M3, R1

By: Senators Kramer, Conway, Currie, Forehand, Harrington, Kelley, Lenett, Muse, Pinsky, Raskin, Rosapepe, and Stone

Introduced and read first time: February 10, 2010 Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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Environment – Road Salt Management Programs

- 3 FOR the purpose of requiring the State Highway Administration and each local 4 jurisdiction that is responsible for highway maintenance to establish and $\mathbf{5}$ implement a best practices road salt management program by a certain date; 6 requiring the Administration and a responsible local jurisdiction to submit a 7 preliminary program to the Department of the Environment for review and 8 comment by a certain date, to review and update the program annually, to 9 submit the annual review and update to the Department for review and 10 comment, and to make the program and program updates available to the 11 public in certain manners; establishing certain standards and requirements for 12a road salt management program; authorizing the Administration, in 13 consultation with the Department, to establish a road salt management program or to review and update the program for a local jurisdiction under 14 15certain circumstances; stating certain findings of the General Assembly and the 16 intent of the General Assembly in enacting this Act; and generally relating to 17the establishment of road salt management programs.
- 18 BY adding to 19 Article
 - Article Environment
- 20Section 4–2A–01 through 4–2A–04 to be under the new subtitle "Subtitle 2A.21Road Salt Management Programs"
- 22 Annotated Code of Maryland
- 23 (2007 Replacement Volume and 2009 Supplement)
- 24 BY repealing and reenacting, with amendments,
- 25 Article Transportation
- 26 Section 8–602(a)
- 27 Annotated Code of Maryland
- 28 (2008 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 1 2 MARYLAND, That the Laws of Maryland read as follows: 3 **Article – Environment** SUBTITLE 2A. ROAD SALT MANAGEMENT PROGRAMS. 4 4-2A-01. $\mathbf{5}$ 6 THE GENERAL ASSEMBLY FINDS THAT THE USE OF BEST (A) 7MANAGEMENT PRACTICES FOR THE STORAGE, APPLICATION, AND DISPOSAL OF 8 ROAD SALT IS NECESSARY TO REDUCE THE ADVERSE IMPACTS ON THE WATER AND LAND RESOURCES OF THE STATE BY PREVENTING: 9 10 (1) AN INCREASE IN CHLORIDE CONCENTRATIONS IN THE SOILS 11 AND WATERS OF THE STATE: 12(2) A DEPLETION OF OXYGEN LEVELS IN THE LOWER DEPTHS OF THE TIDAL AND NONTIDAL WATERS OF THE STATE; AND 13 14(3) HARM TO SOIL INTEGRITY, SOIL ORGANISMS, AND 15**VEGETATION.** 16**(B)** THE GENERAL ASSEMBLY INTENDS, BY ENACTMENT OF THIS 17SUBTITLE, TO REDUCE TO THE GREATEST EXTENT POSSIBLE THE ADVERSE EFFECTS OF ROAD SALT RUNOFF AND TO SAFEGUARD LIFE, LIMB, PROPERTY, 18 19 AND PUBLIC WELFARE. 204-2A-02. 21THE STATE HIGHWAY ADMINISTRATION AND EACH LOCAL JURISDICTION 22THAT IS RESPONSIBLE FOR HIGHWAY MAINTENANCE SHALL: 23(1)SUBMIT A PRELIMINARY ROAD SALT MANAGEMENT PROGRAM AND ANY RELATED POLICIES AND PROCEDURES TO THE DEPARTMENT FOR 2425**REVIEW AND COMMENT ON OR BEFORE MAY 1, 2011;** 26(2) ON OR BEFORE OCTOBER 31, 2011, ESTABLISH AND 27IMPLEMENT A BEST PRACTICES ROAD SALT MANAGEMENT PROGRAM TO 28MINIMIZE THE ADVERSE ENVIRONMENTAL IMPACTS OF ROAD SALT RUNOFF IN 29THE STATE;

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1 (3) BEGINNING IN 2012, ON OR BEFORE OCTOBER 31, OF EACH $\mathbf{2}$ YEAR, REVIEW AND UPDATE THE FINAL ROAD SALT MANAGEMENT PROGRAM; 3 (4) SUBMIT EACH ANNUAL PROGRAM UPDATE ТО THE 4 **DEPARTMENT FOR REVIEW AND COMMENT; AND** $\mathbf{5}$ MAKE THE FINAL PROGRAM AND EACH ANNUAL UPDATE (5) 6 AVAILABLE TO THE PUBLIC IN HARD COPY AND ONLINE. 7 4-2A-03. 8 A ROAD SALT MANAGEMENT PROGRAM ESTABLISHED UNDER THIS 9 SUBTITLE SHALL: 10 (1) ESTABLISH BEST MANAGEMENT PRACTICES THAT PROTECT 11 THE ENVIRONMENT FROM THE NEGATIVE IMPACTS OF ROAD SALT; 12(2) **IDENTIFY AND GOVERN ALL ACTIVITIES THAT MAY RESULT IN** 13 THE RELEASE OF ROAD SALT INTO THE ENVIRONMENT, INCLUDING ROAD SALT 14 STORAGE, THE APPLICATION OF ROAD SALT ON HIGHWAYS, AND THE DISPOSAL OF SNOW THAT CONTAINS ROAD SALT; 1516 (3) TAKE INTO CONSIDERATION HIGHWAY SAFETY TO THE 17**GREATEST EXTENT POSSIBLE;** 18 (4) **ESTABLISH STANDARDS AND PROCEDURES FOR IDENTIFYING:** 19 **(I)** AREAS THAT ARE PARTICULARLY VULNERABLE TO 20**ROAD SALT RUNOFF; AND** 21**(II)** ADDITIONAL ROAD SALT MANAGEMENT PRACTICES 22THAT NEED TO BE IMPLEMENTED IN THESE AREAS; 23ESTABLISH GOALS FOR ACHIEVING A REDUCTION OF THE (5) 24ENVIRONMENTAL IMPACT OF ROAD SALT RELEASED INTO THE ENVIRONMENT; 25(6) INCLUDE A TRAINING PROGRAM FOR ALL STATE, LOCAL, AND CONTRACT PERSONNEL WHO PERFORM WINTER MAINTENANCE ACTIVITIES 26INVOLVING THE USE OF ROAD SALT; 2728(7) ESTABLISH RESPONSE PROCEDURES TO ADDRESS 29UNCONTROLLED RELEASES OF ROAD SALT THAT MAY ADVERSELY IMPACT THE 30 **ENVIRONMENT;**

1 (8) REQUIRE MONITORING OF THE PROGRAM TO ENSURE 2 COMPLIANCE; AND

3 (9) ESTABLISH RECORD KEEPING AND ANNUAL REPORTING
4 REQUIREMENTS FOR THE QUANTITY OF ROAD SALT USED, THE LOCATIONS
5 WHERE THE ROAD SALT IS USED, AND ANY TRAINING CONDUCTED.

6 **4–2A–04.**

7 IF A LOCAL JURISDICTION THAT IS RESPONSIBLE FOR HIGHWAY 8 MAINTENANCE FAILS TO ESTABLISH AND IMPLEMENT A ROAD SALT 9 MANAGEMENT PROGRAM BY OCTOBER 31, 2011, OR ANNUALLY UPDATE A 10 PROGRAM IN ACCORDANCE WITH § 4–2A–02 OF THIS SUBTITLE, THE STATE 11 HIGHWAY ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT, MAY 12 ESTABLISH A MANDATORY ROAD SALT MANAGEMENT PROGRAM OR REVIEW AND 13 UPDATE THE PROGRAM FOR THE LOCAL JURISDICTION.

14	Article – Transportation

- 15 8–602.
- 16 (a) The Administration [shall]:

17 (1) [Keep] SHALL KEEP all State highways reasonably clear of brush,
18 snow, and other debris; [and]

19(2)(I)SHALL ESTABLISH AND IMPLEMENT A ROAD SALT20MANAGEMENT PROGRAM UNDER TITLE 4, SUBTITLE 2A OF THE ENVIRONMENT21ARTICLE; AND

(II) MAY, IF APPROPRIATE, ESTABLISH A MANDATORY ROAD
 SALT MANAGEMENT PROGRAM OR REVIEW AND UPDATE A PROGRAM FOR A
 LOCAL JURISDICTION UNDER TITLE 4, SUBTITLE 2A OF THE ENVIRONMENT
 ARTICLE; AND

(3) [Remove] SHALL REMOVE from a State highway, as soon as its
 presence is made known to the Administration, any animal carcass that will impede
 traffic or substantially endanger the safety of the traveling public.

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