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CHAPTER Env-Wq 2200 VOLUNTARY CERTIFIED SALT APPLICATOR PROGRAM

Statutory Authority: RSA 489-C:3

PART Env-Wq 2201 PURPOSE AND APPLICABILITY

Env-Wq 2201.01 Purpose. The purpose of these rules is to implement the voluntary salt applicator certification program established in RSA 489-C in order to:

(a) Improve efficiency in salt use, such that the least amount of salt is used to ensure safe conditions on surfaces traveled by pedestrians and vehicles in winter conditions;

(b) Reduce the amount of salt used by commercial applicators, as measured in tons of salt per acre per year, over time while maintaining safe conditions for pedestrians and vehicles in winter conditions; and

(c) Establish a voluntary system for commercial salt applicators to track their salt use and provide information annually to the salt accounting system.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14

New. #10697, eff 10-18-14

Env-Wq 2201.02 Applicability. These rules shall apply to any commercial applicator, as defined in RSA 489-C:1, II, who elects to obtain the certification authorized by RSA 489-C:2.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14

New. #10697, eff 10-18-14

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.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14

New. #10697, eff 10-18-14

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).

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14

New. #10697, eff 10-18-14; ss by #12530, eff 6-1-18

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).

Source. #12530, eff 6-1-18

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

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14

New. #10697, eff 10-18-14; renumbered by #12530 (formerly Env-Wq 2202.03)

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

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14

New. #10697, eff 10-18-14; renumbered by #12530 (formerly Env-Wq 2202.04)

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

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(b) Does not employ or otherwise supervise other commercial applicators.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14 (from Env-Wq 2202.06); ss by #12530, eff 6-1-18 (formerly Env-Wq 2202.05)

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.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14 (from Env-Wq 2202.07); ss by #12530, eff 6-1-18 (formerly Env-Wq 2202.06)

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

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14 (from Env-Wq 2202.08); renumbered by #12530 (formerly Env-Wq 2202.07)

Env-Wq 2202.09 “Salt accounting system” means the online database operated by the UNH T<sup>2</sup> Center for the purposes of tracking annual salt use and the locations of salt application by commercial applicators.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14 (from Env-Wq 2202.09); renumbered by #12530 (formerly Env-Wq 2202.08)

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

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14 (from Env-Wq 2202.10); renumbered by #12530 (formerly Env-Wq 2202.09)

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.

Source. #12530, eff 6-1-18

Env-Wq 2202.12 “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.

Source. #10697, eff 10-18-14; renumbered by #12530 (formerly Env-Wq 2202.10)

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

Source. #12530, eff 6-1-18

PART Env-Wq 2203 CERTIFICATION OF COMMERCIAL APPLICATORS

Env-Wq 2203.01 Qualifications for Certification.

(a) To qualify for certification under RSA 489-C:2 and this chapter, an individual shall be knowledgeable in the following areas:

- (1) The chemical properties of salt with respect to its ability to melt snow under ambient conditions, including but not limited to pavement temperature, air temperature, and dew point;

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- (2) Calibration of salt spreading equipment;
- (3) Calculation of salt application rates;
- (4) Effective use of salt brine for anti-icing;
- (5) Effective use of salt brine and other liquids for pre-wetting salt;
- (6) Effective plowing techniques; and
- (7) New technologies for de-icing and anti-icing.

(b) Individuals shall demonstrate knowledge in the areas specified in (a), above, by successfully completing an approved training program.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14 (from Env-Wq 2204.01)

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).

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14 (from Env-Wq 2204.02); ss by #12530, eff 6-1-18

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;

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(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; and

(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.

Source. #10697, eff 10-18-14 (from Env-Wq 2204.03); amd by #12530, eff 6-1-18

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.

Source. #10697, eff 10-18-14 (from Env-Wq 2204.04); ss by #12530, eff 6-1-18

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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.

