



Maryland's Proposed Coal Combustion Byproduct Regulations

February 19, 2008



What MDE is Doing

- MDE has determined that Coal Combustion Byproducts (CCBs) need more detailed regulation.
- Regulation includes coal fly ash, bottom ash, flue gas desulfurization sludge, and related ash products.
- A new reg, COMAR 26.04.10, was proposed on 12/21/07 – available in the Md. Register and on our website, www.mde.state.md.us. Also adds requirements to solid waste and mining regulations.
- Another set of regs governing CCBs recycling and utilization will be developed this year – more on that in a minute.

Disposal

- Disposal facilities must meet the same standards required for industrial solid waste landfills, e.g. leachate collection, groundwater monitoring, the use of liners, deed amendments, and routine analysis of CCBs.
- CCB disposal facilities must conform to local zoning and land-use requirements, and the County's 10 year solid waste management plan.
- MDE may impose additional requirements.



Mine Reclamation Sites

- For use of CCBs in noncoal mines, CCB sites must meet standards similar to those required for industrial solid waste landfills – liners, leachate collection, etc.
- Standards for coal mine reclamation will ensure that only alkaline CCBs are used.
- For both disposal and mine reclamation sites, dust control measures, post closure monitoring and maintenance, etc. must be performed.
- MDE may also impose other requirements.



Generator Requirements

- The proposed regulations also impose new reporting requirements on generators of CCBs.
- This includes an annual report that covers how the material was recently used or disposed as well as plans for disposal or use for the next 5 years.



Enforcement

- **MDE is assessing the need to strengthen the authority in the Mining Program to address air quality issues.**
- **ARMA has a very active inspection program.**
- **MDE responds to all complaints and enforces effective dust control practices.**
- **Enforcement is based on evaluation of the performance of dust controls at the site.**



AQ Controls In New Regs #1

Applicable to All Types of Sites:

“COMAR 26.04.10.03A, General Restrictions. A person may not engage in the generation, storage, handling, processing, disposal, recycling, beneficial use, or other use of coal combustion byproducts in a manner that is likely to:

- (1) Create a nuisance;**
- (2) Create air pollution; ...**
- (5) Impair the quality of the environment; or**
- (6) Create other hazards to the public health, safety, welfare, or comfort as may be determined by the Department.”**



AQ Control In New Regs #2

Also Applicable to All Types of Sites:

“COMAR 26.04.10.03 B(3):

(3) Air Pollution. A person may not engage in the disposal, storage, transportation, processing, handling, or use of coal combustion byproducts without taking reasonable precautions to prevent particulate matter from becoming airborne. These reasonable precautions shall include, when appropriate as determined by the Department, those precautions described in COMAR 26.11.06.03.C and D.”



AQ Control In New Regs #3

Applies to Storage of CCBs:

“COMAR 26.04.10.05D: A person may not use a storage system for coal combustion byproducts unless the storage system is:

- (1) Designed, constructed, and installed to contain coal combustion byproducts and contaminants in the coal combustion byproducts and prevent them from being released to the environment; and**
- (2) Constructed of impervious materials and provided with a roof or other protections to prevent nuisance, air pollution, and discharges of contaminated stormwater or leachate to waters of this State.”**



AQ Control in New Regs #4

For Noncoal Mines:

“ COMAR 26.21.04.03B (10) Adequate measures shall be taken to minimize dust at a site as follows:

- (a) A person shall control dust by moisture-conditioning the coal combustion byproducts before they leave the coal combustion byproducts generating facility;
- (b) A person shall control dust by spreading and compacting the coal combustion byproducts upon arrival at a site;
- (c) A person may not store uncompacted coal combustion byproducts at a site;
- (d) A water truck shall be available to add water at a site as needed for fugitive dust control; and
- (e) The Department may require other measures it considers necessary to protect public health and the environment.



Effects on Existing Sites

- Existing CCB facilities that MDE has authorized prior to April 1, 2008 would be allowed to continue to operate under the current approval.
- MDE may modify an existing authorization to require additional controls to protect public health or to prevent nuisances.
- Any existing CCB facility that proposes to expand beyond its current authorization or operations would be required to notify MDE in writing.
- MDE may then impose additional requirements.



Comment on Proposed Regs

- Send comments to MDE until the close of business on February 26, 2008 to spattison@mde.state.md.us.
- MDE expects the regs will take effect on April 1, 2008. This is dependent on the extent of comments received.
- A public meeting will be held on February 26, 2008 at 10:00 A.M. at MDE's Montgomery Park office to solicit input on the development of a CCB beneficial use regulatory program.



Beneficial Use Regulations

- MDE recognizes possible beneficial uses for CCBs so long as public health and the environment are protected.
- MDE will propose beneficial use regs in 2008.
- Intend to work with stakeholders to develop usable rules for a variety of possible uses, e.g., cement additives; roadbase; perhaps others.



For More Info

- Regarding Solid Waste:
Ed Dexter, Administrator, Solid Waste Program
(410) 537-3318 or edexter@mde.state.md.us
- Regarding Coal & Non-Coal Mines:
Ed Larrimore, Manager, Mining Program,
(410) 537-8055 or elarrimore@mde.state.md.us
- Regarding Beneficial Use:
Steve Pattison, Assistant Secretary of MDE,
(410) 537-3086 or spattison@mde.state.md.us
- Air Quality Complaints: (410) 537-3215 Workdays or
After-hours toll free (866) 633-4686 = (866) MDE-GOTO
- And see our website for developments in 2008:

WWW.MDE.STATE.MD.US