



**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***House Bill 902  
Environment - Coal Combustion By-Products - Fees, Coordinating Committee, and  
Regulations***

**Position:** Support with Amendments  
**Committee:** Education, Energy, and the Environment  
**Date:** March 11, 2025  
**From:** Leslie Gray, Government Relations Officer

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The Maryland Department of the Environment (MDE) **SUPPORTS** HB 902 **WITH AMENDMENTS**.

**Bill Summary**

House Bill 902 would alter the factors that the Department is required to consider in establishing the fee to be deposited in the Coal Combustion By-Products (CCB) Fund to include the volume of certain CCB that have been disposed of and remain in landfills or other storage units in the state as a source of the fee. These facilities are subject to routine inspection and monitoring. The Fund is used to administer and implement the management of CCB in the State. The bill also establishes the Statewide Coal Combustion By-Products Coordinating Committee. On or before October 1, 2026, and each October 1 thereafter, the Statewide Coal Combustion By-Products Coordinating Committee must 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.

**Position Rationale**

The existing fee structure is based solely on CCB generation, ensuring the costs of CCB management are paid by the companies who generated them. Because power plants no longer use coal as a fuel source, MDE estimates CCB generation in CY24 is below the existing fee structure and no revenue will be collected for FY26 without the addition of a storage fee. This bill would temporarily prevent a significant funding shortfall and enable MDE to continue to inspect and monitor sites where CCBs are landfilled or in other storage units in the state. Additionally, the bill would allow MDE to continue to perform currently funded CCB-related activities such as the review of engineering and operational plans, monitoring data, and generation of the CCB Report to the Legislature. MDE will not be able to support the efforts, including generating monitoring and remedial reports, of the Statewide Coal Combustion By-Products Coordinating Committee without a change to the fee structure.

Amendments to the bill remove the establishment of a base fee that is paid by the generator of coal combustion by-products. The bill as drafted established a \$2.30 per ton base fee, however existing regulation already establishes an adjustable base fee and that adjusted fee has not been below \$2.30 per ton since 2008. Amendments remove the requirement to adopt regulations implementing the federal Steam Electric Generating Effluent guidelines, which regulate effluent limits from CCB Surface

Impoundments. Maryland has no CCB Surface Impoundments. Amendments also revise the effective date for MDE to update regulations from December 2025 to December 2026 and change the effective date of the bill from October 1, 2025 to July 1, 2025.

Accordingly, MDE asks for a **FAVORABLE WITH AMENDMENTS** report for HB 902.