

SENATE BILL 814

R1, M3

4lr2185
CF HB 878

By: **Senators Raskin and DeGrange**

Introduced and read first time: January 31, 2014

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2014

CHAPTER _____

1 AN ACT concerning

2 **State Highway Administration – Compost and Compost-Based Products –**
3 **Specification**

4 FOR the purpose of establishing that the use of compost and compost-based products
5 in State highway construction projects is a best management practice for
6 certain pollution mitigation strategies; requiring the State Highway
7 Administration to establish a specification for the acquisition and use of
8 compost and compost-based products for certain pollution mitigation strategies
9 on or before a certain date; requiring the Administration to update the
10 specification as necessary; requiring the Administration to post the specification
11 on its Web site; requiring the Administration to report annually to the General
12 Assembly on or before a certain date; requiring the Administration to ~~review~~
13 ~~certain specifications and~~ consult with other state highway and transportation
14 agencies on the acquisition and use of compost and compost-based products for
15 highway construction projects; requiring the Administration to assess how
16 certain compost and compost-based products can be adapted and replicated by
17 the Administration; requiring the Administration to review the
18 Administration's existing specifications and identify compost-based product
19 equivalents to add to the existing specifications; requiring the Administration to
20 develop certain recommendations; requiring the Administration to report to the
21 General Assembly on or before a certain date; defining certain terms; and
22 generally relating to the use of compost and compost-based products by the
23 State Highway Administration.

24 BY adding to

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 Article – Transportation
2 Section 8–609.3
3 Annotated Code of Maryland
4 (2008 Replacement Volume and 2013 Supplement)

5 Preamble

6 WHEREAS, Composting extends the life of a landfill by diverting organic
7 material from the landfill and providing a less costly alternative to conventional
8 methods of treating contaminated soil; and

9 WHEREAS, Composting the organic material that has been diverted from
10 landfills reduces the formation of leachate and the production of methane, a potent
11 greenhouse gas; and

12 WHEREAS, Composting filters some pollutants found in stormwater runoff,
13 ~~preventing~~ and may prevent the pollutants from reaching surface water; and

14 WHEREAS, Composting has been shown to ~~prevent~~ reduce erosion and silting
15 on embankments parallel to creeks, lakes, and rivers and to ~~prevent~~ reduce
16 erosion and turf loss on roadsides, hillsides, playing fields, and golf courses; and

17 WHEREAS, Composting reduces or eliminates the need for chemical fertilizers
18 and promotes higher yields of agricultural crops; and

19 WHEREAS, The composting process ~~degrades~~ may degrade, and in some cases
20 may completely ~~eliminates~~ eliminate, wood preservatives, pesticides, chlorinated
21 hydrocarbons, and nonchlorinated hydrocarbons in contaminated soils; and

22 WHEREAS, Composting ~~immobilizes and degrades pollutants and~~ has the
23 ability to immobilize and degrade pollutants and to bind heavy metals, pesticides,
24 herbicides, and other contaminants, reducing their leachability and absorption by
25 plants; and

26 WHEREAS, The use of compost-based products has been identified as a best
27 management practice for controlling erosion and sediment in construction activities
28 and postconstruction stormwater management; and

29 WHEREAS, Best management practices utilizing compost-based products
30 include compost filter socks to trap sediment and stabilize slopes, compost vegetated
31 cover, compost engineered soil, compost vegetated filter strips, and compost bioswales;
32 and

33 ~~WHEREAS, The use of compost-based products for erosion control and~~
34 ~~stormwater management can filter and remove up to 99% of bacteria, 73% of heavy~~
35 ~~metals, 92% of nutrients, and 99% of hydrocarbons from stormwater; and~~

1 WHEREAS, Numerous state highway and transportation agencies have
2 specifications to expand the use of compost for landscaping, seeding, soil amendments,
3 and erosion control applications; and

4 WHEREAS, When the Texas Department of Transportation established a
5 specification for the use of compost in highway maintenance projects, it created a
6 significant market for compost, giving rise to an entire new industry of contractors
7 specializing in innovative methods to apply compost to roadsides; and

