



Senate

General Assembly

File No. 439

February Session, 2022

Substitute Senate Bill No. 240

Senate, April 13, 2022

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

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

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

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

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

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

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

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

41 (b) Any commercial applicator may annually register with the
42 department and certify to the department that such applicator received
43 the training described in section 1 of this act and any other training
44 required by the department pursuant to regulations adopted in
45 accordance with the provisions of this section and is in compliance with
46 the policies and goals concerning applying salt established in such
47 regulations provided any such business that employs multiple

48 commercial applicators may make an organizational certification on
49 behalf of the owner or chief supervisor and all of the commercial
50 applicators employed by such business. Any such business that makes
51 an organizational certification shall ensure that all commercial
52 applicators operating under such organizational certification receive the
53 required training and shall provide the required recordkeeping on
54 behalf of all such commercial applicators.

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

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

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

75 (f) The commissioner shall adopt regulations, in accordance with the
76 provisions of chapter 54 of the general statutes, to implement the
77 provisions of this section. Such regulations shall include, but are not
78 limited to, provisions to: (1) Establish policies and goals for applying
79 salt; (2) receive and allocate federal grants and other funds or gifts for
80 the purpose of carrying out any provision of this section; (3) provide for

81 the types and frequency of training programs required for such
82 registration; (4) establish procedures for commercial applicators to
83 register; and (5) recordkeeping required for commercial applicators to
84 maintain registration.

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

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

115 Sec. 4. (NEW) (*Effective from passage*) Not later than January 1, 2023,
 116 each local health district shall establish an electronic reporting system
 117 for the owner of any home or well that is damaged as the direct result
 118 of sodium chloride run-off to register such damage with the local health
 119 department. Not later than January 1, 2024, and each year thereafter,
 120 each local health department shall submit any report received pursuant
 121 to this section during the previous calendar year to the Office of Policy
 122 and Management. The Secretary of the Office of Policy and Management
 123 may identify any available state or federal financial resources to assist
 124 such owners with the costs of remediation, mitigation or repair of such
 125 homes or wells and establish any criteria and procedures for the
 126 issuance of any such financial assistance to such owners.

127 Sec. 5. (NEW) (*Effective from passage*) Any person, as defined in section
 128 1-1 of the general statutes, who installs residential water treatment
 129 systems, including, but not limited to, automatic water softeners or
 130 tanks, shall provide each customer who seeks installation of an
 131 automatic water softener or tank with written information concerning
 132 the importance of testing such customer's drinking water for the
 133 presence of sodium and chloride and the potential consequences of
 134 excessive levels of sodium and chloride in such drinking water.

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

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Department of Energy and Environmental Protection	GF - Cost	122,089	60,041
UConn	Other - Cost	Up to 92,000	Up to \$122,000
State Comptroller - Fringe Benefits ¹	GF - Cost	25,165	24,335

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Energy and Environmental Protection (DEEP) and Department of Transportation (DOT) commissioners to work with UConn's Training and Technical Assistance Center (T2 Center) to conduct training for roadside salt applicators that relies on existing municipal guidelines.

Section 1 requires DEEP and DOT to work with UConn's T2 Center to offer road salt application trainings to state, municipal, and private applicators. It allows the trainings to be provided by DEEP and DOT, or UConn's T2 Center. This is anticipated to result in a cost to UConn of up to \$92,000 in FY 23 and up to \$122,000 in FY 24, as the university will offer an enhanced road salt application training program with additional training sessions. These costs may be paid through any fee

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

that UConn chooses to charge training participants.

The estimate assumes the trainings will be provided by UConn's T2 Center (instead of DEEP and DOT) because the center already offers similar trainings to public sector road salt applicators. If the trainings are provided by DEEP and DOT instead of the T2 Center, then there will be minimal costs to UConn to serve in a consultative role.

The bill's costs to UConn, if it offers the trainings, are due to fractional (10 percent) costs for two leadership-level staff currently employed, 80 percent of full-time costs for a new Program Coordinator, and part-time costs for a new Instructor. The personnel-related costs (including fringe benefits) across the positions are an estimated \$89,500 in FY 23 and \$119,500 in FY 24.² The estimate anticipates other program expenses of approximately \$2,500 annually.

