

HOUSE BILL 878

R1, M3

4lr2272

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

Introduced and read first time: February 5, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

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; requiring the Administration to update
9 the specification as necessary; requiring the Administration to post the
10 specification on its Web site; requiring the Administration to review certain
11 specifications and develop certain recommendations; requiring the
12 Administration to report to the General Assembly on or before a certain date;
13 defining certain terms; and generally relating to the use of compost and
14 compost–based products by the State Highway Administration.

15 BY adding to
16 Article – Transportation
17 Section 8–609.3
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2013 Supplement)

20 Preamble

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

11 WHEREAS, The composting process degrades, and in some cases completely
12 eliminates, wood preservatives, pesticides, chlorinated hydrocarbons, and
13 nonchlorinated hydrocarbons in contaminated soils; and

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

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

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

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

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

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

34 WHEREAS, New research indicates that utilizing 10,000 tons of manufactured
35 compost annually in green infrastructure, such as rain gardens, bioswales, vegetated

1 retaining walls, and compost blankets on steep highway embankments to control soil
2 erosion, can sustain one new business; and

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

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

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

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

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

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

22 **Article – Transportation**

23 **8-609.3.**

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

26 (2) (I) "COMPOST-BASED PRODUCT" MEANS AN ITEM THAT IS
27 MANUFACTURED FROM COMPOST.

28 (II) "COMPOST-BASED PRODUCT" INCLUDES:

29 1. COMPOST BERMS;

30 2. COMPOST FILTER SOCKS; AND

31 3. COMPOST BLANKETS.

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

4 **(I) APPLICATION INSTRUCTIONS; AND**

5 **(II) COMPOST CHARACTERISTICS.**

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

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

12 **(2) POSTCONSTRUCTION STORMWATER MANAGEMENT.**

13 **(C) THE ADMINISTRATION SHALL:**

14 **(1) ESTABLISH A SPECIFICATION FOR THE ACQUISITION AND USE**
15 **OF COMPOST AND COMPOST-BASED PRODUCTS;**

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

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

20 **1. SEDIMENT CONTROL;**

21 **2. INLET PROTECTION;**

22 **3. CHECK DAMS;**

23 **4. CONCRETE WASHOUTS;**

24 **5. SLOPE INTERRUPTION;**

25 **6. RUNOFF DIVERSION;**

26 **7. SEDIMENT TRAPS;**

- 1 **8. RISER PIPE FILTERS;**
- 2 **9. CHANNEL PROTECTION;**
- 3 **10. BANK STABILIZATION;**
- 4 **11. BIOFILTRATION SYSTEMS;**
- 5 **12. SLOPE STABILIZATION;**
- 6 **13. LEVEL SPREADERS; OR**
- 7 **14. VEGETATED GABIONS;**
- 8 **(II) COMPOST VEGETATED COVERS;**
- 9 **(III) COMPOST EROSION CONTROL BLANKETS;**
- 10 **(IV) COMPOST STORMWATER BLANKETS;**
- 11 **(V) COMPOST VEGETATED STRIPS;**
- 12 **(VI) COMPOST ENGINEERED SOIL;**
- 13 **(VII) COMPOST IN A RAIN GARDEN;**
- 14 **(VIII) COMPOST IN A GREEN ROOF SYSTEM;**
- 15 **(IX) COMPOST IN VEGETATED RETAINING WALLS;**
- 16 **(X) COMPOST GROUT;**
- 17 **(XI) COMPOST BIOSWALES;**
- 18 **(XII) COMPOST IN A BIOFILTRATION MIX; AND**
- 19 **(XIII) COMPOST IN LANDSCAPING; AND**
- 20 **(3) POST THE SPECIFICATION ESTABLISHED UNDER ITEM (1) OF**
21 **THIS SUBSECTION ON THE ADMINISTRATION’S WEB SITE.**

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

23 (a) The State Highway Administration shall:

1 (1) review the specifications associated with compost and
2 compost-based products used in other state highway and transportation agencies,
3 including specifications used in California, Iowa, New York, Oregon, South Carolina,
4 Texas, and Washington;

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

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

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

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

15 (2) lessons learned from other states; and

16 (3) the potential market for using compost and compost-based
17 products in highway construction projects.

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