

SENATE BILL 1122

M3

4lr3386
CF HB 1193

By: **Senator Jackson**

Introduced and read first time: February 9, 2024

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Coal Combustion By-Products**

3 FOR the purpose of requiring the owner or operator of a certain coal combustion
4 by-products unit to submit to the Department of the Environment and the Power
5 Plant Research Program in the Department of Natural Resources certain reports and
6 plans on or before certain dates; requiring the owner or operator of a coal combustion
7 by-products unit to conduct a certain drinking water survey in a certain manner on
8 or before a certain date; requiring the Department of the Environment to make a
9 certain determination within a certain time frame regarding the water supply wells
10 that an owner or operator of a certain coal combustion by-products unit is required
11 to conduct certain sampling in a certain manner; requiring the owner or operator of
12 certain coal combustion by-products units to initiate certain sampling and water
13 quality analyses within a certain time frame; requiring the owner or operator of a
14 certain coal combustion by-products unit to establish permanent replacement water
15 supplies for certain residences under certain circumstances; requiring the owner or
16 operator of certain coal combustion by-products units to close the unit in a certain
17 manner on or before certain dates under certain circumstances, subject to a certain
18 exception; establishing a coal combustion by-products community advisory council
19 to advise the Department of the Environment and the Power Plant Research
20 Program on certain matters; and generally relating to coal combustion by-products.

21 BY repealing and reenacting, without amendments,
22 Article – Environment
23 Section 9-281(a) and (b)
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2023 Supplement)

26 BY adding to
27 Article – Environment
28 Section 9-293 through 9-293.11 to be under the new part “Part IX. Coal Combustion
29 By-Products – Miscellaneous Requirements”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2023 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Environment**

6 9–281.

7 (a) In this part the following words have the meanings indicated.

8 (b) (1) “Coal combustion by–products” means the residue generated by, or
9 resulting from, the burning of coal.

10 (2) “Coal combustion by–products” includes fly ash, bottom ash, boiler slag,
11 pozzolan, and other solid residuals removed by air pollution control devices from the flue
12 gas and combustion chambers of coal–burning furnaces and boilers, including flue gas
13 desulfurization sludge and other solid residuals recovered from flue gas by wet or dry
14 methods.

15 **9–291. RESERVED.**

16 **9–292. RESERVED.**

17 **PART IX. COAL COMBUSTION BY–PRODUCTS – MISCELLANEOUS REQUIREMENTS.**

18 **9–293.**

19 **EXCEPT AS EXPRESSLY PROVIDED OTHERWISE, THIS PART SHALL BE**
20 **INTERPRETED IN A MANNER CONSISTENT WITH 40 C.F.R. PART 257.**

21 **9–293.1.**

22 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

24 **(B) “BENEFICIAL USE” MEANS THE USE OF COAL COMBUSTION**
25 **BY–PRODUCTS IN A PRODUCT THAT:**

26 **(1) PROVIDES A FUNCTIONAL BENEFIT;**

27 **(2) REPLACES A PRODUCT AVAILABLE ON THE MARKET THAT IS MADE**
28 **FROM VIRGIN MATERIALS; AND**

1 **(3) MEETS ALL APPLICABLE STANDARDS.**

2 **(C) “COAL COMBUSTION BY-PRODUCTS” HAS THE MEANING STATED IN §**
3 **9-281 OF THIS SUBTITLE.**

4 **(D) (1) “COAL COMBUSTION BY-PRODUCTS UNIT” MEANS ANY LANDFILL**
5 **OR SURFACE IMPOUNDMENT IN WHICH COAL COMBUSTION BY-PRODUCTS HAVE**
6 **BEEN STORED.**

7 **(2) “COAL COMBUSTION BY-PRODUCTS UNIT” INCLUDES ANY COAL**
8 **COMBUSTION BY-PRODUCTS BELOW THE UNIT BOUNDARY.**

9 **(E) “COUNCIL” MEANS THE COAL COMBUSTION BY-PRODUCTS**
10 **COMMUNITY ADVISORY COUNCIL.**

11 **(F) (1) “ENCAPSULATED BENEFICIAL USE” MEANS A BENEFICIAL USE**
12 **THAT BINDS COAL COMBUSTION BY-PRODUCTS INTO A SOLID MATRIX AND**
13 **MINIMIZES THE RELEASE OF THE BY-PRODUCTS INTO THE ENVIRONMENT.**

14 **(2) “ENCAPSULATED BENEFICIAL USE” INCLUDES THE USE OF COAL**
15 **COMBUSTION BY-PRODUCTS:**

16 **(I) AS FILLER OR LIGHTWEIGHT AGGREGATE IN CONCRETE;**

17 **(II) AS A RAW MATERIAL IN THE PRODUCTION OF, OR AS A**
18 **REPLACEMENT OF, CEMENT COMPONENTS IN CONCRETE OR BRICKS;**

19 **(III) AS FILLER IN PLASTICS, RUBBER, AND OTHER PRODUCTS;**
20 **AND**

21 **(IV) IN WALLBOARD PRODUCTION.**

22 **(G) “POWER PLANT RESEARCH PROGRAM” MEANS THE POWER PLANT**
23 **RESEARCH PROGRAM IN THE DEPARTMENT OF NATURAL RESOURCES.**

24 **9-293.2.**

25 **(A) (1) ON OR BEFORE SEPTEMBER 30, 2025, THE OWNER OR OPERATOR**
26 **OF A COAL COMBUSTION BY-PRODUCTS UNIT SHALL SUBMIT TO THE DEPARTMENT**
27 **AND THE POWER PLANT RESEARCH PROGRAM A REPORT OF ANY KNOWN OR**
28 **SUSPECTED DISCHARGES OF COAL COMBUSTION BY-PRODUCTS TO SURFACE**
29 **WATERS FROM THE UNIT, INCLUDING:**

- 1 **(I) SEEPS;**
2 **(II) DIRECT DISCHARGES;**
3 **(III) INDIRECT DISCHARGES; AND**
4 **(IV) TOE DRAINS.**

5 **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION SHALL INCLUDE:**

- 7 **(I) THE EXACT GEOLOCATION OF EACH KNOWN OR SUSPECTED**
8 **DISCHARGE;**
9 **(II) ANY WATER QUALITY DATA RELATING TO THE DISCHARGES;**
10 **AND**
11 **(III) ANY REPORTS SUBMITTED TO STATE OR FEDERAL**
12 **DEPARTMENTS OR AGENCIES REGARDING THE DISCHARGES.**

13 **(B) (1) ON OR BEFORE SEPTEMBER 30, 2025, THE OWNER OR OPERATOR**
14 **OF A COAL COMBUSTION BY-PRODUCTS UNIT SHALL SUBMIT TO THE DEPARTMENT**
15 **AND THE POWER PLANT RESEARCH PROGRAM A REPORT DETAILING THE**
16 **LOCATION AND CONTENTS OF ANY DISPOSAL SITES, INCLUDING:**

- 17 **(I) MONOFILL AND MIXED FILL AREAS;**
18 **(II) THE LOCATION OF NATURAL AND SYNTHETIC LINERS;**
19 **(III) NONASH WASTE; AND**
20 **(IV) ANY OTHER INFORMATION THAT THE DEPARTMENT**
21 **DETERMINES WILL AID IN THE DECONSTRUCTION OF THE UNIT BY RECYCLING**
22 **ENTITIES.**

23 **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
24 **SUBSECTION SHALL INCLUDE:**

- 25 **(I) A LATITUDE AND LONGITUDE IDENTIFICATION OF ALL**
26 **DISPOSAL SITES IDENTIFIED; OR**
27 **(II) A MAP CONTAINING SPECIFIC GEOSPATIAL**
28 **IDENTIFICATION OF ALL DISPOSAL SITES IDENTIFIED.**

1 (C) (1) ON OR BEFORE SEPTEMBER 30, 2025, THE OWNER OR OPERATOR
2 OF A COAL COMBUSTION BY-PRODUCTS UNIT SHALL SUBMIT A REPORT TO THE
3 DEPARTMENT AND THE POWER PLANT RESEARCH PROGRAM OF ALL
4 GROUNDWATER MONITORING DATA COLLECTED ON OR ADJACENT TO THE UNIT.

