

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, anti-icing, or dust control.

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

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 voluntary education, training, and certification of commercial salt
16 applicators, including requirements for certification of a master commercial
17 salt applicator. The Secretary may elect to implement the Program with State
18 agency staff or through a third-party vendor, or some combination. The
19 Program shall specifically exclude salt applications related to transportation
20 infrastructure construction projects.

1 (b) The Secretary of Natural Resources shall adopt best management
2 practices for application of salt or salt alternatives by commercial salt
3 applicators. The best management practices may be based on practices
4 currently implemented by the Agency of Transportation or other entities. The
5 best management practices shall:

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

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

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

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

18 (3) establish record-keeping requirements for commercial salt
19 applicators, including records of training and records describing the type and
20 rate of application of salt or salt alternatives, the dates of use, weather
21 conditions requiring use of salt or salt alternatives, and any other factors that

1 the Secretary of Natural Resources deems necessary for the purposes of the
2 Program;

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

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

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

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

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

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

19 (3) A certified commercial salt applicator shall submit an annual
20 summary of total winter salt usage to the Secretary of Natural Resources.

1 (d) The Secretary of Natural Resources shall establish methods to estimate
2 and track the amount of salt applied by those certified through the Chloride
3 Contamination Reduction Program.

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

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

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

12 (B) any failure or delay in removing or mitigating the hazards is the
13 result of the certified commercial salt applicator's implementation of the best
14 management practices established under section 1352 of this title for
15 application of salt or salt alternatives.

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

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

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

10 (c) The Secretary may revoke a certification issued under this subchapter
11 after notice and opportunity for a hearing for a violation of the requirements of
12 this subchapter, the rules of this subchapter, or the provisions of a certification
13 issued under this subchapter.

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

1 **Sec. 2.** ANR REPORT ON MANAGEMENT OF SALT AND SAND

2 STORAGE FACILITIES

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

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

11 (2) an estimated number of facilities that are currently covered;

12 (3) an estimate of the number of facilities that are not covered and are
13 within 100 yards of surface water or drinking water source;

14 (4) an estimate of the number of facilities that are not covered and are
15 more than 100 yards from a surface water or drinking water source; and

16 (5) an estimate of the total cost to cover or move facilities for the
17 storage of salt, salt and sand mixtures, or sand that is not mixed with salt,
18 including a proposed annual amount of funding that would be required to meet
19 the timelines for cover or management in 10 V.S.A. § 1354.

1 **Sec. 3.** IMPLEMENTATION; FEE REPORT

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

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

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

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

1 (A) the municipal salt applicator completed the Vermont Local
2 Roads curriculum providing best management practices for spreading salt or
3 salt alternatives on roads, parking lots, and sidewalks in the previous 365 days;

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

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

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

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

1 Sec. 4. AUTHORIZED POSITION; APPROPRIATIONS

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

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

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

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

19 Sec. 5. EFFECTIVE DATE

20 This act shall take effect on passage.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE