

1 H.86

2 Introduced by Representatives Sheldon of Middlebury, Austin of Colchester,
3 Bartholomew of Hartland, Chapin of East Montpelier, Logan of
4 Burlington, Morris of Springfield, and Satcowitz of Randolph

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; transportation; water quality; salt
8 application

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

17 An act relating to establishing the Chloride Contamination Reduction
18 Program at the Agency of Natural Resources

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

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

3 Subchapter 3A. Chloride Contamination Reduction Program

4 § 1351. DEFINITIONS

5 As used in this subchapter:

6 (1) “Apply salt” or “application of salt” means to apply salt or a salt
7 alternative to roadways, parking lots, or sidewalks for the purpose of winter
8 maintenance or for summer dust control. “Apply salt” or “application of salt”
9 does not mean the application of salt to a transportation infrastructure
10 construction project.

11 (2) “Commercial salt applicator” means any individual who for
12 compensation applies or supervises others who apply salt but does not include
13 municipal or State employees.

14 (3) “Municipal salt applicator” means any individual who applies or
15 supervises others who apply salt in the applicator’s capacity as an employee or
16 agent of a town or a municipality but does not include State employees.

17 (4) “Salt” means sodium chloride, calcium chloride, magnesium
18 chloride, or any other substance containing chloride.

19 (5) “Salt alternative” means any substance not containing chloride used
20 for the purpose of deicing or anti-icing.

21 (6) “Secretary” means the Secretary of Natural Resources.

1 § 1352. SALT APPLICATION PROGRAM

2 (a) The Secretary of Natural Resources, after consultation with the
3 Secretary of Transportation, shall establish a program for the education,
4 training, and certification of commercial salt applicators and municipal salt
5 applicators in the State to be implemented by a competitively selected third-
6 party vendor. The program shall include best management practices for
7 application of salt or salt alternatives by commercial salt applicators and
8 municipal salt applicators, but the program shall specifically exclude salt
9 applications related to transportation infrastructure construction projects.

10 (b) The education program for commercial salt applicators and municipal
11 salt applicators may be based on current best management practices used by
12 State salt applicators. The best management practices shall:

13 (1) establish measures or techniques to increase efficiency in the
14 application of salt or salt alternatives such that the least amount of salt or salt
15 alternatives are used while maintaining safe conditions for pedestrians and
16 motor vehicles on traveled surfaces;

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

1 (3) recommend salt or salt alternatives that are cost-effective and less
2 harmful to water quality while maintaining safe conditions for pedestrians and
3 motor vehicles on traveled surfaces;

4 (4) establish record-keeping requirements for commercial salt
5 applicators and municipal salt applicators, including records describing the
6 type and rate of application of salt or salt alternatives, the dates of use, weather
7 conditions requiring use of salt or salt alternatives, and required submission to
8 the Agency of Natural Resources;

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

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

14 (c)(1) A commercial salt applicator or municipal salt applicator may apply
15 annually to the Secretary to be approved as a State-certified salt applicator.

16 (2) A business that employs multiple commercial salt applicators may
17 apply to the Secretary for certification of the business owner or other
18 designated employee as a master commercial salt applicator. A certified
19 master commercial salt applicator shall ensure that all employees of the
20 business are trained to comply with the best management practices established
21 under subsection (b) of this section.

- 1 (d) The Secretary of Natural Resources, after consultation with the
2 Secretary of Transportation, shall:
- 3 (1) determine the amount of salt annually imported into the State;
4 (2) determine the average amount of road salt applied on State roadways
5 annually for the years 2010 through 2020 from:
- 6 (A) each winter road management season between October and
7 April; and
- 8 (B) salt solutions applied by the State, municipalities, and private
9 contractors from May through September for summer dust suppression;
- 10 (3) develop a publicly accessible record-keeping database system for
11 road salt purchases and applications within Vermont;
- 12 (4) develop salt reduction targets to guide the Agency of Natural
13 Resources in measurably reducing chloride levels in surface waters and
14 groundwater; and
- 15 (5) annually report to the Vermont General Assembly on or before
16 January 15 the findings as an assessment of the nature, scope, and magnitude
17 of associated impacts of salt on surface waters and groundwater, public and
18 private lands, property, health, and infrastructure in the State of Vermont.

1 § 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF
2 COMPLIANCE; ENFORCEMENT

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

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

1 (c) A certified commercial salt applicator or certified municipal salt
2 applicator that violates the requirements of this subchapter, the rules of this
3 subchapter, or the provisions of a certification issued under this subchapter
4 shall be subject to enforcement under chapter 201 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 (e) In order to receive the liability protection provided in subsection (a) of
10 this section, a commercial salt applicator; a municipal salt applicator; or an
11 owner, an occupant, or a lessee of land shall keep a written record describing
12 its winter road, parking lot, and property maintenance practices. The written
13 record shall include the type and rate of application of deicing materials used,
14 the dates of treatment, and the weather conditions for each event requiring
15 deicing. Such records shall be kept for a period of three years.

