

Effective June 1, 2018, Env-Wq 2202 reads as follows:

PART Env-Wq 2202 DEFINITIONS

Env-Wq 2202.01 “Apply salt” means “apply salt” as defined in RSA 489-C:1, I, as reprinted in Appendix B.

Revised:

Env-Wq 2202.02 “Approved training program for initial certification” means a course that has been approved by the department pursuant to Env-Wq 2206.02(a).

New:

Env-Wq 2202.03 “Approved training program for renewal certification” means a course that has been approved by the department pursuant to Env-Wq 2206.02(b).

Env-Wq 2202.04 “Commercial applicator” means “commercial applicator” as defined in RSA 489-C:1, II, as reprinted in Appendix B.

Env-Wq 2202.05 “Department” means the department of environmental services.

Revised:

Env-Wq 2202.06 “Individual certificate” means a certification issued to a commercial applicator who:

- (a) Meets the requirements for initial or renewal certification, as applicable; and
- (b) Does not employ or otherwise supervise other commercial applicators.

Revised:

Env-Wq 2202.07 “Master certificate” means a certification issued to the owner or chief supervisor of a business that employs or contracts with one or more commercial applicators provided the owner or chief supervisor, as applicable, meets the requirements for initial or renewal certification, as applicable.

Env-Wq 2202.08 “Salt” means “salt” as defined in RSA 489-C:1, V, as reprinted in Appendix B.

Env-Wq 2202.09 “Salt accounting system” means the online database operated by the UNH T² Center for the purposes of tracking annual salt use and the locations of salt application by commercial applicators.

Env-Wq 2202.10 “Salt alternative” means “salt alternative” as defined in RSA 489-C:1, VI, as reprinted in Appendix B.

New:

Env-Wq 2202.11 “Subordinate certificate” means a certification issued to an individual who:

- (a) Meets the requirements for initial or renewal certification, as applicable; and
- (b) Is or will be employed by a commercial applicator holding a master certificate.

Env-Wq 2202.10 “Successfully complete an approved training program” means attending an approved training program and achieving a passing grade on the examination offered at the end of the program.

Env-Wq 2202.13 “Uncertified subordinate” means an individual commercial salt applicator who has completed the required training but who has not received certification.

Effective June 1, 2018, Env-Wq 2203.02 through Env-Wq 2203.08 read as follows:Revised:

Env-Wq 2203.02 Application for Certification.

(a) Any person seeking to obtain a master certificate, an individual certificate, or a subordinate certificate shall submit to the department the following:

- (1) A completed application form that contains the information specified in Env-Wq 2203.03 and is signed as specified in Env-Wq 2203.04;
- (2) Documentation showing that the applicant, if an individual, or the applicant's owner or chief supervisor, if the applicant is a business, has:
 - a. Successfully completed an approved training program for initial certification within the previous 2 years; or
 - b. Successfully completed:
 1. An approved training program for initial certification within the previous 5 years; and
 2. An approved training program for renewal within the previous 2 years; and
- (3) The applicable application fee specified in Env-Wq 2203.08(a).

(b) Any business seeking to obtain a master certificate that will cover 4 or more subordinate certificates for individuals who are employed by the business may submit one package that contains:

- (1) The information specified in (a)(1) and (2), above, for the individual to be identified on the master certificate;
- (2) The applications for subordinate certificates that have been completed and signed by the individuals to be certified; and
- (3) The application fee specified in Env-Wq 2203.08(b).

(e), (h) Revised; (i) New:

Env-Wq 2203.03 Information Required for Certification. The applicant shall provide the following as required by Env-Wq 2203.02(a) on a form obtained from the department:

(a) As required by RSA 489-C:4, I, the full name and address of the person applying for the certification and, if a business applying for a master certification for the owner or chief supervisor, the name and title of the individual who will be responsible under the master certification;

(b) As required by RSA 489-C:4, II, the name and address of a person whose domicile is in the state and who is authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(c) The applicant's mailing address, if different from the address provided pursuant to (a)(1), above, daytime telephone number, and email address, if any;

(d) The name, address, and daytime telephone number of the salt application business with which the applicant is affiliated, if any;

(e) If the applicant is affiliated with a business that employs one or more commercial salt applicators, whether the applicant owns, is employed by, or is an independent contractor of the business, and whether the applicant is seeking a master certificate or a subordinate certificate;

(f) As required by RSA 489-C:4, III, identification of each type of apparatus that is or will be used by the applicant to apply salt or salt alternative and, for each, whether the salt or salt alternative is liquid or dry when applied;

(g) How often the spreader is calibrated;

(h) Each type of deicing or anti-icing material that is used or is expected to be used; and

(i) For individuals who have provided both a home address and a business address, which address the applicant prefers the department to use for certification-related correspondence.

Revised:Env-Wq 2203.04 Signature Required.

(a) If the applicant is an individual applying for initial or renewal individual or subordinate certification, the applicant shall sign and date the application form.

(b) If the applicant is a business applying for an initial or renewal master certification for the owner or chief supervisor, the individual authorized by the business to sign the application shall sign and date the application form.

(c) The signature provided pursuant to (a) or (b), above, as applicable, shall constitute certification that:

(1) The information provided on or with the application form, as applicable, is true, complete, and not misleading to the best of the applicant's knowledge; and

(2) The applicant understands that:

a. The submission of false, incomplete, or misleading information is grounds for denying the application or revoking any certification that is issued based on the information;

b. He or she is subject to penalties for falsification in official matters established in RSA 641 or any successor statute;

c. Certification is subject to renewal annually and is contingent upon successful completion of continuing education requirements and submittal of annual reports; and

d. RSA 489-C:2 establishes that any business holding a master certificate must ensure that all commercial applicators operating under its master certificate receive the required training and must provide the required recordkeeping on behalf of its commercial applicators.

Revised:Env-Wq 2203.05 Review of Application; Issuance of Certificates.

(a) Within 10 working days of receiving an application for initial certification, the department shall determine whether the applicant has submitted everything required by Env-Wq 2203.02.

(b) If the applicant has not submitted a complete application, the department shall:

(1) Inform the applicant of what is needed to complete the application; and

(2) Defer further review of the application until everything needed for a complete application is received.

(c) Within 10 working days of receiving a complete application as specified in Env-Wq 2203.02, the department shall determine whether the submitted information demonstrates that the applicant meets the requirements specified in RSA 489-C and this chapter for becoming a certified salt applicator.

(d) If the department determines that the applicant meets the requirements and is seeking an individual certificate, the department shall issue a certificate that identifies the individual as a certified salt applicator under RSA 489-C.

(e) If the department determines that the applicant meets the requirements and is seeking a subordinate certificate, the department shall issue a certificate that:

(1) Identifies the applicant as a certified subordinate salt applicator under RSA 489-C; and

(2) Specifies the master certificate under which the subordinate is allowed to work.

(f) If the department determines that the applicant meets the requirements and is seeking a master certificate, the department shall issue a master certificate that identifies the business and identifies the responsible individual as a certified salt applicator under RSA 489-C who is required by RSA 489-C:2 to:

- (1) Ensure that all commercial applicators operating under the master certificate:
 - a. Hold a subordinate certificate or an individual certificate; or
 - b. Have received the required training; and
- (2) Provide the required recordkeeping on behalf of all commercial applicators operating under the master certificate, including all certified individuals, certified subordinates, and uncertified subordinates.

(g) A certificate issued under (d), (e), or (f), above, shall be valid from the date of issuance through June 30 of the following year, unless revoked pursuant to Env-Wq 2205.

(h) If the department determines that an applicant does not meet the requirements for certification, the department shall send a written notice to the applicant that:

- (1) Specifies the reason(s) why the applicant was not certified; and
- (2) Informs the applicant that the decision can be appealed as a permitting decision under RSA 21-O:14.

