



POTOMAC
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Cleaning Up Maryland's Coal Ash

Bill: [HB0902/SB0425](#)

Overview

Maryland is facing a serious environmental and public health crisis from coal ash pollution, a problem that has only grown in urgency with new data revealing the widespread presence of legacy coal ash sites in the Chesapeake Bay watershed. Coal ash, also known as coal combustion residuals (CCR), is produced primarily from burning coal in power plants and contains hazardous pollutants, including arsenic, boron, cobalt, chromium, lead, lithium, mercury, radium, selenium, and other heavy metals. These toxins have been linked to cancer, heart and thyroid disease, reproductive failure, and neurological harm.

Without proper management, coal ash contaminants leach into groundwater, surface water, and air, posing severe health risks to nearby communities. The **Maryland Power Plant Research Program has identified 70 coal ash disposal sites across the state, amounting to over 50 million tons of coal ash waste.** Additionally, recent reports indicate nearly 100 coal ash dumps pepper the Chesapeake Bay watershed, further underscoring the urgent need for regulatory action.

The Growing Threat of Coal Ash Contamination

Environmental watchdogs and Riverkeeper organizations have long raised alarms about coal ash contamination in Maryland. In 2013, at the urging of Potomac Riverkeeper and Patuxent Riverkeeper, the Maryland Department of the Environment (MDE) issued a Consent Order against GenOn-operated coal ash landfills in Brandywine, Faulkner, and Westland, after evidence showed toxic chemicals were leaching into groundwater and contaminating private drinking wells. However, at some sites, including **Faulkner and Brandywine Fly Ash Landfills**, virtually no remedial measures have been implemented, and local residents continue to suffer the impacts of toxic coal ash pollution.

The issue is particularly dire given findings from **The BayNet's recent investigation**, which revealed that many of these coal ash dumps are located near major waterways feeding into the Chesapeake Bay. Unlined coal ash ponds and outdated disposal practices have led to contamination hotspots across Maryland, Virginia, and Pennsylvania, threatening critical drinking water supplies and aquatic ecosystems.

Why Maryland Needs to Act Now

Coal ash pollution is an environmental justice issue. Many of Maryland's coal ash sites are located in **low-income communities and communities of color**, where residents suffer disproportionately from groundwater contamination and toxic air pollution. **Leaking ponds along the Potomac, Patuxent, and Susquehanna rivers have further exacerbated this crisis.**



Potomac Riverkeeper Network is the trade name of Potomac Riverkeeper, Inc.
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Despite the EPA's 2015 Coal Ash Rule, compliance has been abysmal. A **2019 Earthjustice and Environmental Integrity Project report** found that **91% of monitored power plants** were violating the EPA's coal ash disposal regulations, including the **Brandywine coal ash landfill**, one of the nation's worst contamination sites.

In response, the **EPA enacted new regulations in 2024** to address legacy pollution at inactive coal-fired power plants, requiring improved monitoring, corrective actions, and closure plans. However, these rules are under threat due to the current federal administration which is likely to pull back or delay the implementation of these rules. That's why Maryland must take independent authority to ensure that these rules stay in place in Maryland and require facilities to finally clean up these toxic sites.

What HB0902 Will Accomplish

The **Potomac Riverkeeper Network** supports the bill sponsors work to introduce **SB0425/HB0902**, which will:

1. **Codify federal EPA regulations:** Require MDE to finalize regulations within 12 months that align with the current federal law, specifically the May 9, 2024 federal Steam Electric Power Generating Effluent Guidelines and the May 8, 2024 final rule on legacy coal ash disposal.
2. **Expanded Assessment Monitoring:** Including the contaminants of boron, vanadium, and hexavalent chromium in the already required assessment monitoring, as they all have significant adverse impacts on human health.
3. **Establish a Statewide CCR Coordination Committee:** Within six months, MDE will create a committee co-chaired by MDE and the Maryland Power Plant Research Program (PPRP) to oversee coal ash monitoring, site remediation, and regulatory compliance. The committee will include impacted residents, local officials, and environmental experts.
4. **Change the current fee structure:** MDE currently charges a fee for coal ash created by burning, but as nearly all of Maryland's coal-fired power plants are no longer burning coal, this fee structure needs to change to ensure that MDE has funding for personnel to oversee permitting and oversight of these facilities including the necessary clean up of the toxic sites. The fund is expected to provide a little more than \$3.2 million annually with MDE's expected costs for just maintained staffing for this program in 2025 to be \$1.75 million, this would provide additional funding for oversight of compliance and clean-up required under EPA's legacy rules.

Conclusion

SB0425/HB0902 is a critical step toward **protecting Maryland's drinking water, public health, and the Chesapeake Bay** from the long-term threats of coal ash pollution. While only a small percentage of the 70 coal ash sites will be regulated by the federal legacy coal ash rules as incorporated through this bill, ensuring that these facilities are subject to consistent regulatory timelines and requirements at the state level is essential to ensure safe and effective remediation of toxic coal ash dumps. **Maryland must act now to prevent further environmental degradation and protect vulnerable communities.**