
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)