



January 20, 2010

The Honorable Judith T. Spang, Chairman
Resources, Recreation, and Development
Room 305
Legislative Office Building
Concord, NH 03301

Re: HB 1676-FN, requiring certification of road salt applicators.

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 1676, which would require annual certification of commercial road salt applicators. We all support the bill with a minor amendment described below.

We are working together to provide safe roads for the traveling public, which are critical to the economic vitality of the state and a healthy tourism economy, while minimizing environmental impacts from road salt. To accomplish this challenging joint mission requires the cooperation of our three departments as well as municipalities and private winter maintenance operators.

While providing our state with safe roads, another legacy of more than 50 years of road salt use in New Hampshire is polluted water. Chloride, which is toxic to aquatic life at certain thresholds, is highly soluble and mobile in groundwater. Often there is enough dilution in spring melt water to keep chloride below impairment levels, but when dilution is not enough, particularly in smaller streams and in lakes and ponds, waters become impaired over time.

Four watersheds in the southern I-93 corridor are impaired for chloride. During the past four years, DES has worked with DOT, the towns of Derry, Londonderry, Salem, and Windham, and other stakeholders to quantify the chloride loading in the impaired watersheds, the sources of chloride loading, and the salt load reductions needed to clean up the water. We found that, on average, about half of the salt loading is coming from private parking lots, roads, and driveways. And, on average, about ten percent of the chloride is from state roads and about 35% is from municipal roads.

In addition to the impaired I-93 watersheds, we have another 24 chloride-impaired waters in the state, indicating a widespread chloride problem.

While the DOT and the municipalities are working to address salt reduction, the private sector sources are too numerous and varied to effectively achieve salt load reduction without minimal requirements for training and reporting. In Minnesota, state officials found that a minimal level of training for private operators can readily achieve a 50% reduction in road salt application without jeopardizing safety. Reductions of this magnitude will be needed in some impaired watersheds. The training programs teach applicators how to use salt most effectively and to eliminate wasted salt.

We are currently working with the University of New Hampshire Technology Transfer Center to develop a training curriculum and to design software to allow easy reporting of salt use.

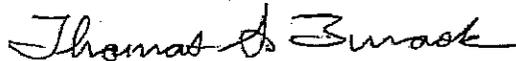
We suggest a minor amendment to the bill clarifying that certification applies only to commercial entities by adding the words in bold to the definition of “commercial applicator”:

I. “Commercial applicator” means any individual who uses or supervises the use of salt, other than a **municipal, state, or private applicator** as defined in paragraph IV of this section.

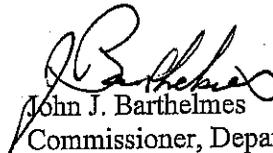
This amendment is consistent with the intent of the bill, which is to address the current gap in law governing winter maintenance operations. Currently, municipalities and the state are offered limited liability provided that they adopt and implement approved winter maintenance policies. This bill would provide consistent treatment by providing comparable limited liability protection for private applicators who meet annual certification requirements.

Thank you for the opportunity to comment on this important legislation. If you have any questions or need additional information, please contact Eric Williams, DES Watershed Assistance Section Supervisor, at 271-2358, Butch Knowlton, DOT Operations Director, at 271-1697, or Col. Frederick H. Booth, DOS Director of State Police at 271-2450.

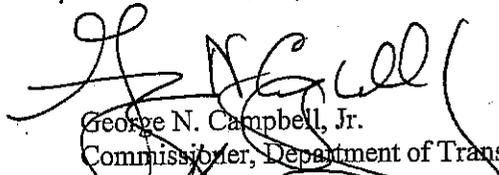
Sincerely,



Thomas S. Burack
Commissioner, Department of Environmental Services



John J. Barthelmes
Commissioner, Department of Safety



George N. Campbell, Jr.
Commissioner, Department of Transportation



George Balg
Commissioner, Department of Resources and
Economic Development