



General Assembly

Substitute Bill No. 240

February Session, 2022



**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	October 1, 2022	New section
Sec. 2	from passage	New section
Sec. 3	from passage	New section
Sec. 4	from passage	New section
Sec. 5	from passage	New section

ENV Joint Favorable Subst.