

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

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

7 (45) “Salt” means sodium chloride, calcium chloride, magnesium
8 chloride, or any other substance containing chloride used for the purpose of
9 deicing or anti-icing.

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

12 (67) “Secretary” means the Secretary of Natural Resources.

13 (78) “Transportation infrastructure construction project” means a project
14 that involves the construction of roadways, parking lots, sidewalks, or other
15 construction activities at transportation facilities or within transportation
16 rights-of-way.

17 § 1352. CHLORIDE CONTAMINATION REDUCTION PROGRAM

18 (a) The Secretary of Natural Resources, after consultation with the
19 Secretary of Transportation and other states with similar chloride reduction
20 programs, shall establish the Chloride Contamination Reduction Program for
21 the education, training, and certification of commercial salt applicators-and

1 ~~municipal salt applicators in the State~~, including requirements for certification
2 of a master commercial salt applicator. The Secretary may elect to implement
3 the Program with State agency staff or through a ~~competitively selected~~ third-
4 party vendor, or some combination. The Program shall include best
5 management practices for application of salt or salt alternatives by commercial
6 salt applicators ~~and municipal salt applicators~~, but the Program shall
7 specifically exclude salt applications related to transportation infrastructure
8 construction projects.

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

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

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

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

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

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

8 (4) create and circulate a model form for record keeping ~~and reporting~~
9 ~~of~~ information required under this section;

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

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

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

17 (c)(1) A commercial salt applicator ~~or municipal salt applicator may shall~~
18 ~~be certified~~ ~~apply annually~~ ~~apply once every other year to the Secretary~~ to be
19 approved as a State-certified salt applicator.

20 (2) A business that employs multiple commercial salt applicators may
21 apply to the Secretary for certification of the business owner or other

1 designated employee as a master commercial salt applicator. A certified
2 master commercial salt applicator shall ensure that all persons employed by the
3 business to apply salt or salt alternatives are trained to comply with the best
4 management practices established under subsection (b) of this section.

5 (d) Certified salt operators shall submit an annual summary of total
6 winter salt usage to the Secretary of Natural Resources.

7 (d) The Secretary of Natural Resources shall:

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

9 (2) estimate the average amount of salt applied annually for the years
10 2015 through 2025 from:

11 (A) each winter road management season between October and
12 April; and

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

15 (3) determine the amount of salt annually applied in the State using a
16 public accounting method established by the Secretary to assess salt purchases
17 and applications within Vermont;

18 (4) develop salt reduction targets to guide the Agency of Natural
19 Resources in measurably reducing chloride levels in surface waters and
20 groundwater; and

1 ~~(5) annually report to the Senate Committees on Natural Resources and~~
2 ~~Energy and on Transportation and the House Committees on Environment and~~
3 ~~on Transportation on or before January 15 the findings as an assessment of the~~
4 ~~nature, scope, and magnitude of associated impacts of salt on surface waters~~
5 ~~and groundwater, public and private lands, property, health, and infrastructure~~
6 ~~in the State of Vermont.~~

7 § 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF
8 COMPLIANCE; ENFORCEMENT

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

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

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

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

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

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

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

20 (d) In order to receive the liability protection provided in subsection (a) of
21 this section, a commercial salt applicator; ~~a municipal salt applicator~~; or an

1 owner, an occupant, or a lessee of land shall keep a record describing its winter
2 road, parking lot, and property maintenance practices, ~~consistent with~~
3 ~~requirements determined by the Secretary under this subchapter.~~ The record
4 shall include the type and rate of application of deicing materials used, the
5 dates of treatment, and the weather conditions for each event requiring deicing.
6 Such records shall be retained by the applicator for a period of three years.

7 § 1354. STORAGE AND DISPOSAL OF SALT

8 The Secretary of Natural Resources shall:

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

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

16 ~~(3) require that all State-, municipal-, and privately owned facilities for~~
17 ~~the storage of salt or salt and sand mixtures that are within 100 yards of a~~
18 ~~surface water or drinking water source be under cover on or before 2030 and~~
19 ~~all other facilities for the storage of salt and sand mixtures be under cover on or~~
20 ~~before 2035;~~

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

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

11 Sec. 2. IMPLEMENTATION; FEE REPORT

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

19 (b) On or before November 1, 2026, the Secretary of Natural Resources
20 ~~shall,~~ in collaboration with the Secretary of Transportation, shall identify and

1 make changes to the Vermont Local Roads curriculum needed to support
2 municipal salt applicators in meeting the purpose of this Act.

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

11
12 ~~Sec. 3. ANR ENHANCED MONITORING OF CHLORIDE LEVELS IN~~
13 ~~———— SURFACE WATERS~~

14 When a State water or water segment is identified as ~~contaminated-impaired~~
15 ~~by due to~~ chloride levels that exceed the chronic or acute standards established
16 in the Vermont Water Quality Standards by the U.S. Environmental Protection
17 Agency (EPA), the Secretary of Natural Resources shall ~~conduct analyses and~~
18 monitoring as necessary to characterize the level of impairment and assess
19 significant sources in the contributing watershed for the development of an
20 EPA approved Total Maximum Daily Load (TMDL).

1 begin regular monitoring of the chloride levels in that water or water
2 segment and investigate potential acute and diffuse contamination sources,
3 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. 4. AUTHORIZED POSITION; APPROPRIATIONS

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

13 (b) In addition to any other funds appropriated to the Agency of Natural
14 Resources in fiscal year 2026, \$1~~25~~50,000.00 is appropriated from the General
15 Fund to the Agency of Natural Resources for the permanent classified position
16 authorized under subsection (a) of this section.

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

20 (d) In addition to any other funds appropriated to the Agency of Natural
21 Resources in fiscal year 2026, \$250,000.00 is appropriated from the General

1 Fund to the Agency of Natural Resources for the purpose of contracting with
2 an external organization to establish ~~and conduct~~ a certification training
3 program. This certification program will be funded on an ongoing basis by
4 certification fees charged to commercial ~~operators~~ salt applicators and
5 attendees.

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7 Sec. 5. EFFECTIVE DATE

8 This act shall take effect on passage.

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15 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE