

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred House Bill No. 86
3 entitled “An act relating to establishing the Chloride Contamination Reduction
4 Program at the Agency of Natural Resources” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

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

8 Subchapter 3A. Chloride Contamination Reduction Program

9 § 1351. DEFINITIONS

10 As used in this subchapter:

11 (1) “Apply salt” or “application of salt” means to apply salt or a salt
12 alternative to roadways, parking lots, or sidewalks for the purpose of winter
13 maintenance or for summer dust control. “Apply salt” or “application of salt”
14 does not mean the application of salt to a transportation infrastructure
15 construction project.

16 (2) “Commercial salt applicator” means any individual who for
17 compensation applies salt but does not include municipal or State employees.

18 (3) “Master commercial salt applicator” means any individual who
19 employs and is responsible for individuals who for compensation apply salt but
20 does not include municipal or State employees.

1 (4) “Salt” means sodium chloride, calcium chloride, magnesium
2 chloride, or any other substance containing chloride used for the purpose of
3 deicing or anti-icing.

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

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

7 (7) “Transportation infrastructure construction project” means a project
8 that involves the construction of roadways, parking lots, sidewalks, or other
9 construction activities at transportation facilities or within transportation
10 rights-of-way.

11 § 1352. CHLORIDE CONTAMINATION REDUCTION PROGRAM

12 (a) The Secretary of Natural Resources, after consultation with the
13 Secretary of Transportation and other states with similar chloride reduction
14 programs, shall establish the Chloride Contamination Reduction Program for
15 the education, training, and certification of commercial salt applicators,
16 including requirements for certification of a master commercial salt applicator.
17 The Secretary may elect to implement the Program with State agency staff or
18 through a third-party vendor, or some combination. The Program shall include
19 best management practices for application of salt or salt alternatives by
20 commercial salt applicators, but the Program shall specifically exclude salt
21 applications related to transportation infrastructure construction projects.

1 (b) The Program may be based on current best management practices. The
2 best management practices shall:

3 (1) establish measures or techniques to increase efficiency in the
4 application of salt or salt alternatives so that the least amount of salt or salt
5 alternatives are used while maintaining safe conditions for pedestrians and
6 motor vehicles on traveled surfaces;

7 (2) establish standards for when and how salt and salt alternatives are
8 applied in order to prevent salt or salt alternatives from entering waters of the
9 State, including:

10 (A) salt alternatives that are cost-effective and less harmful to water
11 quality while maintaining safe conditions for pedestrians and motor vehicles
12 on traveled surfaces; and

13 (B) whether and how to implement equipment to calibrate, monitor,
14 or meter application of salt or salt alternatives;

15 (3) establish record-keeping requirements for commercial salt
16 applicators, including records of training and records describing the type and
17 rate of application of salt or salt alternatives, the dates of use, weather
18 conditions requiring use of salt or salt alternatives, and any other factors that
19 the Secretary of Natural Resources deems necessary for the purposes of the
20 Program;

1 (4) create and circulate a model form for record-keeping information
2 required under this section;

3 (5) establish requirements for certification under this subchapter,
4 including frequency of training and manner of training;

5 (6) establish a testing requirement for applicators to complete prior to
6 receiving an initial certification under the Program; and

7 (7) establish other requirements deemed necessary by the Secretary to
8 achieve the purposes of the Program.

9 (c)(1) A commercial salt applicator shall apply once every other year to be
10 approved as a State-certified salt applicator.

11 (2) A business that employs multiple commercial salt applicators may
12 apply to the Secretary for certification of the business owner or other
13 designated employee as a master commercial salt applicator. A certified
14 master commercial salt applicator shall ensure that all persons employed by the
15 business to apply salt or salt alternatives are trained to comply with the best
16 management practices established under subsection (b) of this section.

17 (3) A certified salt operator shall submit an annual summary of total
18 winter salt usage to the Secretary of Natural Resources.

19 (d) The Secretary of Natural Resources shall:

20 (1) determine the amount of salt annually imported into the State;

1 (2) notwithstanding that the Program does not apply to State salt
2 applicators, estimate the average amount of salt applied annually for the years
3 2015 through 2025:

4 (A) by the State, municipalities, and private contractors each winter
5 road management season between October and April; and

6 (B) from salt solutions applied by the State, municipalities, and
7 private contractors for summer dust suppression; and

8 (3) determine the amount of salt annually applied in the State using a
9 public accounting method established by the Secretary to assess salt purchases
10 and applications within Vermont.