8 WHEREAS, New research indicates that utilizing 10,000 tons of manufactured
9 compost annually in green infrastructure, such as rain gardens, bioswales, vegetated
10 retaining walls, and compost blankets on steep highway embankments to control soil
11 erosion, can sustain one new business; and

12 WHEREAS, When combined, composting, mulching, and natural wood waste
13 recycling operations in Maryland provide more jobs than the State's three trash
14 incinerators, which handle almost twice as much tonnage; and

15 WHEREAS, Jobs are created and sustained in the manufacturing stage and the
16 use stage of the compost recovery cycle; and

17 WHEREAS, An emerging industry that uses compost and compost-based
18 products for erosion control and watershed protection is looking to expand in
19 Maryland and can benefit if policies that promote composting and compost use are
20 implemented; and

21 WHEREAS, Three of the 15 recommendations made in the January 2013 report
22 by the Department of the Environment's Composting Workgroup called on the State to
23 endorse a variety of compost uses in its guidance and manuals, and specifically
24 recommended that the State Highway Administration's Office of Materials Technology
25 maintain an up-to-date list of approved compost and compost-based products for use
26 in highway projects and for other applications; and

27 WHEREAS, the State has a critical role in supporting and encouraging
28 composting and compost use and should lead by example; now, therefore,

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

31 **Article – Transportation**

32 **8-609.3.**

33 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
34 MEANINGS INDICATED.

1 (2) (I) “COMPOST-BASED PRODUCT” MEANS AN ITEM THAT IS
2 MANUFACTURED FROM COMPOST.

3 (II) “COMPOST-BASED PRODUCT” INCLUDES:

- 4 1. COMPOST BERMS;
- 5 2. COMPOST FILTER SOCKS; AND
- 6 3. COMPOST BLANKETS.

7 (3) “SPECIFICATION” MEANS A STANDARD FOR THE COMPOST OR
8 COMPOST-BASED PRODUCT USED BY THE ADMINISTRATION IN A HIGHWAY
9 CONSTRUCTION PROJECT, INCLUDING:

10 (I) APPLICATION INSTRUCTIONS; AND

11 (II) COMPOST CHARACTERISTICS.

12 (B) TO PROMOTE THE USE OF COMPOST FOR LANDSCAPING AND AS A
13 RECYCLED MATERIAL IN HIGHWAY CONSTRUCTION PROJECTS IN THE STATE,
14 THE USE OF COMPOST AND COMPOST-BASED PRODUCTS IN HIGHWAY
15 CONSTRUCTION PROJECTS IN THE STATE SHALL BE A BEST MANAGEMENT
16 PRACTICE FOR:

17 (1) EROSION AND SEDIMENT CONTROL; AND

18 (2) POSTCONSTRUCTION STORMWATER MANAGEMENT.

19 (C) THE ADMINISTRATION SHALL:

20 (1) ~~ESTABLISH~~ ON OR BEFORE DECEMBER 30, 2014, ESTABLISH
21 A SPECIFICATION FOR THE ACQUISITION AND USE OF COMPOST AND
22 COMPOST-BASED PRODUCTS FOR:

23 (I) EROSION AND SEDIMENT CONTROL PRACTICES
24 IDENTIFIED IN THE MOST RECENT MARYLAND STANDARDS AND
25 SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL; AND

26 (II) POSTCONSTRUCTION STORMWATER MANAGEMENT
27 PRACTICES IDENTIFIED IN THE MOST RECENT MARYLAND STORMWATER
28 DESIGN MANUAL;

1 (2) UPDATE THE ~~SPECIFICATION~~ SPECIFICATIONS ESTABLISHED
2 UNDER ITEM (1) OF THIS SUBSECTION AS NECESSARY, ~~INCLUDING MAKING~~
3 ~~UPDATES TO THE USE OF:~~

