

Readopt with amendment Env-Wq 2202.02, eff. 10-18-14 (doc. #10697), to read as follows:

Env-Wq 2202.02 “Approved training program ***for initial certification***” means a course that has been approved by the department pursuant to Env-Wq ~~2207-2206.02(a)~~. ~~to provide the training necessary for an individual to become knowledgeable in the areas identified in Env-Wq 2204.01(a).~~

Adopt new Env-Wq 2202.03 and renumber subsequent sections, so that Env-Wq 2202.03 reads as follows:

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).

Readopt with amendment Env-Wq 2202.05 and Env-Wq 2202.06, eff. 10-18-14 (doc. #10697), and renumber as Env-Wq 2202.06 and Env-Wq 2202.07, to read as follows:

Env-Wq 2202.05~~06~~ “Individual certificate” means a certification ~~earned by an individual based on course work as described in this chapter.~~ ***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.***

Env-Wq 2202.06~~07~~ “Master certificate” means a certification issued to the owner or chief supervisor of a business that employs ~~or contracts with multiple~~ ***one or more*** commercial applicators, ~~as described in RSA 489-C:2 provided the owner or chief supervisor, as applicable, meets the requirements for initial or renewal certification, as applicable.~~

Adopt new Env-Wq 2202.11 and renumber the subsequent section accordingly, so that Env-Wq 2202.11 reads as follows:

- 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.***

Adopt Env-Wq 2202.13 to read as follows:

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

Readopt with amendment Env-Wq 2203.02, eff. 10-18-14 (doc. #10697), to read as follows:

Env-Wq 2203.02 Application for Certification. Any person ~~wishing~~ ***seeking to be certified*** ~~obtain a master certificate, an individual certificate, or a subordinate certificate~~ shall submit to the department the following:

(a) A completed application form that contains the information specified in Env-Wq 2203.03 and is signed as specified in Env-Wq 2203.04; ~~and~~

(b) Documentation showing that the applicant, if an individual, or the applicant’s owner or chief supervisor, if the applicant is a business, has:

(1) Successfully completed an approved training program for initial certification, ~~as specified in Env-Wq 2206.02(a)~~, within the previous 2 years; or

(2) Successfully completed:

a. An approved training program for initial certification, ~~as specified in Env-Wq 2206.02(a)~~, within the previous 5 years; and ~~successfully completed~~

b. An approved training program for renewal, ~~as specified in Env-Wq 2206.02(b)~~, within the previous 2 years; ***and***

(c) ***The applicable certification fee specified in Env-Wq 2203.08.***

Amend Env-Wq 2203.03(e) and (h), eff. 10-18-14 (doc. #10697), cited and to read as follows:

Env-Wq 2203.03 Information Required for Certification. ...

(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 contracts with is an independent contractor of the business identified pursuant to (b), above, and whether the applicant is seeking a master certificate or an individual a subordinate certificate;***

...

(h) Each type of deicing or anti-icing materials that ~~are~~ ***is used*** or ~~will~~ ***is expected to*** be used.

Readopt with amendment Env-Wq 2203.04 through Env-Wq 2203.06, eff. 10-18-14 (doc. #10697), to read as follows:

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 master certification or a 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 ~~making unsworn false statements, as~~ ***falsification in official matters*** established in RSA 641:3 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.

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.***

(~~ac~~) 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 ~~part~~***chapter*** for becoming a certified salt applicator.

(~~bd~~) 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.***

(*ef*) 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 ~~receive training in the areas specified in Env-Wq 2203.01(a):~~

- 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.***

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

Env-Wq 2203.06 Certification Renewal; Frequency of Training.

(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 ~~successfully completed:~~

a. ***Successfully completed an approved training program for i***initial certification within the previous 2 years; or

b. ***Successfully completed:***

1. An approved training program for iinitial certification within the previous 5 years; and ~~not less than 2 hours of instruction within the previous 2 years under~~

2. Aan approved training program for certification renewal ~~as specified in Env-Wq 2206.02(b)~~ ***within the previous 2 years; and***

(3) ***The applicable certification fee specified in Env-Wq 2203.08; and***

(~~34~~) 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) ***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.***
- (c) ***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.***
- (d) ***Within 10 working days of receiving an application for renewal certification, the department shall determine whether the applicant has submitted everything required by (a)-(c), above, as applicable.***
- (e) ***If the applicant has not submitted everything required by (a)-(c), 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.***
- (~~bf~~) Within 10 working days of receiving a complete application for renewal as specified in (a)-(c), 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.
- (~~eg~~) 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 ~~as specified in Env-Wq 2203.05(b)~~ ***that identifies the individual as a certified salt applicator under RSA 489-C.***
- (h) ***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.***
- (~~ei~~) 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 ~~as specified in Env-Wq 2203.05(e)~~ ***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.***

(~~e-j~~) A certificate issued under (~~eg~~), (~~h~~), or (~~di~~), 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.

Adopt Env-Wq 2203.07 and Env-Wq 2203.08 to read as follows:

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(b)-(g), above, except that the determination required by (d)(1) shall be that the applicant held a valid certificate as a salt applicator through June 30 of the current year.*

Env-Wq 2203.08 Certification Fees.

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

Table 2203-1: Fees for Initial and Renewal Certification

<i>Certificate Level</i>	<i>Fee</i>
<i>Master</i>	<i>\$250</i>
<i>Individual</i>	<i>\$150</i>
<i>Subordinate</i>	<i>\$25</i>

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

Readopt with amendment Env-Wq 2204, eff. 10-18-14 (doc. #10697), to read as follows:

PART Env-Wq 2204 ANNUAL REPORTING REQUIRED

Env-Wq 2204.01 Annual Reporting for Individual Certificate Holders.

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

~~(b) The information required to be reported by (a), above, shall describe salt usage during the preceding winter as follows:~~

- (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 ~~number of acres~~ ***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. ~~(a) Certified~~ ***Each commercial*** applicators holding a master certificate shall report the ***following*** information ~~specified in (b), below,~~ ***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-:

~~(b) The information required to be reported by (a), above, shall be as follows:~~

~~(1a)~~ The name of each commercial ***salt*** applicator applying salt under the ~~supervision of the master certificate holder,~~ ***including certified individuals, certified subordinates, and uncertified subordinates***;

~~(2b)~~ The total amount of salt used, in tons of solid salt and gallons of salt brine;

~~(3c)~~ The name of each town in which salt was applied and, for each, the ~~number of acres~~ ***total area*** of paved surface maintained, ***in square feet***; and

~~(4d)~~ The type and amount of each salt alternative used.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-Wq 2202.02, 2202.03 [new], 2202.05-.06 [to be renumbered as 2202.06-.07], 2202.11 [new], 2202.13 [new]	RSA 489-C:2
Env-Wq 2203.02, 2203.03(e) & (h), 2203.04-.06, 2203.07-.08 [new]	RSA 489-C:2
Env-Wq 2204	RSA 489-C:2