

Chapter 607

(House Bill 903)

AN ACT concerning

Environment Transportation – Road Salt Management Programs – Best Practices Guidance

FOR the purpose of requiring the State Highway Administration ~~and each local jurisdiction that is responsible for highway maintenance to establish and implement,~~ in consultation with the Department of the Environment, to develop a best practices road salt management ~~program by~~ guidance document, on or before a certain date for a certain purpose; requiring the Administration and a responsible local jurisdiction to submit a preliminary program to the Department of the Environment for review and comment by a certain date, to review and requiring the Administration to update the program guidance document annually, to submit the annual review and update to the Department for review and comment, and to make the program and program updates guidance document available to the public in a certain manner ~~manner; establishing certain standards and requirements for a road salt management program; authorizing the Administration, in consultation with the Department, to establish a road salt management program or to review and update the program for a local jurisdiction under certain circumstances authorizing the Administration to include certain information in the guidance document; stating certain findings of the General Assembly and the intent of the General Assembly in enacting this Act; and generally relating to the establishment of road salt management programs~~ best practices guidance.

BY adding to

Article – ~~Environment Transportation~~

Section ~~4-2A-01 through 4-2A-04 to be under the new subtitle “Subtitle 2A- Road Salt Management Programs”~~ 8-602.1

Annotated Code of Maryland

~~(2007~~ 2008 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Transportation~~

~~Section 8-602(a)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2009 Supplement)~~

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

Article – ~~Environment~~ Transportation

~~SUBTITLE 2A. ROAD SALT MANAGEMENT PROGRAMS.~~

~~4-2A-01, 8-602.1.~~

(A) THE GENERAL ASSEMBLY FINDS THAT THE USE OF BEST MANAGEMENT PRACTICES FOR THE STORAGE, APPLICATION, AND DISPOSAL OF ROAD SALT IS NECESSARY TO REDUCE THE ADVERSE IMPACTS ON THE WATER AND LAND RESOURCES OF THE STATE BY PREVENTING:

(1) AN INCREASE IN CHLORIDE CONCENTRATIONS IN THE SOILS AND WATERS OF THE STATE; AND

~~(2) A DEPLETION OF OXYGEN LEVELS IN THE LOWER DEPTHS OF THE TIDAL AND NONTIDAL WATERS OF THE STATE; AND~~

~~(3) HARM TO SOIL INTEGRITY, SOIL ORGANISMS, AND VEGETATION.~~

(B) THE GENERAL ASSEMBLY INTENDS, BY ENACTMENT OF THIS SUBTITLE, TO REDUCE TO THE GREATEST EXTENT POSSIBLE THE ADVERSE EFFECTS OF ROAD SALT RUNOFF AND TO SAFEGUARD LIFE, LIMB, PROPERTY, AND PUBLIC WELFARE.

~~4-2A-02.~~

~~THE STATE HIGHWAY ADMINISTRATION AND EACH LOCAL JURISDICTION THAT IS RESPONSIBLE FOR HIGHWAY MAINTENANCE SHALL:~~

~~(1) SUBMIT A PRELIMINARY ROAD SALT MANAGEMENT PROGRAM AND ANY RELATED POLICIES AND PROCEDURES TO THE DEPARTMENT FOR REVIEW AND COMMENT ON OR BEFORE MAY 1, 2011;~~

~~(2) ON OR BEFORE OCTOBER 31, 2011, ESTABLISH AND IMPLEMENT A BEST PRACTICES ROAD SALT MANAGEMENT PROGRAM TO MINIMIZE THE ADVERSE ENVIRONMENTAL IMPACTS OF ROAD SALT RUNOFF IN THE STATE;~~

(C) ON OR BEFORE OCTOBER 1, 2011, THE ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, SHALL DEVELOP A ROAD SALT MANAGEMENT BEST PRACTICES GUIDANCE DOCUMENT

FOR USE BY LOCAL JURISDICTIONS AND THE STATE TO MINIMIZE THE ADVERSE ENVIRONMENTAL IMPACTS OF ROAD SALT RUNOFF IN THE STATE.

~~(3) BEGINNING IN 2012, ON OR BEFORE OCTOBER 31, OF EACH YEAR, REVIEW AND UPDATE THE FINAL ROAD SALT MANAGEMENT PROGRAM;~~

~~(4) SUBMIT EACH ANNUAL PROGRAM UPDATE TO THE DEPARTMENT FOR REVIEW AND COMMENT; AND~~

~~(5) MAKE THE FINAL PROGRAM AND EACH ANNUAL UPDATE AVAILABLE TO THE PUBLIC IN HARD COPY AND ONLINE.~~

(D) THE ADMINISTRATION SHALL ANNUALLY UPDATE THE GUIDANCE DOCUMENT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION AND SHALL MAKE THE DOCUMENT AVAILABLE TO THE PUBLIC ON THE ADMINISTRATION'S WEBSITE.

~~4-2A-03.~~

(E) ~~A~~ IN THE ROAD SALT MANAGEMENT ~~PROGRAM ESTABLISHED~~ BEST PRACTICES GUIDANCE DOCUMENT REQUIRED UNDER THIS ~~SUBTITLE SHALL~~ SECTION, THE ADMINISTRATION MAY:

(1) ESTABLISH BEST MANAGEMENT PRACTICES THAT PROTECT THE ENVIRONMENT FROM THE NEGATIVE IMPACTS OF ROAD SALT;

(2) IDENTIFY ~~AND GOVERN~~ ALL ACTIVITIES THAT MAY RESULT IN THE RELEASE OF ROAD SALT INTO THE ENVIRONMENT, INCLUDING ROAD SALT STORAGE, THE APPLICATION OF ROAD SALT ON HIGHWAYS, AND THE DISPOSAL OF SNOW THAT CONTAINS ROAD SALT;

(3) TAKE INTO CONSIDERATION HIGHWAY SAFETY TO THE GREATEST EXTENT POSSIBLE;

(4) ESTABLISH STANDARDS AND PROCEDURES FOR IDENTIFYING:

(I) AREAS THAT ARE PARTICULARLY VULNERABLE TO ROAD SALT RUNOFF; AND

(II) ADDITIONAL ROAD SALT MANAGEMENT PRACTICES THAT NEED TO BE IMPLEMENTED IN THESE AREAS;

(5) ESTABLISH GOALS FOR ACHIEVING A REDUCTION OF THE ENVIRONMENTAL IMPACT OF ROAD SALT RELEASED INTO THE ENVIRONMENT;

(6) INCLUDE A TRAINING PROGRAM FOR ALL STATE, LOCAL, AND CONTRACT PERSONNEL WHO PERFORM WINTER MAINTENANCE ACTIVITIES INVOLVING THE USE OF ROAD SALT;

(7) ESTABLISH RESPONSE PROCEDURES TO ADDRESS UNCONTROLLED RELEASES OF ROAD SALT THAT MAY ADVERSELY IMPACT THE ENVIRONMENT; AND

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

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

~~4-2A-04.~~

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

~~Article - Transportation~~

~~§ 602.~~

~~(a) The Administration [shall]:~~

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

~~(2) (i) SHALL ESTABLISH AND IMPLEMENT A ROAD SALT MANAGEMENT PROGRAM UNDER TITLE 4, SUBTITLE 2A OF THE ENVIRONMENT ARTICLE; 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.

Approved by the Governor, May 20, 2010.