Revised:

Env-Wq 2203.06 Certification Renewal.

(a) To apply for renewal of a master certificate, an individual certificate, or a subordinate certificate, a certified salt applicator shall submit the following to the department no later than June 15 of the year of expiration of the applicator's current certification:

- (1) A completed application form that contains the information specified in Env-Wq 2203.03 and has been signed as specified in Env-Wq 2203.04;
- (2) Documentation that the applicant has:
 - a. Successfully completed an approved training program for initial certification within the previous 2 years; or
 - b. Successfully completed:
 1. An approved training program for initial certification within the previous 5 years; and
 2. An approved training program for certification renewal within the previous 2 years;
- (3) The applicable application fee specified in Env-Wq 2203.08(a); and
- (4) A certified statement that the applicant currently holds a valid certification as a salt applicator and has not acted or failed to act in any way that would constitute just cause to revoke the certification.

(b) Any business seeking to renew a master certificate that covers 4 or more subordinate certificates for individuals who are or will be employed by the business may submit one package that contains:

- (1) The information and certification specified in (a)(1)-(3), above, for the individual to be identified on the master certificate;
- (2) The applications for subordinate certificates that have been completed and signed by the individuals to be certified, which may be for initial or renewal certification; and
- (3) The application fee specified in Env-Wq 2203.08(b).

- (c) For individual certification, the applicant also shall submit:
 - (1) The annual report required by Env-Wq 2204.01; or
 - (2) Proof that the annual report required by Env-Wq 2204.01 was previously submitted.
- (d) For master certification, the applicant also shall submit:
 - (1) The annual report required by Env-Wq 2204.02, including the name of each commercial salt applicator applying salt under the supervision of the master certificate; or
 - (2) Proof that the annual report required by Env-Wq 2204.02, including the name of each commercial salt applicator applying salt under the supervision of the master certificate, was previously submitted.
- (e) Within 10 working days of receiving an application for renewal certification, the department shall determine whether the applicant has submitted everything required by (a)-(d), above, as applicable.
- (f) If the applicant has not submitted everything required by (a)-(d), above, the department shall:
 - (1) Inform the applicant of what is needed to complete the application; and
 - (2) Defer further review of the application until everything needed for a complete application is received.
- (g) Within 10 working days of receiving a complete application for renewal as specified in (a)-(d), above, the department shall determine whether the information submitted demonstrates that the applicant:
 - (1) Currently holds a valid certificate as a salt applicator;
 - (2) Has filed all required reports; and
 - (3) Has not acted or failed to act in any way that would constitute just cause to revoke the certification.
- (h) If the department determines that the applicant meets the requirements for certification renewal and is seeking an individual certificate, the department shall issue a certificate that identifies the individual as a certified salt applicator under RSA 489-C.
- (i) If the department determines that the applicant meets the requirements for certification renewal and is seeking a subordinate certificate, the department shall issue a certificate that:
 - (1) Identifies the applicant as a certified subordinate salt applicator under RSA 489-C; and
 - (2) Specifies the master certificate(s) under which the subordinate is allowed to work.
- (j) If the department determines that the applicant meets the requirements for certification renewal and is seeking a master certificate, the department shall issue a master certificate that identifies the business and identifies the responsible individual as a certified salt applicator under RSA 489-C who is required by RSA 489-C:2 to:
 - (1) Ensure that all commercial applicators operating under the master certificate:
 - a. Hold a subordinate certificate or an individual certificate; or
 - b. Have received the required training; and
 - (2) Provide the required recordkeeping on behalf of all commercial applicators operating under the master certificate, including all certified individuals, certified subordinates, and uncertified subordinates.

(k) A certificate issued under (h), (i), or (j), above, shall be valid from July 1 of the year of issue through June 30 of the following year, unless revoked pursuant to Env-Wq 2205.

