

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 Senate Bill No. 29 entitled “An act relating to establishing the Chloride  
4 Contamination Reduction Program at the Agency of Natural Resources”  
5 respectfully reports that it has considered the same and recommends that the  
6 bill be amended by striking out all after the enacting clause and inserting in  
7 lieu thereof the following:

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

9 Subchapter 3A. Chloride Contamination Reduction Program

10 § 1351. DEFINITIONS

11 As used in this subchapter:

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

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

19 (3) “Master commercial salt applicator” means any individual who  
20 employs and is responsible for individuals who for compensation apply salt but  
21 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. AUTHORIZED POSITION; APPROPRIATIONS

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

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

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

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

10       Sec. 4. EFFECTIVE DATE

11       This act shall take effect on passage.

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(Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_  
FOR THE COMMITTEE