16 § 1354. STORAGE AND DISPOSAL OF SALT

17 The Secretary of Natural Resources, after consultation with the Secretary of
18 Transportation, shall:

19 (1) require that all salt storage facilities owned by private contractors,
20 the State, municipalities, or other governmental entity be mapped on the

1 Agency of Natural Resources' Natural Resources Atlas, and the types of
2 materials stored and storage practices at each facility be identified;

3 (2) establish best management practices and an education program for
4 the management of State-, town-, and privately owned salt storage facilities
5 and snow disposal practices to prevent runoff to surface and groundwater; and

6 (3) require that all State-, municipal-, and privately owned salt and sand
7 storage facilities within 100 yards of a surface water or drinking water source
8 be under cover by 2030 and all other storage facilities be under cover by 2035.
9 Facilities will be eligible for grant funding.

10 Sec. 2. 10 V.S.A. § 1258 is amended to read:

11 § 1258. MANAGEMENT OF WATERS AFTER CLASSIFICATION;₂

12 ENFORCEMENT

13 (a) After the classification of any waters has been determined by the
14 Secretary, those waters shall be managed under the supervision of the
15 Secretary in order to obtain and maintain the classification established. The
16 Secretary may enforce a classification against any person affected thereby
17 who, with notice of the classification, has failed to comply. An action to
18 enforce a classification shall be brought in the Superior Court of the county
19 wherein the affected waters are located.

20 (b) The Secretary shall manage discharges to the waters of the State by
21 administering a permit program consistent with the National Pollutant

1 Discharge Elimination System established by ~~section~~ Clean Water Act Section
2 402 of ~~Public Law 92-500~~, 33 U.S.C. § 1342, and with the guidelines
3 promulgated in accordance with ~~section~~ Clean Water Act Section 304(h)(2) of
4 ~~Public Law 92-500~~, 33 U.S.C. § 1314(h)(2). The Secretary shall use the full
5 range of possibilities and variables allowable under these sections of ~~Public~~
6 ~~Law 92-500~~ the federal Clean Water Act, 33 U.S.C. §§ 1251–1389, including
7 general permits, as are consistent with meeting the objectives of the Vermont
8 Water Pollution Control Program. The Secretary shall adopt a continuing
9 planning process approvable under ~~section~~ Clean Water Act Section 303(e) of
10 ~~Public Law 92-500~~, 33 U.S.C. § 1313(e). Neither the Secretary nor ~~his or her~~ a
11 duly authorized representative may receive or during the previous two years
12 have received a significant portion of ~~his or her~~ income directly or indirectly
13 from permit holders or applicants for a permit under this chapter.

14 (c) When assessing compliance of waters in the State with the Vermont
15 Water Quality Standards; when monitoring waters as required by Clean Water
16 Act Section 303(d), 33 U.S.C. § 1313(d); and when a discharge to waters is
17 occurring, the Secretary shall monitor for compliance where the pollutant is
18 first discharged to or where runoff first enters a water or wetland of the State.

19 Sec. 3. IMPLEMENTATION; FEE REPORT

20 (a) The Secretary of Natural Resources shall adopt the best management
21 practices for commercial application of salt or salt alternatives required under

1 10 V.S.A. § 1352 by procedure or by rulemaking authority under 10 V.S.A.
2 chapter 47. The Secretary of Natural Resources shall adopt any procedure or
3 rule establishing the best management practices for commercial and municipal
4 application of salt or salt alternatives on or before November 1, 2026 for initial
5 use beginning on January 1, 2027.

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

9 Sec. 4. ANR ENHANCED MONITORING OF CHLORIDE LEVELS IN

10 SURFACE WATERS

11 When a State water or water segment is identified as contaminated by
12 chloride levels that exceed the chronic or acute standards established by the
13 U.S. Environmental Protection Agency (EPA), the Secretary of Natural
14 Resources shall begin regular monitoring of the chloride levels in that water or
15 water segment and investigate potential acute and diffuse contamination
16 sources, such as impervious surfaces. If the source that is causing chloride
17 contamination levels that exceed EPA chronic or acute standards is found, the
18 Secretary of Natural Resources shall require monitoring at the physical
19 discharge point into a water of the State or into a hydrological connection to a
20 water of the State.

1 Sec. 5. APPROPRIATIONS

2 (a) In addition to any other funds appropriated to the Agency of Natural
3 Resources in fiscal year 2026, \$250,000.00 is appropriated from the General
4 Fund to the Agency of Natural Resources for a third-party vendor as
5 determined by the Secretary of Natural Resources in 10 V.S.A. § 1352(a) to
6 administer the Chloride Contamination Reduction Program.

7 (b) It is the intention of the General Assembly that the appropriation in
8 subsection (a) of this section shall be made annually for the identified
9 purposes.

10 Sec. 6. EFFECTIVE DATE

11 This act shall take effect on passage.