(l) If the department determines that the applicant does not meet the requirements for certification renewal, the department shall send a written notice to the applicant that:

- (1) Specifies the reason(s) why the applicant’s certification was not renewed; and
- (2) Informs the individual that the decision can be appealed under RSA 21-O:14 as:
 - a. A permitting decision, if the reason for denial is that the applicant is not qualified; or
 - b. An enforcement decision, if the reason for denial is that the applicant has acted or failed to act in a way that constitutes just cause to revoke the certification.

New:

Env-Wq 2203.07 Late Filing of Renewal Applications.

(a) If a commercial salt applicator fails to apply for renewal by the deadline established in Env-Wq 2203.06(a), the applicator shall:

- (1) No later than November 1 of the year of expiration, file a renewal application as specified in Env-Wq 2203.06(a)(1)-(3), (b), and (c), together with a certified statement that the applicant held a valid certification as a salt applicator through June 30 of the year of application and has not acted or failed to act in any way that would constitute just cause to revoke the certification; or
- (2) If a renewal application is not filed by the deadline established in (1), above, file an application for initial certification as specified in Env-Wq 2203.02 together with:
 - a. For individual certification:
 - 1. The annual report required by Env-Wq 2204.01; or
 - 2. Proof that the annual report required by Env-Wq 2204.01 was previously submitted; or
 - b. For master certification:
 - 1. The annual report required by Env-Wq 2204.02, including the name of each commercial salt applicator applying salt under the supervision of the master certificate, including all certified individuals, certified subordinates, and uncertified subordinates; or
 - 2. Proof that the annual report required by Env-Wq 2204.02, including the name of each commercial salt applicator applying salt under the supervision of the master certificate, was previously submitted.

(b) The department shall process a renewal application filed pursuant to (a)(1), above, as specified in Env-Wq 2203.06(e)-(j), except that the determination required by (g)(1) shall be that the applicant held a valid certificate as a salt applicator through June 30 of the current year.

New:

Env-Wq 2203.08 Application Fees.

(a) Each application for an initial certification or a renewal certification shall be accompanied by an application fee in the amount shown in table 2203-1, below:

Table 2203-1: Application Fees for Initial and Renewal Certification

Certificate Type	Fee
Master	\$250
Individual	\$150
Subordinate	\$25

(b) An application submitted under Env-Wq 2203.02(b) or Env-Wq 2203.06(b) shall be accompanied by an application fee of \$350.

(c) Fees, if paid by check or money order, shall be made payable to “Treasurer - State of NH.”

Effective June 1, 2018, Env-Wq 2204 reads as follows:

Revised:

PART Env-Wq 2204 ANNUAL REPORTING REQUIRED

Env-Wq 2204.01 Annual Reporting for Individual Certificate Holders.

(a) Subject to (b), below, each commercial applicator holding an individual certificate shall report the following information about salt usage during the preceding winter to the salt accounting system no later than June 1 of each year:

- (1) The total amount of salt used, in tons of solid salt and gallons of salt brine;
- (2) The name of each town in which salt was applied and, for each, the total area of paved surface maintained, in square feet; and
- (3) The type and amount of each salt alternative used.

(b) A certified individual commercial salt applicator shall report the usage of salt or salt alternative, or both, only to the extent such usage is not required to be reported under any master certificate.

Env-Wq 2204.02 Annual Reporting for Master Certificate Holders. Each commercial applicator holding a master certificate shall report the following information about salt usage during the preceding winter for the master certificate holder and all commercial salt applicators working under the master certificate to the salt accounting system no later than June 1 of each year:

- (a) The name of each commercial salt applicator applying salt under the master certificate, including certified individuals, certified subordinates, and uncertified subordinates;
- (b) The total amount of salt used, in tons of solid salt and gallons of salt brine;
- (c) The name of each town in which salt was applied and, for each, the total area of paved surface maintained, in square feet; and
- (d) The type and amount of each salt alternative used.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-Wq 2202	RSA 489-C:2
Env-Wq 2203	RSA 489-C:2
Env-Wq 2204	RSA 489-C:2