Source. #10697, eff 10-18-14 (from Env-Wq 2204.05); ss by #12530, eff 6-1-18

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:

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- (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

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(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.

Source. #10697, eff 10-18-14 (from Env-Wq 2204.06); ss by #12530, eff 6-1-18

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:

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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.

Source. #12530, eff 6-1-18

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

<b>Certificate Type</b>	<b>Fee</b>
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.”

Source. #12530, eff 6-1-18

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.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14; ss by #12530, eff 6-1-18

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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.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14; ss by #12530, eff 6-1-18

### PART Env-Wq 2205 REVOCATION OF CERTIFICATION

Env-Wq 2205.01 Revocation of Certificate. If after issuing an initial or renewal certificate the department receives reliable information suggesting that just cause, as specified in Env-Wq 2205.02, exists to revoke the certification, the department shall proceed in accordance with RSA 541-A:30 and the provisions of Env-C 200 that apply to adjudicative proceedings.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14 (from Env-Wq 2206.01)

Env-Wq 2205.02 Acts Justifying Revocation. Just cause to revoke a certificate shall include the following:

- (a) Submitting false or misleading information regarding any application for initial or renewal certification;
- (b) Failing to submit annual reports as required by Env-Wq 2204.02;
- (c) Obtaining certification through fraud, deceit, or intentional falsification; or
- (d) Failing to use reasonable care, judgment, and application of his/her knowledge in performance of his/her duties.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14 (from Env-Wq 2206.02)

### PART Env-Wq 2206 TRAINING PROGRAM APPROVAL

Env-Wq 2206.01 Application for Training Program Approval. An organization seeking approval of a training program shall apply by submitting the following in writing to the department:

- (a) A description of the organization, including:
  - (1) The organization's name, mailing address, and daytime telephone number; and
  - (2) If the organization is required by RSA 292, RSA 293, RSA 293-A, or other applicable provision of New Hampshire law to register with the New Hampshire secretary of state, proof of being registered and in good standing to do business in New Hampshire.
- (b) The name, mailing address, daytime telephone number, and email address of an individual at the organization who can be contacted regarding application;

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- (c) A list of courses to be offered; and
- (d) A complete description of each course for which the organization is seeking approval, including:
  - (1) The name of the course;
  - (2) Whether the course will be offered for initial certification or renewal certification;
  - (3) The name and qualifications of each individual who will present the course;
  - (4) The length of time attendees of the course will be under direct supervision of the instructor;
  - (5) A syllabus for the course and the written materials to be used in the course;
  - (6) The type of test to be offered at the end of the course to evaluate whether attendees have obtained the knowledge required by Env-Wq 2203.01(a); and
  - (7) The format the organization will use to provide the documentation applicants must submit under Env-Wq 2203.02(b) or Env-Wq 2203.06(a)(2), as applicable.

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14

Env-Wq 2206.02 Department Approval of Training Programs.

(a) The department shall approve a training program for initial certification if the information submitted pursuant to Env-Wq 2206.01 demonstrates that the training program provides at least 4 hours of instruction and will impart the information necessary for attendees to become knowledgeable in the areas identified in Env-Wq 2203.01(a).

(b) The department shall approve a training program for certification renewal if the information submitted pursuant to Env-Wq 2206.01 demonstrates that the training program provides at least 2 hours of instruction and will impart the information necessary for attendees to become more knowledgeable in one or more of the areas identified in Env-Wq 2203.01(a).

