
OLR Bill Analysis

sSB 1031

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

SUMMARY

This bill requires the Department of Energy and Environmental Protection (DEEP) and Department of Transportation (DOT) commissioners to work with UConn's Tech Transfer (T2) Center to conduct training for roadside salt applicators that relies on existing municipal guidelines. It requires the commissioners, within one year after implementing the training program, to report to the Environment and Transportation committees on it. The report must include any legislative recommendations to reduce the effect of sodium chloride on private wells and public drinking water supplies (§ 1).

The bill also establishes a salt applicator certification program within DEEP, which the commissioner must administer and enforce within available resources. It requires the commissioner to adopt implementing regulations (§ 2). The bill generally exempts a commercial applicator that completes the certification program, and an owner, operator, or lessee of property maintained by the applicator, from liability for damages related to the property maintenance if the applicator used DEEP's and DOT's published best practices and kept certain records (§ 3).

Additionally, the bill requires each local health district, by January 1, 2022, to establish an electronic reporting system for owners of homes and wells damaged by sodium chloride run-off. Health districts must report the information annually to the Office of Policy and Management (OPM), which may (1) identify available financial resources to help the owners with remediation, mitigation, or repair and (2) establish criteria and procedures for issuing financial assistance (§ 4).

Lastly, the bill requires any person who installs residential water treatment systems, including automatic water softeners or tanks, to test a customer's drinking water for sodium and chloride before recommending installation of an automatic water softener or tank. A registered environmental laboratory must perform the testing (§ 5).

EFFECTIVE DATE: Upon passage, except for the provisions requiring DEEP and DOT to work with UConn's T2 Center on a salt applicator training program, which are effective October 1, 2021.

§ 1 — SALT APPLICATOR TRAINING PROGRAM

The bill requires DEEP and DOT to work with UConn's T2 Center to conduct training for state, municipal, and private roadside applicators that relies on the "Green Snow Pro: Sustainable Winter Operations" guide for municipalities. The program must include instruction on each topic contained in the guide. Under the bill, either DEEP and DOT personnel or UConn's T2 Center personnel must provide the training. They must hold at least one training session in each county.

The bill also requires DEEP and DOT to provide information about the training to the regional councils of government. They must report to the Environment and Transportation committees within one year after the program begins on (1) how many applicators received the training, (2) goals for the program's future, and (3) recommendations for proposed legislation to reduce the effects of sodium chloride on private wells and public drinking water supplies.

§ 2 — SALT APPLICATOR CERTIFICATION PROGRAM

The bill allows commercial applicators to apply for DEEP certification annually. Under the bill, a "commercial applicator" is anyone who applies, or supervises people applying, salt or salt alternatives on roadways, parking lots, or sidewalks for winter maintenance. It excludes municipal, state, and state political subdivision employees.

The bill requires the DEEP commissioner to administer and enforce the certification program within available resources.

Master Certificate

Under the bill, a business that employs multiple commercial applicators may obtain a master certificate for its owner or chief supervisor, and applicators employed by the business may obtain certificates to qualify under the master certificate. A business holding a master certificate must (1) ensure that all applicators operating under it receive required training and (2) keep records on behalf of all its applicators.

Any annual fee DEEP establishes for an applicator's certificate to qualify under a master certificate must cost significantly less than the fee for the master certificate. The established fees must cover the costs of providing training.

Application Form

The bill requires the DEEP commissioner to develop the certification application form, which must include the following information:

1. the applicant's name and address;
2. the name and address for a Connecticut-domiciled person who is authorized to accept legal service and notices on the applicant's behalf;
3. the type of apparatus used to apply salt or salt alternative, whether liquid or dry; and
4. any other information the commissioner deems necessary.

Regulations Required

The bill also requires the commissioner to adopt implementing regulations, which must, at a minimum, include provisions to:

1. establish policies and goals for applying salt,
2. receive and allocate federal grants and other funds or gifts to carry out the program,
3. provide the types and frequency of training programs required

for certification,

4. establish commercial applicator certification procedures,
5. establish recordkeeping requirements for applicators to maintain certification, and
6. establish and collect fees to cover program costs.

Violations and Certification Revocation

The bill authorizes the commissioner to issue orders, including cease and desist orders, to anyone who violates the bill's salt applicator certification program provisions or regulations. Orders are effective immediately upon issuance. The commissioner may revoke a violator's certification after notice and hearing pursuant to the state's Uniform Administrative Procedures Act.

Salt Application Account

The bill establishes a separate, non-lapsing salt application account, which the DEEP commissioner must use to administer the salt applicator certification program. The commissioner must deposit with the treasurer the fees she collects under the program. The treasurer must credit the fees to the account and may invest them as allowed by law. Any investment interest must be credited to the salt application account.

The bill prohibits the General Fund from being used for the salt applicator certification program.

§ 3 — CERTIFIED APPLICATOR LIABILITY PROTECTION

The bill exempts a DEEP-certified commercial applicator, and any owner, occupant, or lessee of land maintained by the certified applicator, from liability for damages arising from an insufficiency or hazard on the property if (1) the damages were caused solely by snow and ice and (2) they had implemented DEEP's and DOT's published best practices for winter road, parking lot, and sidewalk maintenance.

It does not exempt liability for damages caused by gross negligence

or reckless disregard by the applicator, owner, occupant, or lessee. An applicator, owner, occupant, or lessee is presumed to be acting pursuant to the best practices in the absence of proof to the contrary.

To qualify for this liability protection, the applicator, owner, occupant, or lessee must keep a written record of their winter road, parking lot, and sidewalk maintenance practices. The written record must include (1) the type and rate of application of de-icing materials used, (2) treatment dates, and (3) weather conditions for each event requiring de-icing. Records must be kept for three years.

§ 4 — LOCAL HEALTH DISTRICT REPORTING SYSTEM

The bill requires each local health district, by January 1, 2022, to establish an electronic reporting system for owners of homes and wells damaged by sodium chloride run-off to report the damage.

Beginning by January 1, 2023, each local health department must annually submit the reports recorded during the prior calendar year to OPM. The OPM secretary may (1) identify available state or federal financial resources to help the owners with remediation, mitigation, or repair of the damaged homes or wells and (2) establish criteria and procedures for issuing financial assistance to the owners.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 31 Nay 1 (03/29/2021)