



General Assembly

February Session, 2022

Raised Bill No. 240

LCO No. 1562



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING THE USE OF SODIUM CHLORIDE TO
MITIGATE SNOW AND ICE ACCUMULATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) The Commissioners of
2 Energy and Environmental Protection and Transportation shall jointly
3 work with The University of Connecticut's Tech Transfer Center to
4 conduct a training program for state, municipal and private roadside
5 applicators that relies on the Connecticut Best Management Practices
6 "Green Snow Pro: Sustainable Winter Operations" guide for
7 municipalities. Such training program shall include, but not be limited
8 to, instruction on each topic contained in such guide and the provision
9 of additional information resources for each topic. Such training shall be
10 provided by personnel of the Departments of Energy and
11 Environmental Protection and Transportation or The University of
12 Connecticut's Tech Transfer Center and shall consist of not less than one
13 training session conducted in each county of the state. Information
14 concerning such training shall be provided by said agencies to each
15 regional council of governments. Not later than one year following the
16 implementation of such training program and pursuant to section 11-4a

17 of the general statutes, said commissioners shall jointly submit a report
18 to the joint standing committees of the General Assembly having
19 cognizance of matters relating to the environment and transportation on
20 how many state, municipal and private applicators have received
21 training pursuant to such program, any goals for the future of such
22 program and any recommendations concerning proposed legislation to
23 reduce the effects of sodium chloride on private wells and public
24 drinking water supplies.

25 Sec. 2. (NEW) (*Effective from passage*) (a) For the purposes of this
26 section and section 3 of this act:

27 (1) "Apply salt" means to apply salt or a salt alternative to roadways,
28 parking lots or sidewalks for the purpose of winter maintenance;

29 (2) "Commercial applicator" means any individual who applies or
30 supervises other persons who apply salt, except any municipal or state
31 employee or employee of a political subdivision of the state;

32 (3) "Commissioner" means the Commissioner of Energy and
33 Environmental Protection;

34 (4) "Department" means the Department of Energy and
35 Environmental Protection;

36 (5) "Salt" means sodium chloride, calcium chloride, magnesium
37 chloride or any other substance containing chloride; and

38 (6) "Salt alternative" means any substance not containing chloride
39 that is used for the purpose of de-icing or anti-icing.

40 (b) Any commercial applicator may apply to be annually certified by
41 the department. Applicator certificates shall be issued by the
42 department provided any business that employs multiple commercial
43 applicators may obtain a master certificate for the owner or chief
44 supervisor, and commercial applicators employed by the business may
45 obtain certificates to qualify under such master certificate. Any business
46 that holds a master certificate shall ensure that all commercial

47 applicators operating under such master certificate receive the required
48 training and shall provide the required recordkeeping on behalf of all
49 commercial applicators. Any fees established by the commissioner
50 pursuant to this section for such certificates shall be sufficient to cover
51 all costs incurred from the provision of such training program. Any
52 annual fee established by the commissioner for certificates obtained
53 under a master certificate shall be significantly less than the fee for a
54 master certificate.

55 (c) Application for such certification shall be on a form prescribed by
56 the commissioner and shall include the following: (1) The full name and
57 address of the person applying for the certification; (2) the name and
58 address of a person whose domicile is in the state, and who is authorized
59 to receive and accept service of summons and legal notices of all kinds
60 for the applicant; (3) the type of apparatus used to apply salt or salt
61 alternative whether liquid or dry; and (4) any other information deemed
62 necessary by the commissioner.

63 (d) The commissioner shall administer and enforce the provisions of
64 this section within available resources.

65 (e) The commissioner may issue an order to any person who is in
66 violation of any provision of this section and any regulation adopted
67 pursuant to this section, including, but not limited to, an order to cease
68 and desist from any act in violation of such provision or regulation. Any
69 order issued by the commissioner pursuant to this subsection shall be
70 effective immediately. The commissioner, after notice and hearing,
71 pursuant to chapter 54 of the general statutes, may revoke the
72 certification of any person who violates any such provision or
73 regulation.