4 ~~(I) COMPOST FILTER SOCKS FOR:~~

5 ~~1. SEDIMENT CONTROL;~~

6 ~~2. INLET PROTECTION;~~

7 ~~3. CHECK DAMS;~~

8 ~~4. CONCRETE WASHOUTS;~~

9 ~~5. SLOPE INTERRUPTION;~~

10 ~~6. RUNOFF DIVERSION;~~

11 ~~7. SEDIMENT TRAPS;~~

12 ~~8. RISER PIPE FILTERS;~~

13 ~~9. CHANNEL PROTECTION;~~

14 ~~10. BANK STABILIZATION;~~

15 ~~11. BIOFILTRATION SYSTEMS;~~

16 ~~12. SLOPE STABILIZATION;~~

17 ~~13. LEVEL SPREADERS; OR~~

18 ~~14. VEGETATED GABIONS;~~

19 ~~(II) COMPOST VEGETATED COVERS;~~

20 ~~(III) COMPOST EROSION CONTROL BLANKETS;~~

21 ~~(IV) COMPOST STORMWATER BLANKETS;~~

22 ~~(V) COMPOST VEGETATED STRIPS;~~

23 ~~(VI) COMPOST ENGINEERED SOIL;~~

24 ~~(VII) COMPOST IN A RAIN GARDEN;~~

- 1 ~~(VIII) COMPOST IN A GREEN ROOF SYSTEM;~~
 2 ~~(IX) COMPOST IN VEGETATED RETAINING WALLS;~~
 3 ~~(X) COMPOST GROUT;~~
 4 ~~(XI) COMPOST BIOSWALES;~~
 5 ~~(XII) COMPOST IN A BIOFILTRATION MIX; AND~~
 6 ~~(XIII) COMPOST IN LANDSCAPING; AND~~

7 (3) POST THE ~~SPECIFICATION~~ SPECIFICATIONS ESTABLISHED
 8 UNDER ITEM (1) OF THIS SUBSECTION ON THE ADMINISTRATION'S WEB SITE.

9 (D) BEGINNING DECEMBER 1, 2015, THE ADMINISTRATION SHALL
 10 REPORT EACH YEAR TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §
 11 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

12 (1) THE VOLUME OF COMPOST USED IN STATE HIGHWAY
 13 CONSTRUCTION PROJECTS;

14 (2) THE STATUS OF COMPOST AND COMPOST-BASED PRODUCTS
 15 USED IN STATE HIGHWAY CONSTRUCTION PROJECTS; AND

16 (3) RECOMMENDATIONS TO MAXIMIZE THE USE OF COMPOST AS A
 17 RECYCLED MATERIAL IN STATE HIGHWAY CONSTRUCTION PROJECTS.

18 SECTION 2. AND BE IT FURTHER ENACTED, That,

19 (a) The State Highway Administration shall:

20 (1) ~~review the specifications associated with compost and~~
 21 ~~compost-based products used in~~ consult with other state highway and transportation
 22 agencies, including specifications used in California, Iowa, New York, Oregon, South
 23 Carolina, Texas, and Washington, on the acquisition and use of compost and
 24 compost-based products for highway construction projects in the other states;

25 (2) assess how the ~~best specifications~~ compost and compost-based
 26 products used in other states can be adapted and replicated by the Administration;
 27 ~~and~~

28 (3) review the Administration's existing specifications and identify
 29 compost-based product equivalents to add to the existing specifications, including:

1 (i) compost blankets for soil stabilization mats and other types
2 of compost erosion control blankets;

3 (ii) compost socks for slope interruption, inlet protection, and
4 sediment control;

5 (iii) compost in a biofiltration soil mix; and

6 (iv) compost in biofiltration swales; and

7 (4) develop recommendations for ~~promoting~~ maximizing the use of
8 compost as a recycled material in State highway construction projects, including new
9 specifications that should be developed and any necessary programmatic, legislative,
10 or regulatory changes.

11 (b) On or before ~~January~~ December 1, 2015, the Administration shall report
12 to the General Assembly, in accordance with § 2-1246 of the State Government
13 Article, on the findings and recommendations developed under this Act, including:

14 (1) a summary of the Administration's current and updated compost
15 specifications;

16 (2) identification of any additional compost-based products for which
17 the Administration could develop a specification;

18 (3) recommendations to maximize the use of compost as a recycled
19 material in State highway construction projects;

20 (4) lessons learned from other states; and

21 ~~(3)~~ (5) the potential market for using compost and compost-based
22 products in highway construction projects.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.