5 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
6 SUBSECTION SHALL:

7 (I) IDENTIFY ANY CURRENT OR PREVIOUS GROUNDWATER
8 MONITORING SITES AND ALL WATER QUALITY MONITORING DATA COLLECTED FROM
9 THOSE SITES;

10 (II) INCLUDE ANY GROUNDWATER MONITORING DATA THAT
11 DEMONSTRATES ANY KNOWN OR POTENTIAL VIOLATIONS OF STATE OR FEDERAL
12 WATER QUALITY STANDARDS, INCLUDING DRINKING WATER AND SOURCE WATER
13 QUALITY STANDARDS; AND

14 (III) INCLUDE THE EXACT GEOLOCATION OF ANY GROUNDWATER
15 MONITORING WELLS.

16 (3) IF NO GROUNDWATER MONITORING DATA EXISTS, THE OWNER OR
17 OPERATOR SHALL CONDUCT A REVIEW OF STATE AND FEDERAL WATER QUALITY
18 STANDARDS AND PROVIDE AN EXPLANATION OF WHY NO GROUNDWATER
19 MONITORING DATA EXISTS.

20 9-293.3.

21 (A) ON OR BEFORE SEPTEMBER 30, 2025, THE OWNER OR OPERATOR OF A
22 COAL COMBUSTION BY-PRODUCTS UNIT SHALL CONDUCT A DRINKING WATER
23 SUPPLY SURVEY THAT:

24 (1) IDENTIFIES ALL DRINKING WATER SUPPLY WELLS WITHIN
25 ONE-HALF MILE DOWN-GRADIENT FROM THE COAL COMBUSTION BY-PRODUCTS
26 UNIT;

27 (2) IDENTIFIES ANY SOURCE WATER PROTECTION AREAS FOR
28 DRINKING WATER SUPPLIES WITHIN ONE-HALF MILE DOWN-GRADIENT FROM THE
29 COAL COMBUSTION BY-PRODUCTS UNIT; AND

30 (3) INCLUDES ANY AVAILABLE INFORMATION ON THE LOCATION,
31 CONSTRUCTION DETAILS, USES, AND OWNERSHIP OF THE DRINKING WATER SUPPLY
32 WELLS IDENTIFIED UNDER ITEM (1) OF THIS SUBSECTION.

1 **(B) ON OR BEFORE DECEMBER 31, 2025, THE OWNER OR OPERATOR SHALL**
2 **SUBMIT A REPORT OF THE SURVEY REQUIRED UNDER SUBSECTION (A) OF THIS**
3 **SECTION TO THE DEPARTMENT AND THE POWER PLANT RESEARCH PROGRAM.**

4 **(C) (1) WITHIN 6 MONTHS OF RECEIPT OF THE REPORT REQUIRED**
5 **UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL:**

6 **(I) MAKE A DETERMINATION ON WHICH DRINKING WATER**
7 **SUPPLY WELLS THE OWNER OR OPERATOR OF THE COAL COMBUSTION**
8 **BY-PRODUCTS UNIT IS REQUIRED TO SAMPLE FROM, INCLUDING THE FREQUENCY**
9 **AND DURATION OF ANY SAMPLING; AND**

10 **(II) NOTIFY THE OWNER OR OPERATOR OF THE**
11 **DETERMINATION MADE UNDER ITEM (I) OF THIS PARAGRAPH.**

12 **(2) IN MAKING THE DETERMINATION REQUIRED UNDER PARAGRAPH**
13 **(1) OF THIS SUBSECTION, THE DEPARTMENT SHALL SELECT DRINKING WATER**
14 **SUPPLY WELLS WHERE DATA REGARDING GROUNDWATER QUALITY, FLOW, AND**
15 **DEPTH PROVIDES A REASONABLE BASIS FOR THE PREDICTION THAT THE QUALITY**
16 **OF WATER IN THE WELL MAY BE ADVERSELY AFFECTED BY THE PRESENCE OF THE**
17 **COAL COMBUSTION BY-PRODUCTS UNIT.**

18 **(3) (I) WITHIN 6 MONTHS AFTER RECEIPT OF NOTICE FROM THE**
19 **DEPARTMENT, THE OWNER OR OPERATOR OF A COAL COMBUSTION BY-PRODUCTS**
20 **UNIT SELECTED UNDER THIS SUBSECTION SHALL INITIATE SAMPLING AND WATER**
21 **QUALITY ANALYSES OF THE DRINKING WATER SUPPLY WELL, SUBJECT TO**
22 **SUBPARAGRAPH (IV) OF THIS PARAGRAPH.**

