

1 H.730

2 Introduced by Representative Brennan of Colchester

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; water quality; salt application

6 Statement of purpose of bill as introduced: This bill proposes to require the  
7 Secretary of Natural Resources to establish a Salt Application Program to train  
8 commercial applicators of salt and salt alternatives in best management  
9 practices to most efficiently apply salt or salt alternatives and to prevent salt or  
10 salt alternatives from entering the waters of the State. A certified commercial  
11 applicator shall be presumed to be in compliance with water quality laws when  
12 applying salt or salt alternatives according to the best management practices  
13 established by the Secretary.

14 An act relating to establishing a Salt Application Program at the Agency of  
15 Natural Resources

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 10 V.S.A. chapter 47, subchapter 3a is added to read:

18 Subchapter 3a. Salt Application Program

19 § 1351. DEFINITIONS

20 As used in this subchapter:

1           (1) “Apply salt” or “application of salt” means to apply salt or a salt  
2           alternative to roadways, parking lots, or sidewalks for the purpose of winter  
3           maintenance.

4           (2) “Commercial applicator” means any individual who applies or  
5           supervises others who apply salt but shall not include municipal or State  
6           employees.

7           (3) “Salt” means sodium chloride, calcium chloride, magnesium  
8           chloride, or any other substance containing chloride.

9           (4) “Salt alternative” means any substance not containing chloride used  
10          for the purpose of de-icing or anti-icing.

11          § 1352. SALT APPLICATION PROGRAM

12          (a) The Secretary of Natural Resources shall establish a program for the  
13          education, training, and certification of commercial applicators in the State.  
14          The program shall include best management practices for application of salt or  
15          salt alternatives by commercial applicators. The best management practices  
16          shall:

17               (1) establish application measures or techniques to increase efficiency in  
18               the use of salt or salt alternatives such that the least amount of salt or salt  
19               alternatives are used while maintaining safe conditions for pedestrians and  
20               motor vehicles on traveled surfaces;

1           (2) establish standards for when and how salt and salt alternatives are  
2           applied in order to prevent salt or salt alternatives from entering waters of the  
3           State;

4           (3) recommend salt or salt alternatives that are less harmful to water  
5           quality while maintaining safe conditions for pedestrians and motor vehicles  
6           on traveled surfaces;

7           (4) establish recordkeeping requirements for commercial applicators,  
8           including records describing the type and rate of application of salt or salt  
9           alternatives, the dates of use, and weather conditions requiring use of salt or  
10          salt alternatives.

11          (5) establish requirements for application for certification under this  
12          subchapter, including frequency of training, manner of training, and the form  
13          and manner of application; and

14          (6) establish other requirements deemed necessary by the Secretary to  
15          achieve the purposes of the program.

16          (b)(1) A commercial applicator may apply annually to the Secretary to be  
17          approved as a State-certified commercial applicator.

18          (2) A business that employs multiple commercial applicators may apply  
19          to the Secretary for certification of the business owner or other designated  
20          employee as a master commercial applicator. A certified master commercial  
21          applicator shall ensure that all employees of the business are trained to comply

1 with the best management practices established under subsection (a) of this  
2 section.

3 § 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF  
4 COMPLIANCE; ENFORCEMENT

5 (a) A certified commercial applicator or an owner, occupant, or lessee of  
6 real property maintained by a certified commercial applicator shall not be  
7 liable for damages arising from hazards on real property owned, occupied,  
8 maintained, or operated by them when the hazards are caused solely by snow  
9 or ice and any failure or delay in removing or mitigating the hazards is the  
10 result of the certified commercial applicator's implementation of the best  
11 management practices established under section 1352 of this title for  
12 application of salt or salt alternatives, except when the damages are due to  
13 gross negligence or reckless disregard of the hazard. All certified commercial  
14 applicators shall be presumed to be acting pursuant to the best management  
15 practices for application of salt or salt alternatives in the absence of proof to  
16 the contrary.

17 (b) A certified commercial applicator or a commercial applicator employed  
18 by a certified master commercial applicator is presumed to be in compliance  
19 with the requirements of this chapter when applying salt or salt alternatives  
20 according to the best management practices established under section 1352 of  
21 this title.

1       (c) A certified commercial applicator that violates the requirements of this  
2       subchapter, the rules of this subchapter, or the provisions of a certification  
3       issued under this subchapter shall be subject to enforcement under chapter 201  
4       of this title.

5       (d) The Secretary may revoke a certification issued under this subchapter  
6       after notice and opportunity for a hearing for a violation of the requirements of  
7       this subchapter, the rules of this subchapter, or the provisions of a certification  
8       issued under this subchapter.

9       Sec. 2. IMPLEMENTATION; FEE REPORT

10       (a) The Secretary of Natural Resources may adopt the best management  
11       standards for commercial application of salt or salt alternatives required under  
12       10 V.S.A. § 1352 by procedure or by rulemaking authority under 10 V.S.A.  
13       chapter 47. The Secretary shall adopt any procedure or rule establishing the  
14       best management standards for commercial application of salt or salt  
15       alternatives on or before November 1, 2021 for initial use beginning on  
16       January 1, 2022.

17       (b) As part of the consolidated Executive Branch annual fee report required  
18       under 32 V.S.A. § 605, the Governor shall recommend a fee for certification of  
19       commercial applicators under 10 V.S.A. chapter 47, subchapter 3a.

20       Sec. 3. EFFECTIVE DATE

21       This act shall take effect on passage.