



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 28, 2020

The Honorable Martha Fuller Clark
Chair, Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 713 – AN ACT relative to the municipal winter maintenance certification program.

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to comment on SB 713. This bill proposes to allow municipalities to have their municipal winter maintenance programs certified by the Department of Environmental Services (NHDES).

This bill was introduced at the request of NHDES. For many years, NHDES has been certifying commercial salt applicators under our Green SnowPro program. This voluntary program teaches winter maintenance professionals how to reduce their salt use while protecting public safety. Salt contamination in rivers and ponds around the state (not to mention impacts to drinking water and highway infrastructure) is a well-documented problem.

We have heard from communities that they have interest in salt applicator certification for a variety of reasons, including:

1. Cost savings – getting training and keeping equipment calibrated saves towns money in the long run with reduced salt usage.
2. Liability protection – the bill ensures that municipalities are not held liable for reducing their salt usage.
3. Public pressure, environmental improvement – there are many communities getting pressure from lake associations and others about their salt use.
4. Regulatory – the new federal MS4 permit requires town personnel to get training in those towns with chloride impairments.
5. Pride and accomplishment, *esprit de corps* – public works managers tell us that this training builds staff satisfaction and motivation.

NHDES has been informed by our legal counsel that the current statutory authorization only applies to commercial applicators and not to municipal winter snow and ice control activities. This legislation would lend NHDES the ability to certify municipal programs and recognize the individuals who get trained. The general idea is to certify a community based on certain

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requirements (such as staff training, calibrations and other policies, deicing practices, and salt accounting), that are similar to those in the commercial applicator certification program.

The primary difference from the commercial certification in this new bill is that the certification will apply to municipal programs, rather than to individual people. NHDES does not have the staff to track and certify all the individuals in municipalities unless we were to charge fees similar to those in the commercial application certification, and this seems unnecessarily burdensome. This proposed legislation foresees a different approach that recognizes the individuals but applies the certification to the overall winter program.

We shared the draft legislation with the Seacoast and Manchester/Nashua Stormwater Coalitions and other interested parties this past summer. The response to this approach has been generally favorable, and NHDES is open to working with the committee if additional improvements are identified.

Thank you again for the opportunity to comment on SB 713. Should you have questions, or need additional information, please feel free to contact Ted Diers, Watershed Management Bureau Administrator, NHDES Water Division, at 603-271-3289 or ted.diers@des.nh.gov, or Chris Avery, Salt Program Coordinator, at 603-271-5329 or christopher.avery@des.nh.gov.

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of SB 713: Senators Morse, Fuller Clark, Watters, and Bradley