23 **(II) THE OWNER OF THE PROPERTY ON WHICH A DRINKING**
24 **WATER SUPPLY WELL SELECTED UNDER THIS SUBSECTION IS LOCATED MAY ELECT**
25 **TO HAVE AN INDEPENDENT THIRD PARTY SELECTED FROM A LABORATORY**
26 **CERTIFIED BY THE DEPARTMENT TO CARRY OUT ANY SAMPLING OR ANALYSIS**
27 **REQUIRED UNDER THIS SUBSECTION.**

28 **(III) THE OWNER OR OPERATOR OF A COAL COMBUSTION**
29 **BY-PRODUCTS UNIT SHALL PAY FOR THE REASONABLE COSTS OF ANY SAMPLING**
30 **AND ANALYSIS REQUIRED UNDER THIS SUBSECTION.**

31 **(IV) PRIOR TO INITIATING SAMPLING AND WATER QUALITY**
32 **ANALYSIS UNDER THIS PARAGRAPH, THE OWNER OR OPERATOR OF A COAL**
33 **COMBUSTION BY-PRODUCTS UNIT SHALL GET THE PERMISSION OF THE OWNER OR**

1 OCCUPANT OF THE PROPERTY ON WHICH THE DRINKING WATER SUPPLY WELL IS
2 LOCATED.

3 (D) IF THE ANALYSIS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION
4 INDICATES THAT WATER FROM A DRINKING WATER SUPPLY WELL EXCEEDS
5 GROUNDWATER QUALITY STANDARDS, THE OWNER OR OPERATOR OF THE COAL
6 COMBUSTION BY-PRODUCTS UNIT SHALL REPLACE THE WELL WITH:

7 (1) AN ALTERNATE SUPPLY OF POTABLE DRINKING WATER WITHIN 24
8 HOURS OF RECEIPT OF NOTICE FROM THE DEPARTMENT THAT THE ALTERNATE
9 WATER SUPPLY IS NECESSARY; AND

10 (2) AN ALTERNATE SUPPLY OF WATER THAT IS SAFE FOR OTHER
11 HOUSEHOLD USES WITHIN 30 DAYS OF RECEIPT OF NOTICE FROM THE DEPARTMENT
12 THAT THE ALTERNATE WATER SUPPLY IS NECESSARY.

13 9-293.4.

14 (A) ON OR BEFORE OCTOBER 15, 2025, THE OWNER OR OPERATOR OF A
15 COAL COMBUSTION BY-PRODUCTS UNIT SHALL ESTABLISH PERMANENT
16 REPLACEMENT WATER SUPPLIES FOR:

17 (1) EACH RESIDENCE WITHIN A HALF-MILE RADIUS OF THE UNIT
18 THAT HAS A DRINKING WATER SUPPLY WELL, UNLESS THE DRINKING WATER SUPPLY
19 WELL IS SEPARATED FROM THE UNIT BY A RIVER OR OTHER BODY OF WATER THAT
20 WOULD PREVENT THE MIGRATION OF COAL COMBUSTION BY-PRODUCTS THROUGH
21 GROUNDWATER FROM THE UNIT TO THE WELL; AND

22 (2) EACH RESIDENCE THAT HAS A DRINKING WATER SUPPLY WELL
23 THAT IS LOCATED IN AN AREA IN WHICH CONTAMINATION RESULTING FROM THE
24 PRESENCE OF COAL COMBUSTION BY-PRODUCTS IS EXPECTED TO OCCUR, BASED ON
25 GROUNDWATER MODELING AND HYDROGEOLOGIC, GEOLOGIC, AND GEOTECHNICAL
26 INVESTIGATIONS OF THE AREA.

27 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE OWNER
28 OR OPERATOR OF A COAL COMBUSTION BY-PRODUCTS UNIT SHALL PRIORITIZE THE
29 CONNECTION OF HOUSEHOLDS TO PUBLIC WATER SUPPLIES IN ORDER TO MEET THE
30 REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

31 (2) (I) A HOUSEHOLD MAY ELECT TO RECEIVE A FILTRATION
32 SYSTEM IN PLACE OF CONNECTION TO A PUBLIC WATER SYSTEM.

1 **(II) IF THE DEPARTMENT DETERMINES THAT CONNECTION OF**
2 **A PARTICULAR HOUSEHOLD TO A PUBLIC WATER SYSTEM WOULD BE**
3 **COST-PROHIBITIVE, THE DEPARTMENT MAY AUTHORIZE THE INSTALLATION OF A**
4 **FILTRATION SYSTEM.**

5 **(III) THE OWNER OR OPERATOR OF THE COAL COMBUSTION**
6 **BY-PRODUCTS UNIT SHALL BE RESPONSIBLE FOR MAINTENANCE OF ANY**
7 **FILTRATION SYSTEM INSTALLED IN ACCORDANCE WITH THIS PARAGRAPH.**

8 **(C) (1) ON OR BEFORE DECEMBER 1, 2024, THE OWNER OR OPERATOR OF**
9 **EACH COAL COMBUSTION BY-PRODUCTS UNIT SHALL SUBMIT A PLAN REGARDING**
10 **PROPOSED PERMANENT REPLACEMENT OF WATER SUPPLIES REQUIRED UNDER**
11 **SUBSECTION (A) OF THIS SECTION TO THE DEPARTMENT, INCLUDING:**

12 **(I) THE TYPE OF PERMANENT REPLACEMENT WATER SUPPLY;**

13 **(II) THE LOCATION OF THE PERMANENT REPLACEMENT WATER**
14 **SUPPLY;**

15 **(III) THE LOCATION OF THE HOUSEHOLD AND ITS PROXIMITY TO**
16 **THE NEAREST CONNECTION POINT TO A PUBLIC WATER SUPPLY; AND**

17 **(IV) THE PROJECTED COSTS OF THE PERMANENT**
18 **REPLACEMENT WATER SUPPLY.**

19 **(2) WITHIN 60 DAYS AFTER RECEIVING A PLAN UNDER PARAGRAPH**
20 **(1) OF THIS SUBSECTION, THE DEPARTMENT SHALL APPROVE, APPROVE WITH**
21 **AMENDMENTS, OR DENY THE PLAN.**

22 **(3) IF A PLAN SUBMITTED UNDER THIS SUBSECTION IS DENIED, THE**
23 **OWNER OR OPERATOR OF THE COAL COMBUSTION BY-PRODUCTS UNIT SHALL**
24 **RESUBMIT A MODIFIED PLAN WITHIN 30 DAYS.**

25 **(4) WITHIN 30 DAYS OF PLAN APPROVAL, THE OWNER OR OPERATOR**
26 **OF A COAL COMBUSTION BY-PRODUCTS UNIT SHALL NOTIFY ALL HOUSEHOLDS**
27 **IDENTIFIED IN THE OWNER OR OPERATOR'S APPROVED PLAN OF THE HOUSEHOLD'S**
28 **ELIGIBILITY FOR A PERMANENT REPLACEMENT WATER SUPPLY.**

29 **(5) UNTIL A HOUSEHOLD IDENTIFIED IN A PLAN HAS BEEN PROVIDED**
30 **WITH A PERMANENT REPLACEMENT WATER SUPPLY, THE OWNER OR OPERATOR OF**
31 **THE COAL COMBUSTION BY-PRODUCTS UNIT SHALL SUPPLY THE HOUSEHOLD WITH**
32 **AN ALTERNATE SUPPLY OF POTABLE DRINKING WATER.**

1 **(D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A HOUSEHOLD TO**
2 **CONNECT TO A PUBLIC WATER SYSTEM OR RECEIVE A FILTRATION SYSTEM WITHOUT**
3 **THE APPROVAL OF THE OWNER OR OCCUPANT OF THE HOUSEHOLD.**

4 **9-293.5.**

5 **(A) ON OR BEFORE JANUARY 31 EACH YEAR, THE OWNER OR OPERATOR OF**
6 **A COAL COMBUSTION BY-PRODUCTS UNIT SHALL SUBMIT A GROUNDWATER**
7 **PROTECTION AND RESTORATION REPORT TO THE DEPARTMENT.**

8 **(B) THE REPORT REQUIRED UNDER THIS SECTION SHALL INCLUDE A**
9 **SUMMARY OF ALL GROUNDWATER MONITORING, PROTECTION, AND RESTORATION**
10 **ACTIVITIES RELATED TO THE UNIT FOR THE IMMEDIATELY PRECEDING CALENDAR**
11 **YEAR.**