11 § 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF
12 COMPLIANCE; ENFORCEMENT

13 (a)(1) Except as provided in subdivision (2) of this subsection, a certified
14 commercial salt applicator or an owner, occupant, or lessee of real property
15 maintained by a certified commercial salt applicator shall not be liable for
16 damages arising from hazards on real property owned, occupied, maintained,
17 or operated by that person when:

18 (A) the hazards are caused solely by snow or ice; and

19 (B) any failure or delay in removing or mitigating the hazards is the
20 result of the certified commercial salt applicator's implementation of the best

1 management practices established under section 1352 of this title for
2 application of salt or salt alternatives.

3 (2) The protection from liability provided under subdivision (1) of this
4 subsection shall not apply when the damages are due to gross negligence or
5 reckless disregard of the hazard.

6 (3) All certified commercial salt applicators shall be presumed to be
7 acting pursuant to the best management practices for application of salt or salt
8 alternatives in the absence of proof to the contrary.

9 (b) A certified commercial salt applicator or a commercial salt applicator
10 employed by a certified master commercial salt applicator is entitled to a
11 rebuttable presumption that they are in compliance with the requirements of
12 sections 1263 and 1264 of this title when applying salt or salt alternatives
13 according to the best management practices established under section 1352 of
14 this title. The rebuttable presumption under this subsection shall not apply to
15 requirements of a total maximum daily load plan required under this chapter or
16 the requirements of a municipal separate storm sewer system permit required
17 under section 1264 of this title.

18 (c) The Secretary may revoke a certification issued under this subchapter
19 after notice and opportunity for a hearing for a violation of the requirements of
20 this subchapter, the rules of this subchapter, or the provisions of a certification
21 issued under this subchapter.

1 (d) In order to receive the liability protection provided in subsection (a) of
2 this section, a commercial salt applicator or an owner, an occupant, or a lessee
3 of land shall keep a record describing its winter road, parking lot, and property
4 maintenance practices, consistent with the requirements determined by the
5 Secretary under this subchapter. The record shall include the type and rate of
6 application of deicing materials used, the dates of treatment, and the weather
7 conditions for each event requiring deicing. Such records shall be retained by
8 the applicator for a period of three years.

9 § 1354. STORAGE AND DISPOSAL OF SALT

10 The Secretary of Natural Resources shall:

11 (1) require that all salt storage facilities owned by the State,
12 municipalities, or other governmental entity be mapped on the Agency of
13 Natural Resources' Natural Resources Atlas, and the types of materials stored
14 and storage practices at each facility be identified;

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

18 (3) require that all State-, municipal-, and privately owned facilities for
19 the storage of salt or salt and sand mixtures that are within 100 yards of a
20 surface water or drinking water source be under cover and managed to contain
21 runoff on or before 2030 and that all other State-, municipal-, and privately

1 owned facilities for the storage of salt or salt and sand mixtures be under cover
2 and managed to contain runoff on or before 2035;

3 (4) require that all State-, municipal-, and privately owned facilities for
4 the storage of sand that is not mixed with salt that are within 100 yards of a
5 surface water or drinking water source be managed to contain runoff on or
6 before 2030 and all other State-, municipal-, and privately owned facilities for
7 the storage of sand that is not mixed with salt be managed to contain runoff on
8 or before 2035; and

9 (5) identify funds or funding sources that may be used to grant funds to
10 facilities subject to the cover requirements of this section and that would allow
11 priority for grant awards to be provided to salt shed projects in municipalities
12 with fewer than 1,200 residents.

13 Sec. 2. IMPLEMENTATION; FEE REPORT

14 (a) The Secretary of Natural Resources shall adopt the best management
15 practices for commercial application of salt or salt alternatives required under
16 10 V.S.A. § 1352 by procedure or by rulemaking authority under 10 V.S.A.
17 chapter 47. The Secretary of Natural Resources shall adopt any procedure or
18 rule establishing the best management practices for commercial application of
19 salt or salt alternatives on or before November 1, 2026 for initial use beginning
20 on January 1, 2027.

