Committee: **Environment and Transportation**
Testimony on: **HB902 - Coal Combustion By-Products - Fees, Coordinating Committee, and Regulations**
Submitting: **Dave Arndt**
Position: **Favorable**
Hearing Date: **March 11, 2025**

Dear Chair and Committee Members:

Thank you for reading my testimony today in support of HB902. I urge you to vote favorably on HB902.

Coal ash contains at least 17 toxic heavy metals and pollutants including lead, mercury, cadmium, chromium, and selenium, all of which can endanger human health, and at least six neurotoxins and five known or suspected carcinogens. Research shows that prolonged exposure to coal ash via air or water can affect every major organ system in the human body, causing birth defects, heart and lung disease, and a variety of cancers. Coal ash pollution has also caused fish kills and deformities in aquatic life. Coal ash mostly pollutes our environment in two ways, through ground water and through the air.

Groundwater Contamination
Groundwater contamination occurs when coal ash is inundated with water, and ash constituents leach out of the ash into the underlying aquifer. Water may reach disposed ash via rain, surface run-on, disposal in a coal ash pond, or by placement of the ash directly into groundwater or mine pools. If a disposal unit is unlined or inadequately lined, the water will transport dissolved ash contaminants from the disposal area. Biogeochemical processes control the rate and distance of movement of contaminants from coal ash disposal areas. Under certain conditions, coal ash contamination in water can flow several miles.

Fugitive Dust/Air Pollution
When coal ash is disposed, dust is emitted into the air by loading and unloading, transport, and wind.130 Once in the air, the fugitive dust can migrate off-site.131 As a result, workers and nearby residents can be exposed to significant amounts of coarse particulate matter (PM10) and fine particulate matter (PM2.5). Both have been linked to heart disease, cancer, respiratory diseases and stroke.

Environmental Justice Issue
Many of our communities have been impacted by the legacy of toxic coal ash that has been stored in leaking ponds along the banks of the Potomac, James, Patuxent, Susquehanna and many other rivers and streams. Coal ash is an environmental justice issue because historically a high number of coal-fired power plants and coal ash landfills have been situated in Black, brown and low-income communities.

Current Regulations
In Maryland the management of coal ash is regulated through solid waste disposal, mining or a water discharge permit issued by MDE.

Federally, EPA's 2015 Coal Ash Rule created the first-ever federal safeguards for ongoing coal ash disposal, and ushered in an era of rapid closure of coal-fired power plants. Unfortunately, the EPA 2015 Rule left unregulated LEGACY SITES—those sites which were no longer actively receiving coal ash waste in 2015. Leaving multiple sites is Maryland unregulated by the EPA.

In May of 2024, the EPA closed this gap in regulation when EPA promulgated final effluent guidelines regulations and regulations to address legacy coal ash disposal sites.

What does HB902 due?
This bill is needed to ensure that effluent guideline requirements for coal fired power plants are met and inactive coal ash disposal sites remain regulated even if the current Federal Administration through the EPA rescinds or weakens the May 2024.

This bill provides MDE with the authority to go beyond the May 2024 EPA final regulations if necessary to protect human health and the environment, which is vitally important for the health of communities impacted by the pollution from coal ash. Furthermore, it ensures that science and community involvement continue to help guide the implementation of these new requirements.

The benefits of HB902 are clear:

- Protect communities from the harmful effects of coal ash in the air that they breath and in the water that they drink through local wells fed by groundwater
- Protect the bay and other waterways especially from large rain events which cause overflows in retention ponds and coal ash holing areas.
- Protect Maryland from Federal rollbacks of EPA regulations

For all of these reasons, I strongly support HB902 and urge a **FAVORABLE** report in Committee.

Thank you,

Dave Arndt
Co-Chair – Maryland Legislation Coalition – Climate Justice Wing