



March 3, 2025

The Honorable Marc Korman
Chair, Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, MD 21401

Re: LETTER OF INFORMATION: HB 1360 (Environment – Road Salt – Outdoor Storage)

Dear Chair Korman:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), I am writing to **request two amendments to** HB 1360, which would, among other things, prohibit certain persons from storing road salt uncovered outdoors; require the Department of the Environment (MDE) to adopt regulations to establish proper outdoor storage requirements for road salt; and establish penalties for noncompliance.

MAMSA is an association of the State's local governments and leading stormwater consultant firms who work for clean water and safe infrastructure based on sound science and good public policy.

MAMSA is concerned about salt runoff and the impact on receiving waterbodies. MAMSA Members are already working to reduce salt use and believe more can be done, but local stormwater managers cannot reasonably enforce rules on private property for salt pile storage.

Last year's salt bill, HB 1055 (Environment – Highways – Salt Application) was preferable to HB 1360. HB 1055 would have required localities to gather data on their salt application during the winter. Gathering data is a good starting point. This data could then be used to develop a strategic plan for addressing salt hotspots. HB 1055 would also have helped to identify how much salt runoff is from uncovered piles versus road application as a normal course of business.

Amendment #1: Please Delete Obligation for Localities to Police Private Salt Piles

HB 1360 would create an obligation for local jurisdictions to police private salt piles (p. 2, l. 6-7) for compliance with regulations established by MDE. Currently local governments that are subject to MS4 permits are required as a permit condition to "[p]rohibit through ordinance, order or similar means, illicit discharges *to the municipal separate storm sewer...*" 40 C.F.R. 122.26(d)(2)(i)(B)(emphasis added). This bill goes beyond that requirement and would require local governments to take enforcement action against uncovered salt piles on private property without regard to whether they discharge to an MS4 and even if they have no discharge at all.

Local governments lack the resources to take on yet another unfunded mandate, particularly at a time when the State is cutting assistance to local governments to balance the State budget. Therefore, MAMSA **requests an amendment** that would delete the obligation for local jurisdictions to police private salt piles (p. 2, l. 6-7) for compliance with regulations established by MDE. MDE should be responsible for regulating in this scenario.

Amendment #2: Please Clarify the Exemption for MS4s

MAMSA's larger members have salt management plans as a requirement of their National Pollution Discharge Elimination System (NPDES) municipal separate storm sewer system (MS4) permits and thus would not be directly impacted by regulations adopted by MDE pursuant to the proposed legislation (p. 1, l. 16-17). However, MAMSA's smaller members, who are subject to the NPDES General Permit for Discharges from Small MS4s, are not required to have a salt management plan, although they are responsible for good housekeeping methods for salt dome storage and containment. MAMSA requests an amendment to clarify that Small MS4s will be exempt from the bill's requirements. MAMSA suggests editing l. 16-17 to read: "This section does not apply to an entity with salt management obligations under a federal permit."

Please feel free to contact me with any questions at Lisa@AquaLaw.com or 804-716-9021.

Sincerely,

A handwritten signature in blue ink, reading "Lisa M. Ochsenhirt".

Lisa M. Ochsenhirt, MAMSA Deputy General Counsel

cc: Environment and Transportation Committee Members, HB 1360 Sponsors