Section 2 also establishes a salt applicator registration program within DEEP, to be administered and enforced within available resources. This would result in costs to DEEP of \$62,089 in FY 23 and \$60,041 in FY 24, plus fringe benefits, to administer and enforce the new program. The bill also results in new, one-time costs to DEEP of approximately \$50,000 in FY 23 for contractors to develop a new online registration systems.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and whether the training continues to be offered, beyond FY 24.

² The fringe benefit costs for employees funded out of non-appropriated funds are generally supported by the same source of funding responsible for funding the position's salary. The estimated pension and non-pension fringe benefit cost associated with the identified personnel changes is 48.79% of payroll in FY 23.

OLR Bill Analysis**sSB 240*****AN ACT CONCERNING THE USE OF SODIUM CHLORIDE TO MITIGATE SNOW AND ICE ACCUMULATIONS.*****SUMMARY**

This bill requires the Department of Energy and Environmental Protection (DEEP) and Department of Transportation (DOT) commissioners to work with UConn's Training and Technical Assistance Center (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 about any recommendations for legislation to reduce the effect of sodium chloride on private wells and public drinking water supplies (§ 1).

The bill also establishes a salt applicator registration 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 from property maintenance-related damages (1) a commercial applicator that registers with DEEP as completing the training program and (2) an owner, operator, or lessee of property maintained by the applicator if the applicator used DEEP's and DOT's published best practices and kept certain records (§ 3).

Also, the bill requires each local health district, by January 1, 2023, to establish an electronic reporting system for owners of homes or 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 costs and (2) establish criteria

and procedures for issuing the financial assistance (§ 4).

Lastly, the bill requires any person who installs residential water treatment systems to provide customers who want to install an automatic water softener or tank with written information about the (1) importance of testing their drinking water for sodium and chloride and (2) potential consequences of excessive levels of these minerals in drinking water (§ 5).

EFFECTIVE DATE: Upon passage, except the provision requiring DEEP and DOT to work with UConn's T2 Center on a salt applicator training program is effective October 1, 2022.

§ 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 Connecticut Best Management Practices "Green Snow Pro: Sustainable Winter Operations" guide for municipalities. The program must include (1) instruction on each topic contained in the guide and (2) additional resources for each topic. 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 submit a 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 REGISTRATION PROGRAM

The bill allows commercial applicators to annually register with DEEP and certify that they (1) received the commercial applicator training and any other training DEEP requires by regulations (see below) and (2) comply with the regulation's policies and goals about

applying salt. Under the bill, a “commercial applicator” is anyone who applies, or supervises others applying, salt or salt alternatives on roadways, parking lots, or sidewalks for winter maintenance. It excludes municipal, state, and state political subdivision employees.

Under the bill, a business that employs multiple commercial applicators may make an organizational certification for its owner or chief supervisor and applicators employed by the business. A business with an organizational certification must (1) ensure that all applicators operating under it receive the required training and (2) keep records on behalf of all its applicators.

Application Form

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

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

Required Regulations

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

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 registration,

4. establish commercial applicator registration procedures, and
5. establish recordkeeping requirements for applicators to maintain registration.

Violations and Registration Revocation

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

§ 3 — REGISTERED APPLICATOR LIABILITY PROTECTION

The bill exempts a registered commercial applicator, and any owner, occupant, or lessee of land maintained by the applicator, from liability for damages due to an insufficiency or hazard on the property if (1) the damages were caused solely by snow or ice and (2) they implemented DEEP's and DOT's published best practices for winter road, parking lot, and sidewalk maintenance. It does not exempt them from liability for damages caused by their own gross negligence or reckless disregard, however. An applicator, owner, occupant, or lessee is presumed to be acting pursuant to best practices in the absence of contrary proof.

To qualify for this liability protection, the applicator, owner, occupant, or lessee must keep a written record of their winter road, parking lot, and property 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, 2023, to establish an electronic reporting system for owners of homes or wells damaged by sodium chloride to report the damage.

Beginning by January 1, 2024, 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 the financial assistance.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 3 (03/29/2022)