



General Assembly

January Session, 2021

Raised Bill No. 1031

LCO No. 4475



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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

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

1 Section 1. (NEW) (Effective October 1, 2021) 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;

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 annual fee established by the
50 commissioner for certificates obtained under a master certificate shall be
51 significantly less than the fee for a master certificate.

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

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

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

71 (f) There is established a separate, nonlapsing salt application
72 account. Such account shall contain any moneys required by law to be
73 deposited into said account. Such account shall be used by the
74 commissioner to administer the salt applicator certification program
75 established under this section. Certification fees collected by the
76 commissioner pursuant to this section shall be deposited with the state
77 Treasurer and be credited to such account and may be invested as
78 provided by law. Interest received on any such investment shall also be

79 credited to such account. No funds from the General Fund shall be used
80 to cover the cost of the salt applicator certification program.

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

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

113 best management practices in the absence of proof to the contrary.

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

122 Sec. 4. (NEW) (*Effective from passage*) Not later than January 1, 2022,
123 each local health district shall establish an electronic reporting system
124 for the owner of any home or well that is damaged as the direct result
125 of sodium chloride run-off to register such damage with the local health
126 department. Not later than January 1, 2023, and each year thereafter,
127 each local health department shall submit any report received pursuant
128 to this section during the previous calendar year to the Office of Policy
129 and Management. The Secretary of the Office of Policy and Management
130 may identify any available state or federal financial resources to assist
131 such owners with the costs of remediation, mitigation or repair of such
132 homes or wells and establish any criteria and procedures for the
133 issuance of any such financial assistance to such owners.

134 Sec. 5. (NEW) (*Effective from passage*) Whenever any water company
135 undertakes an evaluation of any possible sodium chloride effect on the
136 drinking water of any customer, such water company shall conduct
137 testing that includes, but is not limited to, sodium chloride testing, prior
138 to making any recommendation to such customer for the installation of
139 any automatic water softener or tank.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</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 a means and incentive for commercial applicators of sodium chloride to responsibly utilize such product to mitigate ice and snow accumulations.

[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.]