12 **9-293.6.**

13 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON OR BEFORE**
14 **SEPTEMBER 30, 2034, THE OWNER OR OPERATOR OF EACH COAL COMBUSTION**
15 **BY-PRODUCTS UNIT THAT HAS NOT BEEN CLOSED IN ACCORDANCE WITH 40 C.F.R.**
16 **PART 257.D SHALL CLOSE THE UNIT BY:**

17 **(1) REMOVING ALL COAL COMBUSTION BY-PRODUCTS IN**
18 **ACCORDANCE WITH ANY APPLICABLE FEDERAL STANDARDS; AND**

19 **(2) (I) USING THE COAL COMBUSTION BY-PRODUCTS FOR**
20 **BENEFICIAL USE; OR**

21 **(II) DISPOSING OF THE COAL COMBUSTION BY-PRODUCTS IN A**
22 **LANDFILL THAT INCLUDES A COMPOSITE LINER AND LEACHATE SYSTEM THAT**
23 **MEETS THE STANDARDS ESTABLISHED UNDER 40 C.F.R. PART 258.**

24 **(B) (1) IF THE DEPARTMENT DETERMINES THAT THERE IS A THREAT TO**
25 **PUBLIC HEALTH DUE TO THE RISK OF COAL COMBUSTION BY-PRODUCTS AFFECTING**
26 **GROUNDWATER OR DRINKING WATER SOURCES, OR ANY OTHER PUBLIC HEALTH**
27 **CONCERNS, THE OWNER OR OPERATOR OF A COAL COMBUSTION BY-PRODUCTS UNIT**
28 **SHALL CLOSE THE UNIT ON OR BEFORE SEPTEMBER 30, 2029.**

29 **(2) THE DEPARTMENT MAY EXTEND THE DEADLINE ESTABLISHED**
30 **UNDER SUBSECTION (A) OF THIS SECTION FOR UP TO 25 YEARS IF THE OWNER OR**
31 **OPERATOR HAS AN APPROVED CLOSURE PLAN THAT REDIRECTS ALL COAL**
32 **COMBUSTION BY-PRODUCTS FOR BENEFICIAL USE, AND THE DEPARTMENT**

1 DETERMINES THAT THE EXTENSION WILL NOT CREATE A REASONABLE PROBABILITY
2 OF ADVERSE EFFECTS TO HUMAN HEALTH AND THE ENVIRONMENT.

3 (C) (1) THE OWNER OR OPERATOR OF EACH COAL COMBUSTION
4 BY-PRODUCTS UNIT THAT HAS BEEN CLOSED IN ACCORDANCE WITH 40 C.F.R. PART
5 257.D SHALL MONITOR GROUNDWATER AND SURFACE WATER AT THE UNIT IN
6 ACCORDANCE WITH A MONITORING PLAN APPROVED BY THE DEPARTMENT.

7 (2) THE OWNER OR OPERATOR OF A COAL COMBUSTION
8 BY-PRODUCTS UNIT UNDER THIS SUBSECTION SHALL SUBMIT QUARTERLY
9 MONITORING REPORTS TO THE DEPARTMENT.

10 (3) IF THE MONITORING REQUIRED UNDER PARAGRAPH (1) OF THIS
11 SUBSECTION DEMONSTRATES A VIOLATION OF WATER QUALITY STANDARDS, THE
12 OWNER OR OPERATOR OF THE COAL COMBUSTION BY-PRODUCTS UNIT SHALL
13 CLOSE THE UNIT IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION.

14 9-293.7.

15 (A) (1) IF THE CLOSURE OF A COAL COMBUSTION BY-PRODUCTS UNIT
16 REQUIRES COAL COMBUSTION BY-PRODUCTS TO BE REMOVED, THE OWNER OR
17 OPERATOR OF THE UNIT SHALL DEVELOP A TRANSPORTATION PLAN TO MINIMIZE
18 THE IMPACT OF TRANSPORTING ANY COAL COMBUSTION BY-PRODUCTS ON ANY
19 NEIGHBORING PROPERTY OWNERS OR OCCUPANTS.

