SENATE BILL 814

R1, M3 4lr2185

By: **Senators Raskin and DeGrange**
Introduced and read first time: January 31, 2014
Assigned to: Budget and Taxation

A BILL ENTITLED

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; requiring the Administration to update the specification as necessary; requiring the Administration to post the specification on its Web site; requiring the Administration to review certain specifications and 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.

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

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

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

WHEREAS, Composting has been shown to prevent erosion and silting on embankments parallel to creeks, lakes, and rivers and to prevent 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, and in some cases completely eliminates, wood preservatives, pesticides, chlorinated hydrocarbons, and nonchlorinated hydrocarbons in contaminated soils; and

WHEREAS, Composting immobilizes and degrades pollutants and has the ability 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 A SPECIFICATION FOR THE ACQUISITION AND USE OF COMPOST AND COMPOST–BASED PRODUCTS;

(2) UPDATE THE SPECIFICATION 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 ESTABLISHED UNDER ITEM (1) OF THIS SUBSECTION ON THE ADMINISTRATION'S WEB SITE.

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 other state highway and transportation agencies, including specifications used in California, Iowa, New York, Oregon, South Carolina, Texas, and Washington;

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

(3) develop recommendations for promoting compost as a recycled material in State highway construction projects, including any necessary programmatic, legislative, or regulatory changes.

(b) On or before January 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) lessons learned from other states; and

(3) 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.