# HOUSE BILL 878

R1, M3 4lr2272
CF SB 814

By: **Delegates Stein, Barkley, Frush, Holmes, Hubbard, Ivey, Jameson, Lafferty, McIntosh, Morhaim, B. Robinson, Sophocleus, and A. Washington**

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Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 8, 2014

CHAPTER _____

AN ACT concerning

**State Highway Administration – Compost and Compost–Based Products – Specification**

FOR the purpose of establishing that the use of compost and compost–based products in State highway construction projects is a best management practice for certain pollution mitigation strategies; requiring the State Highway Administration to establish a specification for the acquisition and use of compost and compost–based products for certain pollution mitigation strategies on or before a certain date; requiring the Administration to update the specification as necessary; requiring the Administration to post the specification on its Web site; requiring the Administration to report annually to the General Assembly on or before a certain date; requiring the Administration to ~~review certain specifications and~~ consult with other state highway and transportation agencies on the acquisition and use of compost and compost–based products for highway construction projects; requiring the Administration to assess how certain compost and compost–based products can be adapted and replicated by the Administration; requiring the Administration to review the Administration's existing specifications and identify compost–based product equivalents to add to the existing specifications; requiring the Administration to develop certain recommendations; requiring the Administration to report to the General Assembly on or before a certain date; defining certain terms; and generally relating to the use of compost and compost–based products by the State Highway Administration.

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.

BY adding to
Article – Transportation
Section 8–609.3
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

Preamble

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Article – Transportation**

**8–609.3.**

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

**(2) (I) "COMPOST–BASED PRODUCT" MEANS AN ITEM THAT IS MANUFACTURED FROM COMPOST.**

**(II) "COMPOST–BASED PRODUCT" INCLUDES:**

**1. COMPOST BERMS;**

**2. COMPOST FILTER SOCKS; AND**

**3. COMPOST BLANKETS.**

**(3) "SPECIFICATION" MEANS A STANDARD FOR THE COMPOST OR COMPOST–BASED PRODUCT USED BY THE ADMINISTRATION IN A HIGHWAY CONSTRUCTION PROJECT, INCLUDING:**

**(I) APPLICATION INSTRUCTIONS; AND**

**(II) COMPOST CHARACTERISTICS.**

**(B) TO PROMOTE THE USE OF COMPOST FOR LANDSCAPING AND AS A RECYCLED MATERIAL IN HIGHWAY CONSTRUCTION PROJECTS IN THE STATE, THE USE OF COMPOST AND COMPOST–BASED PRODUCTS IN HIGHWAY CONSTRUCTION PROJECTS IN THE STATE SHALL BE A BEST MANAGEMENT PRACTICE FOR:**

**(1) EROSION AND SEDIMENT CONTROL; AND**

**(2) POSTCONSTRUCTION STORMWATER MANAGEMENT.**

**(C) THE ADMINISTRATION SHALL:**

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

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

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

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

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

**~~1. SEDIMENT CONTROL;~~**

**~~2. INLET PROTECTION;~~**

**~~3. CHECK DAMS;~~**

**~~4. CONCRETE WASHOUTS;~~**

**~~5. SLOPE INTERRUPTION;~~**

**~~6. RUNOFF DIVERSION;~~**

**~~7. SEDIMENT TRAPS;~~**

**~~8. RISER PIPE FILTERS;~~**

**~~9. CHANNEL PROTECTION;~~**

**~~10. BANK STABILIZATION;~~**

**~~11. BIOFILTRATION SYSTEMS;~~**

**~~12. SLOPE STABILIZATION;~~**

**~~13. LEVEL SPREADERS; OR~~**

**~~14. VEGETATED GABIONS;~~**

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

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

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

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

~~(VI) COMPOST ENGINEERED SOIL;~~

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

~~(VIII) COMPOST IN A GREEN ROOF SYSTEM;~~

~~(IX) COMPOST IN VEGETATED RETAINING WALLS;~~

~~(X) COMPOST GROUT;~~

~~(XI) COMPOST BIOSWALES;~~

~~(XII) COMPOST IN A BIOFILTRATION MIX; AND~~

~~(XIII) COMPOST IN LANDSCAPING~~; AND

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

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

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

**(2) THE STATUS OF COMPOST AND COMPOST–BASED PRODUCTS USED IN STATE HIGHWAY CONSTRUCTION PROJECTS; AND**

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

SECTION 2. AND BE IT FURTHER ENACTED, That,

(a) The State Highway Administration shall:

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

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

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

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

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

(iii) compost in a biofiltration soil mix; and

(iv) compost in biofiltration swales; and

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

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

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

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

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

(4) lessons learned from other states; and

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

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