Source. #10447, INTERIM, eff 11-1-13, EXPIRED: 4-30-14  
New. #10697, eff 10-18-14

**APPENDIX A: STATUTES IMPLEMENTED**

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>
Env-Wq 2200 (also see additional statute for specific part, below)	RSA 489-C:2
Env-Wq 2205	RSA 541-A:30, II
Env-Wq 2206	RSA 541-A:30, II

**APPENDIX B: RSA 489-C**

**RSA 489-C Salt Applicator Certification Option**

**RSA 489-C:1 Definitions.** In this chapter:

- I. “Apply salt” means to apply salt or a salt alternative to roadways, parking lots, or sidewalks for the purpose of winter maintenance.
- II. “Commercial applicator” means any individual who applies or supervises others who apply salt, but shall not include municipal or state employees.
- III. “Commissioner” means the commissioner of the department of environmental services.
- IV. “Department” means the department of environmental services.
- V. “Salt” means sodium chloride, calcium chloride, magnesium chloride, or any other substance containing chloride.
- VI. “Salt alternative” means any substance not containing chloride used for the purpose of de-icing or anti-icing.

**RSA 489-C:2 Certification Option.** Commercial applicators may elect to be annually certified by the department. Applicator certificates shall be issued by the department. Any business that employs multiple commercial applicators may obtain a master certificate for the owner or chief supervisor, and commercial applicators employed by the business may obtain certificates to qualify under the master certificate. Any business holding a master certificate shall ensure that all commercial applicators operating under its master certificate receive the required training and shall provide the required recordkeeping on behalf of all commercial applicators. Annual fees for certificates obtained under a master certificate shall be significantly less than the fees for a master certificate.

**RSA 489-C:3 Rulemaking Authority.** The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

- I. Policies and goals for applying salt.
- II. Receiving and allocating federal grants and other funds or gifts for the purpose of carrying out any of the provisions of this chapter.
- III. The types and frequency of training programs required for certification.
- IV. Procedures for commercial applicators to obtain certification.
- V. Recordkeeping required for commercial applicators to maintain certification.
- VI. Establishing and collecting fees to cover the cost of program implementation.

**RSA 489-C:4 Application for Certification.** Applications for certification shall be on a form prescribed by the department and shall include the following:

- I. The full name and address of the person applying for the certification.
- 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.
- III. The type of apparatus used to apply salt or salt alternative whether liquid or dry.
- IV. Any other information deemed necessary by the department.

**RSA 489-C:5 Administration and Enforcement.**

- I. The commissioner shall administer and enforce the provisions of this chapter.
- II. The department may issue an order to any person who is in violation of any provision of this chapter, an applicator certificate issued under this chapter, or a rule adopted under this chapter, to cease and desist from any act in violation of such provision, certification, or rule. Orders of the department under this section shall be effective immediately.
- III. The commissioner, after notice and hearing pursuant to RSA 541-A, may revoke the certification of any person who violates this chapter. Rehearings and appeals relating to revocation shall be governed by RSA 541.
- IV. There is hereby established a salt application fund. This nonlapsing fund shall be continually appropriated to the department and used to administer the salt applicator certification program under this chapter. Certification fees collected by the department shall be deposited with the state treasurer to the credit of such fund and may be invested as provided by law. Interest received on such investment shall also be

credited to the fund. No funds from the general fund shall be used to cover the cost of the salt applicator certification program.

**APPENDIX C: OTHER RELEVANT STATUTES**

**RSA 508:22 New Section; Liability Limited for Winter Maintenance.**

I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2, or owner, occupant, or lessee of land whose premises is maintained by a commercial applicator certified under RSA 489-C:2, shall be liable for damages arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even with actual notice thereof, when such hazards are caused solely by snow or ice, and the commercial applicator's, owner's, occupant's, or lessee's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of best management practices for winter road, parking lot, and sidewalk maintenance adopted and published by the department of transportation and the department of environmental services. All commercial applicators, owners, occupants, or lessees who adopt such best management practices shall be presumed to be acting pursuant to the best management practices in the absence of proof to the contrary.

II. In order to receive the liability protection provided in paragraph I, a commercial applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written record describing its winter road, parking lot and property maintenance practices. The written record shall include the type and rate of application of de-icing materials used, the dates of treatment, and the weather conditions for each event requiring de-icing. Such records shall be kept for a period of 3 years.