

1 TO THE HONORABLE SENATE:

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

12 (a) A commercial salt applicator or an owner, occupant, or lessee of real
13 property maintained by a certified commercial salt applicator shall have an
14 affirmative defense against a claim for damages resulting from a hazard caused
15 by snow or ice if:

16 (1) the claimed damages were caused solely by snow or ice; and

17 (2) any failure or delay in removing or mitigating the hazard is the result
18 of the certified commercial salt applicator's implementation of the best
19 management practices established under section 1352 of this title for
20 application of salt or salt alternatives.

1 (b) The affirmative defense provided under subsection (a) shall not apply
2 when the civil damages are due to gross negligence or reckless disregard of the
3 hazard.

4 (c) The affirmative defense provided under this section is not exclusive and
5 is in addition to any other defenses or immunities provided under State law.

6 (d) In order to assert the affirmative defense provided under subsection (a)
7 of this section, a commercial salt applicator or an owner, occupant, or lessee of
8 real property maintained by a certified commercial salt applicator shall keep a
9 record describing its road, parking lot, and property maintenance practices,
10 consistent with the requirements determined by the Secretary under this
11 subchapter. The record shall include the type and rate of application of salt
12 and salt alternatives used, the dates of treatment, and the weather conditions
13 for each event requiring deicing. Such records shall be retained by the
14 applicator for a period of three years.

15 § 1353a. ENFORCEMENT; PRESUMPTION OF COMPLIANCE; WATER

16 QUALITY

17 (a) A certified commercial salt applicator or a commercial salt applicator
18 employed by a certified master commercial salt applicator is entitled to a
19 rebuttable presumption that they are in compliance with the requirements of
20 sections 1263 and 1264 of this title when applying salt or salt alternatives
21 according to the best management practices established under section 1352 of

1 this title. The rebuttable presumption under this subsection shall not apply to
2 requirements of a total maximum daily load plan required under this chapter or
3 the requirements of a municipal separate storm sewer system permit required
4 under section 1264 of this title.

5 (b) 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 § 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. MUNICIPAL SALT APPLICATORS; VERMONT LOCAL ROADS**

14 **CURRICULUM; AFFIRMATIVE DEFENSE**

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

20 (2) As used in this subsection, “municipal salt applicator” means any
21 individual who applies or supervises others who apply salt in the applicator’s

1 capacity as an employee or agent of a town or a municipality but does not
2 include State employees.

3 (b) Notwithstanding 24 V.S.A. § 901a to the contrary, a municipal
4 employee shall have an affirmative defense against a claim for damages
5 resulting from a hazard caused by snow or ice if:

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

9 (B) the claimed damages were caused solely by snow or ice; and

10 (C) any failure or delay in removing or mitigating the hazard is the
11 result of the certified commercial salt applicator's implementation of the best
12 management practices learned under the Vermont Local Roads curriculum.

13 (c) The affirmative defense provided under subsection (b) of this section
14 shall not apply when the civil damages are due to gross negligence or reckless
15 disregard of the hazard.

16 (d) The affirmative defense provided under this section is not exclusive and
17 is in addition to any other defenses or immunities provided under State law.

18 (e) In order to assert the affirmative defense provided under subsection (b)
19 of this section, a municipality shall keep a record describing its road, parking
20 lot, and property maintenance practices, consistent with the requirements
21 determined by the Secretary under this subchapter. The record shall include

1 the type and rate of application of salt and salt alternatives used, the dates of
2 treatment, and the weather conditions for each event requiring deicing. Such
3 records shall be retained by the applicator for a period of three years.

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

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

12 (b) 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, \$250,000.00 is appropriated from the General
15 Fund to the Agency of Natural Resources for the purpose of contracting with
16 an external organization to establish a certification training program. This
17 certification program will be funded on an ongoing basis by certification fees
18 charged to commercial salt applicators and attendees.

19 Sec. 5. EFFECTIVE DATE

20 This act shall take effect on passage.

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6 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE