

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 or supervises others who apply salt but does not include  
19 municipal or State employees.

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

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

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

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

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

14           § 1352. CHLORIDE CONTAMINATION REDUCTION PROGRAM

15           (a) The Secretary of Natural Resources, after consultation with the  
16           Secretary of Transportation and other states with similar chloride reduction  
17           programs, shall establish a Chloride Contamination Reduction Program for the  
18           education, training, and certification of commercial salt applicators and  
19           municipal salt applicators in the State, including requirements for certification  
20           of a master commercial salt applicator. The Secretary may elect to implement  
21           the program with State agency staff or through a competitively selected third-

1 party vendor, or some combination. The program shall include best  
2 management practices for application of salt or salt alternatives by commercial  
3 salt applicators and municipal salt applicators, but the program shall  
4 specifically exclude salt applications related to transportation infrastructure  
5 construction projects.

6 (b) The education program for commercial salt applicators and municipal  
7 salt applicators may be based on current best management practices. The best  
8 management practices shall:

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

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

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

19 (B) whether and how to implement equipment to calibrate, monitor,  
20 or meter application of salt or salt alternatives

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

6           (4) create and circulate a model form for record keeping and reporting  
7           of information required under this section.

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

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

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

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

17           (2) A business that employs multiple commercial salt applicators may  
18           apply to the Secretary for certification of the business owner or other  
19           designated employee as a master commercial salt applicator. A certified  
20           master commercial salt applicator shall ensure that all employees of the

1 business are trained to comply with the best management practices established  
2 under subsection (b) of this section.

3 (d) The Secretary of Natural Resources, after consultation with the  
4 Secretary of Transportation, shall:

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

6 (2) estimate the average amount of salt applied annually for the years  
7 2015 through 2025 from:

8 (A) each winter road management season between October and  
9 April; and

10 (B) salt solutions applied by the State, municipalities, and private  
11 contractors for summer dust suppression;

12 (3) determine the amount of salt annually applied in the State;

13 (4) develop a publicly accessible record-keeping database system for  
14 salt purchases and applications within Vermont;

15 (5) develop salt reduction targets to guide the Agency of Natural  
16 Resources in measurably reducing chloride levels in surface waters and  
17 groundwater; and

18 (6) annually report to the Senate Committees on Natural Resources and  
19 Energy and on Transportation and the House Committees on Environment and  
20 on Transportation on or before January 15 the findings as an assessment of the  
21 nature, scope, and magnitude of associated impacts of salt on surface waters

1 and groundwater, public and private lands, property, health, and infrastructure  
2 in the State of Vermont.

3 § 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF  
4 COMPLIANCE; ENFORCEMENT

5 (a)(1) Except as provided in subdivision (2) of this subsection, a certified  
6 commercial salt applicator; a certified municipal salt applicator; or an owner,  
7 occupant, or lessee of real property maintained by a certified commercial salt  
8 applicator or certified municipal salt applicator shall not be liable for damages  
9 arising from hazards on real property owned, occupied, maintained, or  
10 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 or certified municipal salt  
14 applicator's implementation of the best management practices established  
15 under section 1352 of this title for 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 and certified municipal salt  
20 applicators shall be presumed to be acting pursuant to the best management

1 practices for application of salt or salt alternatives in the absence of proof to  
2 the contrary.

3 (b) A certified commercial salt applicator, a commercial salt applicator  
4 employed by a certified master commercial salt applicator, or a certified  
5 municipal salt applicator is entitled to a rebuttable presumption that they are in  
6 compliance with the requirements of sections 1263 and 1264 of this title when  
7 applying salt or salt alternatives according to the best management practices  
8 established under section 1352 of this title.

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

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

1     § 1354. STORAGE AND DISPOSAL OF SALT

2             The Secretary of Natural Resources, after consultation with the Secretary of  
3     Transportation, shall:

4             (1) require that all salt storage facilities owned by private contractors,  
5     the State, municipalities, or other governmental entity be mapped on the  
6     Agency of Natural Resources' Natural Resources Atlas, and the types of  
7     materials stored and storage practices at each facility be identified;

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

11            (3) require that all State-, municipal-, and privately owned salt and sand  
12    storage facilities within 100 yards of a surface water or drinking water source  
13    be under cover on or before 2030 and all other storage facilities be under cover  
14    on or before 2035; and

15            (4) identify funds that may be used to grant funds to facilities subject to  
16    the cover requirements of this subsection.

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

18     § 1258. MANAGEMENT OF WATERS AFTER CLASSIFICATION;<sub>2</sub>

19             ENFORCEMENT

20            (a) After the classification of any waters has been determined by the  
21     Secretary, those waters shall be managed under the supervision of the



1 Secretary in order to obtain and maintain the classification established. The  
2 Secretary may enforce a classification against any person affected thereby  
3 who, with notice of the classification, has failed to comply. An action to  
4 enforce a classification shall be brought in the Superior Court of the county  
5 wherein the affected waters are located.

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

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

6        Sec. 3. IMPLEMENTATION; FEE REPORT

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

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

17       Sec. 4. ANR ENHANCED MONITORING OF CHLORIDE LEVELS IN  
18       SURFACE WATERS

19       When a State water or water segment is identified as contaminated by  
20       chloride levels that exceed the chronic or acute standards established by the  
21       U.S. Environmental Protection Agency (EPA), the Secretary of Natural

1 Resources shall begin regular monitoring of the chloride levels in that water or  
2 water segment and investigate potential acute and diffuse contamination  
3 sources, such as impervious surfaces. If the source that is causing chloride  
4 contamination levels that exceed EPA chronic or acute standards is found, the  
5 Secretary of Natural Resources shall require monitoring at the physical  
6 discharge point into a water of the State or into a hydrological connection to a  
7 water of the State.

8 Sec. 5. APPROPRIATIONS

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

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

17 Sec. 6. EFFECTIVE DATE

18 This act shall take effect on passage.

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

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Senator \_\_\_\_\_

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FOR THE COMMITTEE