



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

May 7, 2021

The Honorable Thomas Walsh
Chairman, House Transportation Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: SB 131 FN – Part III – AN ACT adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads program.

Dear Chairman Walsh and Members of the Committee:

Thank you for the opportunity to comment on SB 131. Part III of this bill proposes to allow municipalities to have their municipal winter maintenance programs certified by the Department of Environmental Services (NHDES), and includes a number of minor changes based on program experience over the past five years.

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 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. Public pressure, environmental improvement – there are many communities getting pressure from lake associations and others about their salt use.
3. Regulatory – the new federal Municipal Separate Storm Sewer System (MS4) permit requires town personnel to get training in those towns with chloride impairments.
4. 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

The Honorable Representative Walsh
Chairman, House Transportation Committee
May 7, 2021
Page 2

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 doing so seems unnecessarily complicated. This proposed legislation foresees a different approach that recognizes the individuals but applies the certification to the overall winter program.

The draft legislation also includes a number of minor clarifications to the Voluntary Commercial Salt Application Certification. There are two types of clarifications. The first is a set of added text to make the distinction between types of certifications (master, individual and subordinate) more clear. The second is to address confusion in the limited liability relief section of the statute (RSA 508:22). These changes will add to the strength of that provision.

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

Thank you again for the opportunity to comment on SB 131. 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott
Commissioner

ec: Sponsor of SB 131 – Senators Morse and Watters