74 (f) There is established a separate, nonlapsing salt application
75 account. Such account shall contain any moneys required by law to be
76 deposited into said account. Such account shall be used by the
77 commissioner to administer the salt applicator certification program
78 established under this section. Certification fees collected by the

79 commissioner pursuant to this section shall be deposited with the State
80 Treasurer and be credited to such account and may be invested as
81 provided by law. Interest received on any such investment shall also be
82 credited to such account. No funds from the General Fund shall be used
83 to cover the cost of the salt applicator certification program.

84 (g) The commissioner shall adopt regulations, in accordance with the
85 provisions of chapter 54 of the general statutes, to implement the
86 provisions of this section. Such regulations shall include, but are not
87 limited to, provisions to: (1) Establish policies and goals for applying
88 salt; (2) receive and allocate federal grants and other funds or gifts for
89 the purpose of carrying out any provision of this section; (3) provide for
90 the types and frequency of training programs required for certification;
91 (4) establish procedures for commercial applicators to obtain
92 certification; (5) recordkeeping required for commercial applicators to
93 maintain certification; and (6) provide for the establishment and
94 collection of fees to cover the cost of such program implementation.

95 Sec. 3. (NEW) (*Effective from passage*) (a) No commercial applicator, as
96 defined in section 2 of this act, who is certified in accordance with
97 section 2 of this act, and no owner, occupant or lessee of any land that is
98 maintained by a commercial applicator certified in accordance with
99 section 2 of this act, shall be liable for damages arising from
100 insufficiencies or hazards on any premises owned, occupied,
101 maintained or operated by such commercial applicator or owner,
102 occupant or lessee, even if such commercial applicator or owner,
103 occupant or lessee had actual notice of such insufficiency or hazard,
104 when such insufficiency or hazard is caused solely by snow or ice, and
105 the commercial applicator's, owner's, occupant's or lessee's failure or
106 delay in removing or mitigating such insufficiency or hazard is the
107 result of such commercial applicator's, owner's, occupant's or lessee's
108 implementation of best management practices for winter road, parking
109 lot and sidewalk maintenance adopted and published by the
110 Department of Transportation in conjunction with the Department of
111 Energy and Environmental Protection, except in the case of gross
112 negligence or reckless disregard of such insufficiency or hazard by such

113 commercial applicator, owner, occupant or lessee. Any commercial
114 applicator, owner, occupant or lessee who adopts such best
115 management practices shall be presumed to be acting pursuant to the
116 best management practices in the absence of proof to the contrary.

117 (b) In order to receive the liability protection provided in subsection
118 (a) of this section, such commercial applicator, owner, occupant or lessee
119 shall keep a written record describing such commercial operator's,
120 owner's, occupant's or lessee's winter road, parking lot and property
121 maintenance practices. Any such written record shall include the type
122 and rate of application of de-icing materials used, the dates of treatment
123 and the weather conditions for each event requiring de-icing. Such
124 records shall be kept for a period of three years.

125 Sec. 4. (NEW) (*Effective from passage*) Not later than January 1, 2023,
126 each local health district shall establish an electronic reporting system
127 for the owner of any home or well that is damaged as the direct result
128 of sodium chloride run-off to register such damage with the local health
129 department. Not later than January 1, 2023, and each year thereafter,
130 each local health department shall submit any report received pursuant
131 to this section during the previous calendar year to the Office of Policy
132 and Management. The Secretary of the Office of Policy and Management
133 may identify any available state or federal financial resources to assist
134 such owners with the costs of remediation, mitigation or repair of such
135 homes or wells and establish any criteria and procedures for the
136 issuance of any such financial assistance to such owners.

137 Sec. 5. (NEW) (*Effective from passage*) Any person, as defined in section
138 1-1 of the general statutes, who installs residential water treatment
139 systems, including, but not limited to, automatic water softeners or
140 tanks, shall test a customer's drinking water for the presence of sodium
141 and chloride prior to making any recommendation to such customer or
142 potential customer regarding the installation of an automatic water
143 softener or tank. Such testing shall be performed by an environmental
144 laboratory registered pursuant to section 19a-29a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section

Statement of Purpose:

To provide training, certification and protection from liability for roadside applicators of sodium chloride who use best practices when applying sodium chloride which, in turn, will reduce the environmental impact of such applications.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]