align with the May 2024 EPA rules on coal ash disposal and effluent guidelines.
2. **Expanding Groundwater Monitoring Requirements** – Adding boron, vanadium, and hexavalent chromium to the list of contaminants that must be assessed due to their severe health risks.
3. **Establishing a Statewide CCR Coordination Committee** – Creating a committee within six months to oversee coal ash monitoring, remediation, and regulatory compliance.
4. **Reforming the Fee Structure** – Redirecting coal ash fees to **fund cleanup and oversight efforts**, generating an estimated \$3.2 million annually, which would cover ongoing enforcement and remediation efforts.

Lessons from HB1193 and Other State Actions

In 2024, similar concerns led to the introduction of **HB1193**, which sought to improve groundwater and surface water monitoring, enforce proper disposal methods, and ensure community participation in remediation efforts. That bill highlighted how **state action is critical** in holding polluters accountable, especially given the history of corporate inaction and regulatory neglect.

Other states have also taken decisive action. In **North Carolina, 2015 legislation forced cleanup at multiple contaminated coal ash sites**, setting a precedent for Maryland to follow. Likewise, **Virginia's 2019 legislation mandated the safe disposal of 28 million tons of coal ash**, an initiative that successfully prioritized public health over industry convenience.

Why Maryland Must Act Now

Coal ash contamination is **not just an environmental issue—it is a public health crisis**. Families across Maryland, particularly those living near sites like Brandywine, Faulkner, and Westland, **have been suffering for years due to inaction**. Leaking coal ash ponds continue to threaten drinking water sources, and the lack of proper enforcement only exacerbates the problem.

By passing SB902, Maryland will:

- ✓ **Ensure proper cleanup of toxic coal ash sites**
- ✓ **Prevent further groundwater contamination**
- ✓ **Protect vulnerable communities disproportionately affected by pollution**
- ✓ **Establish independent state oversight to enforce accountability**

This bill is **not just necessary—it is long overdue**. For the health and safety of Maryland's residents and the protection of our treasured waterways, I urge this committee to issue a **FAVORABLE report** for SB902.