20 (2) IN DEVELOPING A TRANSPORTATION PLAN UNDER PARAGRAPH
21 (1) OF THIS SUBSECTION, THE OWNER OR OPERATOR OF A COAL COMBUSTION
22 BY-PRODUCTS UNIT SHALL CONSULT WITH:

23 (I) THE COUNTY OR MUNICIPALITY IN WHICH THE COAL
24 COMBUSTION BY-PRODUCTS UNIT IS LOCATED; AND

25 (II) ANY COUNTY OR MUNICIPALITY WITHIN 2 MILES OF THE
26 COAL COMBUSTION BY-PRODUCTS UNIT.

27 (B) THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL
28 INCLUDE:

29 (1) IF TRANSPORTING COAL COMBUSTION BY-PRODUCTS BY TRUCK,
30 THE FREQUENCY OF TRUCKS, PROPOSED ROUTES, AND ANY MEASURES TO CONTROL
31 NOISE, TRAFFIC IMPACTS, SAFETY CONCERNS, AND DUST POLLUTION; AND

1 **(2) POTENTIAL ALTERNATIVE METHODS OF TRANSPORTATION,**
2 **INCLUDING BY TRAIN OR BY BARGE, IF FEASIBLE.**

3 **(C) THE OWNER OR OPERATOR OF A COAL COMBUSTION BY-PRODUCTS**
4 **UNIT SHALL:**

5 **(1) MAKE A COPY OF A TRANSPORTATION PLAN REQUIRED UNDER**
6 **THIS SECTION AVAILABLE ONLINE;**

7 **(2) PROVIDE NOTICE OF THE AVAILABILITY OF THE PLAN TO:**

8 **(I) THE DEPARTMENT;**

9 **(II) THE CHIEF ADMINISTRATIVE OFFICER OF THE COUNTY OR**
10 **MUNICIPALITY;**

11 **(III) THE COMMISSION ON ENVIRONMENTAL JUSTICE AND**
12 **SUSTAINABLE COMMUNITIES; AND**

13 **(IV) THE COAL COMBUSTION BY-PRODUCTS COMMUNITY**
14 **ADVISORY COUNCIL; AND**

15 **(3) PUBLISH NOTICE OF THE AVAILABILITY OF THE PLAN IN A**
16 **NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OR MUNICIPALITY.**

17 **(D) BEFORE ADOPTING A TRANSPORTATION PLAN, THE OWNER OR**
18 **OPERATOR OF THE COAL COMBUSTION BY-PRODUCTS UNIT SHALL:**

19 **(1) ALLOW FOR A PERIOD OF PUBLIC COMMENT OF NOT LESS THAN**
20 **30 DAYS; AND**

21 **(2) CONSIDER ANY COMMENTS RECEIVED.**

22 **9-293.8.**

23 **WHEN CLOSING A COAL COMBUSTION BY-PRODUCTS UNIT, THE OWNER OR**
24 **OPERATOR OF THE UNIT SHALL:**

25 **(1) IDENTIFY OPTIONS FOR EMPLOYING LOCAL WORKERS;**

26 **(2) CONSULT WITH A COLLECTIVE BARGAINING UNIT IN THE AREA ON**
27 **THE FURTHERANCE OF APPRENTICESHIPS AND OTHER WORKFORCE TRAINING**
28 **PROGRAMS FOR LOCAL WORKERS; AND**

1 **(3) PRIORITYZE THE HIRING OF LOCAL WORKERS.**

2 **9-293.9.**

3 **(A) IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, ON APPROVAL**
4 **OF A CLOSURE PLAN, AND EVERY 2 YEARS THEREAFTER, THE OWNER OR OPERATOR**
5 **OF A COAL COMBUSTION BY-PRODUCTS UNIT SHALL PUBLISH A REPORT**
6 **DESCRIBING:**

7 **(1) THE OWNER OR OPERATOR'S CLOSURE PLAN FOR EACH COAL**
8 **COMBUSTION BY-PRODUCTS UNIT;**

9 **(2) ANY PROGRESS TO DATE;**

10 **(3) THE AMOUNT OF COAL COMBUSTION BY-PRODUCTS THAT HAVE**
11 **BEEN AND ARE EXPECTED TO BE USED FOR ENCAPSULATED BENEFICIAL USE FROM**
12 **EACH UNIT;**

13 **(4) THE AMOUNT OF COAL COMBUSTION BY-PRODUCTS THAT HAVE**
14 **BEEN AND ARE EXPECTED TO BE DIVERTED TO LANDFILLS FROM EACH UNIT;**

15 **(5) THE UTILIZATION OF TRANSPORTATION OPTIONS AND ANY**
16 **TRANSPORTATION PLAN REQUIRED UNDER § 9-293.7 OF THIS SUBTITLE; AND**

17 **(6) ANY GROUNDWATER AND SURFACE WATER MONITORING RESULTS**
18 **AND ANY MEASURES TAKEN TO ADDRESS THESE RESULTS.**

19 **(B) THE OWNER OR OPERATOR OF A COAL COMBUSTION BY-PRODUCTS**
20 **UNIT SHALL:**

21 **(1) PUBLISH THE REPORT REQUIRED UNDER THIS SECTION ONLINE;**
22 **AND**

23 **(2) SUBMIT THE REPORT TO THE GOVERNOR, THE SECRETARY, THE**
24 **SECRETARY OF NATURAL RESOURCES, THE COMMISSION ON ENVIRONMENTAL**
25 **JUSTICE AND SUSTAINABLE COMMUNITIES, THE ADVISORY COUNCIL, AND, IN**
26 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE**
27 **COMMITTEE ON EDUCATION, ENERGY, AND THE ENVIRONMENT, THE HOUSE**
28 **ENVIRONMENT AND TRANSPORTATION COMMITTEE, AND THE GENERAL**
29 **ASSEMBLY.**

30 **9-293.10.**

1 AN OWNER OR OPERATOR OF A COAL COMBUSTION BY-PRODUCTS UNIT MAY
2 NOT RECOVER ANY COSTS FROM THE STATE FOR ANY FINES OR PENALTIES
3 RESULTING FROM A VIOLATION OF THIS PART.

4 **9-293.11.**

5 (A) THERE IS A COAL COMBUSTION BY-PRODUCTS COMMUNITY ADVISORY
6 COUNCIL.

7 (B) THE ADVISORY COUNCIL CONSISTS OF:

8 (1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

9 (2) THE SECRETARY OF NATURAL RESOURCES, OR THE
10 SECRETARY'S DESIGNEE;

11 (3) THE CHAIR OF THE COMMISSION ON ENVIRONMENTAL JUSTICE
12 AND SUSTAINABLE COMMUNITIES, OR THE CHAIR'S DESIGNEE; AND

13 (4) THE FOLLOWING MEMBERS TO BE APPOINTED BY THE
14 SECRETARY IN CONJUNCTION WITH THE SECRETARY OF NATURAL RESOURCES:

15 (I) AT LEAST THREE, BUT NOT MORE THAN SIX,
16 REPRESENTATIVES OF THE LOCAL GOVERNMENTS OF THE POLITICAL SUBDIVISIONS
17 IN WHICH A COAL COMBUSTION BY-PRODUCTS UNIT OR UNITS ARE LOCATED;

18 (II) AT LEAST THREE, BUT NOT MORE THAN SIX, SCIENTIFIC OR
19 TECHNICAL EXPERTS; AND

20 (III) AT LEAST FIVE MEMBERS FROM AFFECTED COMMUNITIES.

21 (C) THE ADVISORY COUNCIL SHALL ELECT A CHAIR FROM AMONG ITS
22 MEMBERS.

23 (D) THE TERM OF A MEMBER APPOINTED UNDER SUBSECTION (B)(4) OF
24 THIS SECTION IS 4 YEARS.

25 (E) THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES
26 JOINTLY SHALL PROVIDE STAFF FOR THE ADVISORY COUNCIL.

27 (F) A MEMBER OF THE ADVISORY COUNCIL:

1 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
2 **ADVISORY COUNCIL; BUT**

3 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
4 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

5 **(G) THE ADVISORY COUNCIL SHALL ADVISE THE DEPARTMENT AND THE**
6 **POWER PLANT RESEARCH PROGRAM ON ALL MATTERS RELATED TO COAL**
7 **COMBUSTION BY-PRODUCTS STORAGE AND ITS IMPACT ON THE HEALTH AND**
8 **SAFETY OF NEIGHBORING COMMUNITIES.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2024.