

# SENATE BILL 653

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CF 01r3208

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By: **Senators Lenett, Madaleno, and Raskin**

Introduced and read first time: February 5, 2010

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

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

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

24 **Article – Environment**

25 9–289.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section, “coal combustion by-product” means the residue  
2 generated by or resulting from the burning of coal.

3 (2) “Coal combustion by-product” includes:

4 (i) Fly ash;

5 (ii) Bottom ash;

6 (iii) Boiler slag;

7 (iv) Pozzolan[, as defined in § 15-407 of this article]; and

8 (v) Solid residuals removed by air pollution control devices from  
9 the flue gas and combustion chambers of coal-burning furnaces and boilers.

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

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

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

17 **(C) (1) ALL USE AND DISPOSAL OF COAL COMBUSTION BY-PRODUCTS**  
18 **THAT INVOLVES CONTACT OF THE COAL COMBUSTION BY-PRODUCTS WITH THE**  
19 **GROUND SHALL BE DONE IN A MANNER THAT COMPLIES WITH BEST**  
20 **ENGINEERING PRACTICES TO PREVENT OR TO CONTROL AND CAPTURE**  
21 **LEACHATE GENERATION AND FUGITIVE DUST EMISSIONS.**

22 **(2) ANY PERSON WHO USES COAL COMBUSTION BY-PRODUCTS**  
23 **FOR LANDFILL, STRUCTURAL BUILDING, SOIL IMPROVEMENT, AGRICULTURE,**  
24 **SOIL CONDITIONING, OR LAND RECLAMATION SHALL MINIMIZE DUST AND WIND**  
25 **EROSION AND SHALL COMPLY WITH ALL SILT CONTROL REGULATIONS AND**  
26 **PERMIT REQUIREMENTS OF THE DEPARTMENT.**

27 **(D) ANY PERSON WHO USES COAL COMBUSTION BY-PRODUCTS FOR**  
28 **STRUCTURAL BUILDING OR LAND RECLAMATION SHALL USE ENGINEERING**  
29 **PRACTICES THAT ARE AT LEAST AS PROTECTIVE OF THE ENVIRONMENT AND**  
30 **PUBLIC HEALTH AS THOSE REQUIRED FOR LANDFILL DISPOSAL OF COAL**  
31 **COMBUSTION BY-PRODUCTS.**

32 [15-407.

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

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

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

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