1 (b)(1) On or before November 1, 2026, the Secretary of Natural Resources,
2 in collaboration with the Secretary of Transportation, shall identify and make
3 changes to the Vermont Local Roads curriculum needed to support municipal
4 salt applicators in meeting the purpose of this act, including training for best
5 management practices for spreading salt on roads, parking lots, and sidewalks.

6 (2) As used in this subsection, “municipal salt applicator” means any
7 individual who applies or supervises others who apply salt in the applicator’s
8 capacity as an employee or agent of a town or a municipality but does not
9 include State employees.

10 (3) Notwithstanding 24 V.S.A. § 901a to the contrary, a municipal
11 employee shall not be subject to any civil liability for acts or omission the
12 employee conducts as a municipal salt applicator if:

13 (A) the municipal salt applicator completed the Vermont Local
14 Roads curriculum providing best management practices for spreading salt on
15 roads, parking lots, and sidewalks in that calendar year;

16 (B) the alleged damages are caused solely by hazards from snow or
17 ice; and

18 (C) any failure or delay in removing or mitigating the hazards is the
19 result of the municipal salt applicator’s implementation of the best
20 management practices learned under the Vermont Local Roads curriculum.

1 (4) The protection from liability provided under subdivision (3) of this
2 subsection shall not apply when the damages are due to gross negligence or
3 reckless disregard of the hazard.

4 (c) On or before January 15, 2026, the Secretary of Natural Resources shall
5 solicit interest from third-party vendors for training and certifying commercial
6 salt applicators under 10 V.S.A. chapter 47, subchapter 3A. If there is
7 insufficient interest from vendors, the Secretary shall submit to the Senate
8 Committees on Natural Resources and Energy and on Finance and the House
9 Committees on Environment and on Ways and Means a recommended fee to
10 charge for certification of commercial applicators under 10 V.S.A. chapter 47,
11 subchapter 3A.

12 Sec. 3. ANR REPORT ON MANAGEMENT OF SALT AND SAND
13 STORAGE FACILITIES

14 On or before January 15, 2026, the Secretary of Natural Resources shall
15 submit to the Senate Committees on Natural Resources and Energy and on
16 Transportation and the House Committees on Environment and on
17 Transportation a report regarding the management of State-, municipal-, and
18 privately owned facilities for the storage of salt, salt and sand mixtures, and
19 sand that is not mixed with salt. The report shall include:

20 (1) an inventory of facilities in the State used for the storage of salt, salt
21 and sand mixtures, or sand that is not mixed with salt;

- 1 (2) an estimated number of facilities that are currently covered;
2 (3) an estimate of the number of facilities that are not covered and are
3 within 100 yards of surface water or drinking water source;
4 (4) an estimate of the number of facilities that are not covered and are
5 more than 100 yards from a surface water or drinking water source; and
6 (5) an estimate of the total cost to cover or move facilities for the
7 storage of salt, salt and sand mixtures, or sand that is not mixed with salt,
8 including a proposed annual amount of funding that would be required to meet
9 the timelines for cover or management in 10 V.S.A. § 1354.

10 Sec. 4. AUTHORIZED POSITION; APPROPRIATIONS

11 (a) In addition to other positions authorized at the Agency of Natural
12 Resources in fiscal year 2026, a permanent classified position is authorized for
13 the purpose of administering the Chloride Contamination Reduction Program
14 in 10 V.S.A. chapter 47, subchapter 3A.

15 (b) In addition to any other funds appropriated to the Agency of Natural
16 Resources in fiscal year 2026, \$150,000.00 is appropriated from the General
17 Fund to the Agency of Natural Resources for the permanent classified position
18 authorized under subsection (a) of this section.

19 (c) It is the intention of the General Assembly that the appropriation in
20 subsection (b) of this section shall be made annually for the identified
21 purposes.

1 (d) In addition to any other funds appropriated to the Agency of Natural
2 Resources in fiscal year 2026, \$250,000.00 is appropriated from the General
3 Fund to the Agency of Natural Resources for the purpose of contracting with
4 an external organization to establish a certification training program. This
5 certification program will be funded on an ongoing basis by certification fees
6 charged to commercial salt applicators and attendees.

7 Sec. 5. EFFECTIVE DATE

8 This act shall take effect on passage.

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15 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE