

HOUSE BILL 1467

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0lr3208
CF SB 653

By: **Delegate Stein**

Introduced and read first time: February 26, 2010

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 8, 2010

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 25, 2010

CHAPTER _____

1 AN ACT concerning

2 **Environment – Coal Combustion By-Products – Minimum Standards –**
3 **Beneficial Uses**

4 FOR the purpose of requiring a person using or disposing of coal combustion
5 by-products to comply with certain standards and regulations if the
6 by-products come into contact with the ground; requiring a person making
7 certain use of coal combustion by-products to comply with certain regulations
8 and permit provisions; requiring a person using coal combustion by-products for
9 certain purposes to use engineering practices that meet a certain standard;
10 defining certain terms; repealing certain provisions made obsolete by this Act;
11 and generally relating to the use of coal combustion by-products.

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 9-289
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2009 Supplement)

17 BY repealing
18 Article – Environment
19 Section 15-407
20 Annotated Code of Maryland
21 (2007 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Environment**

4 9–289.

5 (a) (1) In this section, ~~“coal”~~ **THE FOLLOWING WORDS HAVE THE**
6 **MEANINGS INDICATED.**

7 **(2) (I) “COAL combustion by-product” means the residue**
8 **generated by or resulting from the burning of coal.**

9 ~~(2)~~ **(II) “Coal combustion by-product” includes:**

10 ~~(i)~~ **1. Fly ash;**

11 ~~(ii)~~ **2. Bottom ash;**

12 ~~(iii)~~ **3. Boiler slag;**

13 ~~(iv)~~ **4. Pozzolan[, as defined in § 15–407 of this article]; and**

14 ~~(v)~~ **5. Solid residuals removed by air pollution control**
15 **devices from the flue gas and combustion chambers of coal-burning furnaces and**
16 **boilers.**

17 **(3) “POZZOLAN” MEANS THE FINELY DIVIDED RESIDUE THAT**
18 **RESULTS FROM COMBUSTION OF GROUND OR POWDERED COAL AND IS**
19 **RELEASED BY COMBUSTION GASES, AS DEFINED BY THE TEST METHODS**
20 **PUBLISHED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS.**

21 **(4) (I) “STRUCTURAL FILL” MEANS THE MATERIAL USED TO**
22 **CREATE A BASE TO PROVIDE BEARING CAPACITY TO SUPPORT A BUILDING.**

23 **(II) “STRUCTURAL FILL” DOES NOT INCLUDE MATERIAL**
24 **THAT:**

25 **1. WILL SUPPORT A ROADWAY; OR**

26 **2. MEETS THE STANDARDS FOR CONCRETE**
27 **ESTABLISHED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS AND**
28 **THE AMERICAN CONCRETE INSTITUTE.**

1 (b) On or before December 31, 2009, the Department shall submit to the
 2 Joint Committee on Administrative, Executive, and Legislative Review regulations
 3 regarding:

4 (1) Fugitive air emissions from the transportation of coal combustion
 5 by-products in the State; and

6 (2) The permissible beneficial uses of coal combustion by-products in
 7 the State.

8 (c) (1) **ALL USE AND DISPOSAL OF COAL COMBUSTION BY-PRODUCTS**
 9 **THAT INVOLVES CONTACT OF THE COAL COMBUSTION BY-PRODUCTS WITH THE**
 10 **GROUND SHALL BE DONE IN A MANNER THAT COMPLIES ~~WITH BEST~~ WITH:**

11 (i) **BEST EXCEPT FOR COAL MINE RECLAMATION USING**
 12 **COAL COMBUSTION BY-PRODUCTS, BEST ENGINEERING PRACTICES TO**
 13 **PREVENT ~~MINIMIZE~~**:

14 1. **MINIMIZE THE IMPACT ~~FROM~~ OF LEACHATE**
 15 **GENERATION AND FUGITIVE DUST EMISSIONS; OR**

16 2. **A. CONTROL FUGITIVE DUST EMISSIONS; AND**
 17 **B. CONTROL AND CAPTURE LEACHATE GENERATION**
 18 **~~OR TO CONTROL AND CAPTURE LEACHATE GENERATION AND FUGITIVE DUST~~**
 19 **~~EMISSIONS; AND~~**

20 (ii) **REGULATIONS FOR:**

21 1. **THE LANDFILL DISPOSAL OF COAL COMBUSTION**
 22 **BY-PRODUCTS;**

23 2. **COAL AND NONCOAL MINE RECLAMATION USING**
 24 **COAL COMBUSTION BY-PRODUCTS; OR**

25 3. **BENEFICIAL USE OF COAL COMBUSTION**
 26 **BY-PRODUCTS.**

27 (2) **ANY PERSON WHO USES COAL COMBUSTION BY-PRODUCTS**
 28 **FOR LANDFILL, STRUCTURAL ~~BUILDING~~ FILL, SOIL IMPROVEMENT,**
 29 **AGRICULTURE, SOIL CONDITIONING, OR LAND RECLAMATION SHALL MINIMIZE**
 30 **DUST AND WIND EROSION AND SHALL COMPLY WITH ALL ~~SILT CONTROL~~**
 31 **APPLICABLE REGULATIONS AND PERMIT REQUIREMENTS OF THE**
 32 **DEPARTMENT.**

1 (D) ANY PERSON WHO USES COAL COMBUSTION BY-PRODUCTS FOR
 2 STRUCTURAL ~~BUILDING~~ FILL OR NONMINE LAND RECLAMATION SHALL USE
 3 ENGINEERING PRACTICES THAT ARE AT LEAST AS PROTECTIVE OF THE
 4 ENVIRONMENT AND PUBLIC HEALTH AS THOSE REQUIRED FOR LANDFILL
 5 DISPOSAL OF COAL COMBUSTION BY-PRODUCTS OR FOR ~~COAL AND~~ NONCOAL
 6 MINE RECLAMATION USING COAL COMBUSTION BY-PRODUCTS.

7 [15-407.

8 (a) In this section, "pozzolan" means the finely divided residue which results
 9 from combustion of ground or powdered coal and is released by combustion gases, as
 10 defined by the test methods published by the American Society for Testing Methods.

11 (b) (1) Any person who uses pozzolan for landfill shall do so in a manner
 12 which complies with sound engineering practices.

13 (2) Any person who uses pozzolan for landfill, structural building, soil
 14 improvement, agriculture, soil conditioning, or land reclamation shall minimize dust
 15 and wind erosion and shall comply with all silt control regulations and permit
 16 requirements of the Department.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.