

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 the Chloride Contamination Reduction Program for
18 the 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 Program may be based on current best management practices. The
7 best management practices shall:

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

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

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

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

20 (3) establish record-keeping requirements for commercial salt
21 applicators and municipal salt applicators, including records of training and

1 records describing the type and rate of application of salt or salt alternatives,
2 the dates of use, weather conditions requiring use of salt or salt alternatives,
3 and required submission to the Agency of Natural Resources;

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

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

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

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

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

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

21 (d) The Secretary of Natural Resources shall:

- 1 (1) determine the amount of salt annually imported into the State;
- 2 (2) estimate the average amount of salt applied annually for the years
- 3 2015 through 2025 from:
- 4 (A) each winter road management season between October and
- 5 April; and
- 6 (B) salt solutions applied by the State, municipalities, and private
- 7 contractors for summer dust suppression;
- 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 (4) develop salt reduction targets to guide the Agency of Natural
- 12 Resources in measurably reducing chloride levels in surface waters and
- 13 groundwater; and
- 14 (5) annually report to the Senate Committees on Natural Resources and
- 15 Energy and on Transportation and the House Committees on Environment and
- 16 on Transportation on or before January 15 the findings as an assessment of the
- 17 nature, scope, and magnitude of associated impacts of salt on surface waters
- 18 and groundwater, public and private lands, property, health, and infrastructure
- 19 in the State of Vermont.

1 § 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF
2 COMPLIANCE; ENFORCEMENT

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

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

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

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

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

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

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

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

18 § 1354. STORAGE AND DISPOSAL OF SALT

19 The Secretary of Natural Resources shall:

20 (1) require that all salt storage facilities owned by private contractors,
21 the State, municipalities, or other governmental entity be mapped on the

1 Agency of Natural Resources’ Natural Resources Atlas, and the types of
2 materials stored and storage practices at each facility be identified;

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

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

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

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

13 § 1258. MANAGEMENT OF WATERS AFTER CLASSIFICATION₂;

14 ENFORCEMENT

15 (a) After the classification of any waters has been determined by the
16 Secretary, those waters shall be managed under the supervision of the
17 Secretary in order to obtain and maintain the classification established. The
18 Secretary may enforce a classification against any person affected thereby
19 who, with notice of the classification, has failed to comply. An action to
20 enforce a classification shall be brought in the Superior Court of the county
21 wherein the affected waters are located.

1 (b) The Secretary shall manage discharges to the waters of the State by
2 administering a permit program consistent with the National Pollutant
3 Discharge Elimination System established by ~~section~~ Clean Water Act Section
4 402 of Public Law 92-500, 33 U.S.C. § 1342, and with the guidelines
5 promulgated in accordance with ~~section~~ Clean Water Act Section 304(h)(2) of
6 Public Law 92-500, 33 U.S.C. § 1314(h)(2). The Secretary shall use the full
7 range of possibilities and variables allowable under these sections of ~~Public~~
8 Law 92-500 the federal Clean Water Act, 33 U.S.C. §§ 1251–1389, including
9 general permits, as are consistent with meeting the objectives of the Vermont
10 Water Pollution Control Program. The Secretary shall adopt a continuing
11 planning process approvable under ~~section~~ Clean Water Act Section 303(e) of
12 Public Law 92-500, 33 U.S.C. § 1313(e). Neither the Secretary nor ~~his or her~~ a
13 duly authorized representative may receive or during the previous two years
14 have received a significant portion of ~~his or her~~ income directly or indirectly
15 from permit holders or applicants for a permit under this chapter.

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

21 Sec. 3. IMPLEMENTATION; FEE REPORT

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

8 (b) On or before January 15, 2026, the Secretary of Natural Resources shall
9 submit to the Senate Committees on Natural Resources and Energy and on
10 Finance and the House Committees on Environment and on Ways and Means a
11 recommended fee to charge for certification of commercial applicators under
12 10 V.S.A. chapter 47, subchapter 3A.

13 Sec. 4. ANR ENHANCED MONITORING OF CHLORIDE LEVELS IN
14 SURFACE WATERS

15 When a State water or water segment is identified as contaminated by
16 chloride levels that exceed the chronic or acute standards established by the
17 U.S. Environmental Protection Agency (EPA), the Secretary of Natural
18 Resources shall begin regular monitoring of the chloride levels in that water or
19 water segment and investigate potential acute and diffuse contamination
20 sources, such as impervious surfaces. If the source that is causing chloride
21 contamination levels that exceed EPA chronic or acute standards is found, the

1 Secretary of Natural Resources shall require monitoring at the physical
2 discharge point into a water of the State or into a hydrological connection to a
3 water of the State.

4 Sec. 5. **AUTHORIZED POSITION**; APPROPRIATIONS

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

9 (b) In addition to any other funds appropriated to the Agency of Natural
10 Resources in fiscal year 2026, \$125,000.00 is appropriated from the General
11 Fund to the Agency of Natural Resources for the permanent classified position
12 authorized under subsection (a) of this section.

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

16 Sec. 6. EFFECTIVE DATE

17 This act shall take effect on passage.

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3 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE