

Text added to existing rules in ***bold italics***
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Readopt with amendment Env-Wq 2201, effective 10-18-14 (Document #10697), cited and to read as follows:

CHAPTER Env-Wq 2200 VOLUNTARY CERTIFIED SALT APPLICATOR PROGRAM

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 department* ~~to the salt accounting system;~~ *and*
- (d) *Establish a voluntary program for governmental units to obtain certification for their municipal winter maintenance programs.*

Env-Wq 2201.02 Applicability. These rules shall apply to any commercial applicator, as defined in RSA 489-C:1, II, *or municipal winter maintenance program as defined in RSA 489-C:1, IV-a, that who* elects to obtain the certification authorized by RSA 489-C:2.

Readopt Env-Wq 2202.01, effective 10-18-14 (Document #10697), cited and to read 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.

Readopt Env-Wq 2202.02 and Env-Wq 2202.03, effective 6-1-18 (Document #12530), 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 2206.02(a).

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 Env-Wq 2202.04 and Env-Wq 2202.05, effective 10-18-14 (Document #10697), to read as follows:

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.

Adopt Env-Wq 2202.06 and Env-Wq 2202.07 to read as follows:

Env-Wq 2202.06 "Employee or official of a governmental unit" means "employee or official of a governmental unit" as defined in RSA 507-B:1, I-a, reprinted in Appendix B.

Env-Wq 2202.07 "Governmental unit" means "governmental unit" as defined in RSA 507-B:1, I, reprinted in Appendix B.

Readopt and renumber Env-Wq 2202.06 and Env-Wq 2202.07, effective 6-1-18 (Document #12530), as Env-Wq 2202.08 and Env-Wq 2202.09 to read as follows:

Env-Wq 2202.06~~8~~ "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.

Env-Wq 2202.07~~9~~ "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.

Adopt Env-Wq 2202.10 to read as follows:

Env-Wq 2202.10 "Municipal winter maintenance certification program" (municipal program) means "municipal winter maintenance certification program" as defined in RSA 489-C:1, IV-a, namely a program implemented by a governmental unit as defined in RSA 507-B:1, I, to maintain public roads, parking areas, and walkways in the winter months to be safe for public passage.

Readopt and renumber Env-Wq 2202.08, effective 10-18-14 (Document #10697), as Env-Wq 2202.11 to read as follows:

Env-Wq 2202.08~~11~~ "Salt" means "salt" as defined in RSA 489-C:1, V, as reprinted in Appendix B.

Repeal Env-Wq 2202.09, effective 10-18-14 (Document #10697), as follows:

~~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.~~

Readopt and renumber Env-Wq 2202.10, effective 10-18-14 (Document #10697), as Env-Wq 2202.12 to read as follows:

Env-Wq 2202.10~~12~~ "Salt alternative" means "salt alternative" as defined in RSA 489-C:1, VI, as reprinted in Appendix B.

Adopt Env-Wq 2202.13 to read as follows:

Env-Wq 2202.13 "Snow Boss" means the employee or official of a governmental unit designated by a municipality that is responsible for implementing and overseeing the municipal winter maintenance certification program.

Readopt and renumber Env-Wq 2202.11, effective 6-1-18 (Document #12530), as Env-Wq 2202.14 to read as follows:

Env-Wq 2202.11~~14~~ "Subordinate certificate" means a certification issued to an individual who:

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- (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.

Readopt and renumber Env-Wq 2202.12, effective 10-18-14 (Document #10697), as Env-Wq 2202.15 to read as follows:

Env-Wq 2202.~~12~~**15** “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.

Readopt and renumber Env-Wq 2202.13, effective 6-1-18 (Document #12530), as Env-Wq 2202.16 to read as follows:

Env-Wq 2202.~~13~~**16** “Uncertified subordinate” means an individual commercial salt applicator who has completed the required training but who has not received certification.

Readopt Env-Wq 2203.01, effective 10-18-14 (Document #10697), cited and to read as follows:

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;
- (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.

Readopt with amendment Env-Wq 2203.02, effective 6-1-18 (Document #12530), to read as follows:

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:

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Initial Proposal

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- (1) A completed application form ~~that contains the information~~ ***as*** 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~~ **6** 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~~**07**(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~~**07**(b).

Readopt with amendment Env-Wq 2203.03, effective 10-18-14 (Document #10697), as amended effective 6-1-18 (Document #12530), to read as follows:

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:~~ ***complete and submit to the department the "Salt Applicator Certification Application for Initial Renewal or Certification" form, NHDES-W-07-051, December 2023, available at: <https://onlineforms.nh.gov/?formtag=NHDES-W-07-051>.***

~~(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; 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.~~

Readopt with amendment Env-Wq 2203.04 through Env-Wq 2203.06, effective 10-18-14 (Document #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 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.~~

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

(a) Within ~~10~~ **15** 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~~ **15** 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 **or current** 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.

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~~ ***provide*** 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~~ ***Complete and submit to the department the "Salt Applicator Certification Application for Initial Renewal or Certification" form, NHDES-W-07-051, December 2023, available at: <https://onlineforms.nh.gov/?formtag=NHDES-W-07-051> 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~~ **6** years; and

2. An approved training program for certification renewal within the previous 2 years;

c. If the applicant is due for required training for certification renewal, then the applicant may submit all other required materials for certification renewal but will not receive an issued certificate until confirmation of successful completion of the required training is received; and

(3) The applicable application fee specified in Env-Wq 2203.0807(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 2203.0807(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~~ **15** 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~~ **15** 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

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(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~~ *the date issued* through June 30 of the *current or* 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.

Repeal Env-Wq 2203.07, effective 6-1-18 (Document #12530), 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.~~

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~~(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.~~

Readopt with amendment and renumber Env-Wq 2203.08, effective 6-1-18 (Document #12530), as Env-Wq 2203.07 to read as follows:

Env-Wq 2203.087 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
<i>Municipal Program</i>	<i>\$450</i>

(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.”

Readopt with amendment Env-Wq 2204, effective 6-1-18 (Document #12530), to read as follows:

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 ***annually*** the following information about salt usage during the preceding winter to the ~~salt accounting system department~~ ***department*** ~~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 ***or total lane miles***; 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 ***annually to the department*** 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;

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- (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.

Readopt with amendment Env-Wq 2205, effective 10-18-14 (Document #10697), to read as follows:

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.

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 2204.01 and*** 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.

Readopt with amendment Env-Wq 2206, effective 10-18-14 (Document #10697), to read as follows:

PART Env-Wq 2206 TRAINING PROGRAM APPROVAL

Env-Wq 2206.01 Application for Training Program Approval. An organization ***or governmental unit*** 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 ***not a governmental unit, and 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 ***or governmental unit*** who can be contacted regarding application;
- (c) A list of courses to be offered; and
- (d) A complete description of each course for which the organization ***or governmental unit*** 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.

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).

Adopt Env-Wq 2207 to read as follows:

PART Env-Wq 2207 REQUIREMENTS FOR CERTIFIED MUNICIPAL WINTER MAINTENANCE PROGRAMS

Env-Wq 2207.01 Qualifications for Municipal Winter Maintenance Certification.

(a) To qualify for certification, employees of a municipal program shall be knowledgeable in areas specified in Env-Wq 2203.01(a) and (b).

(b) Each governmental unit holding a municipal winter maintenance certification shall designate a Snow Boss who is responsible for:

- (1) Overseeing and ensuring compliance with the certification; and
- (2) Remaining current on the training required in (c) below.

(c) All employees of a municipal program shall complete the following training by December 1st if hired between April 1st and October 17th or within 45 working days of their hire date if hired between October 17th and April 1st and remain current on the required training by:

- (1) Successfully completing an approved training program of at least 4 hours of instruction and achieving a passing grade on the examination offered within the previous 2 years; or

(2) Successfully completing an approved training program within the previous 6 years and achieving a passing grade on the examination offered and an approved training program providing at least 2 hours of instruction within the previous 2 years.

(d) All employees of a municipal program may perform duties before completing the required training in 2207.01(c), as long as they are under supervision of the designated Snow Boss.

(e) Any commercial applicators subcontracted by the municipal program shall hold a valid voluntary commercial salt applicator certificate pursuant to Env-Wq 2203.05(f).

Env-Wq 2207.02 Application for Municipal Winter Maintenance Certification.

(a) An employee or official of a governmental unit seeking to obtain municipal winter maintenance certification on behalf of a governmental unit shall complete and submit the following to the department:

(1) The "Municipal Winter Maintenance Certification Application for Initial or Renewal Certification" form NHDES-W-07-094, December 2023, available at: <https://onlineforms.nh.gov/?formtag=NHDES-W-07-094>, signed as specified in Env-Wq 2207.03; and

(2) The applicable application fee specified in Env-Wq 2203.07; and

(3) The salt reduction plan as required in Env-Wq 2207.06(a)(2).

Env-Wq 2207.03 Signature Required. The signature provided by the employee or official of a governmental unit shall constitute certification that:

(a) The information provided on or with the application form, as applicable, is true and complete to the best of the applicant's knowledge; and

(b) The certification is subject to renewal annually and is contingent upon both successful completion of continuing education requirements and submittal of annual reports.

Env-Wq 2207.04 Review of Application; Issuance of Certificates.

(a) Within 15 working days of receiving an application for initial certification, the department shall determine whether the applicant has submitted all of the information required by Env-Wq 2207.02.

(b) If the applicant has not submitted a complete application, then within 15 working days, department shall:

(1) Inform the applicant in writing of the information required to complete the application; and

(2) Defer further review of the application until the information required to complete the application is received.

(c) Within 15 working days of receiving a complete application as specified in Env-Wq 2207.02, the department shall determine whether the submitted information demonstrates that the applicant meets the requirements specified for a certified municipal winter maintenance program.

(d) If the department determines that the applicant meets the requirements, the department shall issue a certificate that identifies the governmental unit as a certified municipal winter maintenance program.

(e) A certificate issued under (d), above, shall be valid from the date of issuance through June 30, unless revoked pursuant to Env-Wq 2207.11.

Env-Wq 2207.05 Municipal Winter Maintenance Certification Renewal.

(a) To apply for renewal of a municipal winter maintenance certificate, the governmental unit shall submit the following to the department:

(1) An "Municipal Winter Maintenance Certification Application for Initial or Renewal Certification" form NHDES-W-07-094, December 2023, available at: <https://onlineforms.nh.gov/?formtag=NHDES-W-07-094>, signed as specified in Env-Wq 2207.03;

(2) Documentation that the designated Snow Boss has:

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

b. Successfully completed:

i. An approved training program for initial certification within the previous 6 years; and

ii. An approved training program for certification renewal within the previous 2 years.

(3) The applicable application fee specified in Env-Wq 2203.07(a); and

(4) The annual report required by Env-Wq 2207.10.

(b) Within 15 working days of receiving an application for renewal certification, the department shall determine whether the applicant has submitted all of the information required (a), above, as applicable.

(c) If the applicant has not submitted all of the information required by (a), 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.

(d) Within 15 working days of receiving a complete application for renewal as specified in (a), above, the department shall determine whether the information submitted demonstrates that the applicant:

(1) Currently holds a valid certificate as a municipal winter maintenance program; and

(2) Has filed all required reports.

(e) If the department determines that the applicant meets the requirements for certification renewal the department shall issue a certificate that identifies the governmental unit as a certified municipal winter maintenance program.

Env-Wq 2207.06 Recordkeeping Requirements for Standard Certification.

- (a) Any municipality that is holding a municipal winter maintenance certification shall maintain the following records signed by the designated Snow Boss:
- (1) Training records for each individual municipal employee operating under the municipal winter maintenance certification.
 - (2) A salt reduction plan that includes the following:
 - a. A description of the salt reduction practices currently being utilized;
 - b. A description of the methods the winter maintenance program utilizes to track its salt use;
 - c. A description of the snow storage management practices; and
 - d. A five-year goal on how the governmental unit plans to implement practices and equipment that reduce salt application over the next five years.
 - (3) Information about annual salt usage as specified in Env-Wq 2207.10, during the preceding winter.
 - (4) Documentation that all deicing products, including but not limited to salt, sand, or alternative products, and anti-icing materials are properly stored as follows:
 - a. Storage piles of deicing product shall be located on impervious surfaces and under cover or in enclosed areas;
 - b. Storage piles of deicing products shall be stored in areas that will not impact any surface water resources, groundwater resources, recharge areas, or wells;
 - c. Storage areas of deicing products shall have adequate drainage controls to prevent runoff from entering the stormwater system;
 - d. Liquid deicing chemicals shall have secondary storage containment; and
 - e. Documentation of a. – d., above shall include photographs of all storage areas.
 - (5) Documentation of all equipment calibration shall include the following:
 - a. Date of calibration(s);

- b. Name and title of individual performing the calibration; and
- c. The discharge rate both before and after calibration.

Env-Wq 2207.07 Recordkeeping and Additional Requirements for Advanced Certification.

(a) A governmental unit with an advanced certification shall maintain all records as required by Env-Wq 2207.06;

(b) A governmental unit with an advanced certification shall complete and maintain an annual self-audit report that includes the following:

- (1) Frequency of all equipment calibration;
- (2) Description of the solid and liquid material storage utilized;
- (3) Description of how material usage is tracked;
- (4) List of the Best Management Practices (BMPs) implemented and the effectiveness of each practice;
- (5) Any impediments or areas to address for further improvement;
- (6) Lessons learned relative to BMPs and winter operations; and
- (7) Documentation of efficiencies realized in operations, costs, safety, time, and other factors as identified by the program as a direct result of BMP implementation; and

(c) A governmental unit with an advanced certification shall implement and maintain records for two or more of the following best management practices:

- (1) Pre-wetting completed at the salt pile or with a truck-mounted system shall include a description of the location of pre-wetting;
- (2) Roadway anti-icing or pre-treatment documentation to include:
 - a. If making the salt brine, then documentation of the:
 - i. Date the salt brine was made;
 - ii. Name and title of individual who mixed the salt brine solution; and
 - iii. Final concentration of salt brine, which shall be produced as a 23.3% solution.
 - iv. Date the salt brine was applied; and
 - v. The pavement temperature and weather conditions when applied.

- b. If purchasing premade salt brine, then documentation of the:
 - i. Name and mailing address of the company where the brine was purchased.
 - ii. Date the salt brine was applied; and
 - iii. The pavement temperature and weather conditions when applied.
- (3) Documentation of the use of active edge plows (AEPs) shall include:
 - a. The number of fleet vehicles outfitted with AEPs; and
 - b. Photo documentation of each vehicle outfitted with an AEP.
- (4) Documentation of the use of Automatic Vehicle Location (AVL) shall include:
 - a. Route maps;
 - b. Photo documentation of the hardware installed in the vehicles; and
 - c. The number of fleet vehicles outfitted with AVL.
- (5) Documentation of the use of electronic spreaders which lock in specific application rates shall include:
 - a. Photo documentation of spreaders installed on vehicles; and
 - b. The number of fleet vehicles outfitted with advanced spreaders.
- (6) The use of surface temperature measurements shall include documentation of every time salt, salt brine, or any anti-icing or de-icing material is applied.
- (7) Documentation of the increased frequency of equipment calibration shall include the:
 - a. Calibration of all spreaders which shall be calibrated at the beginning of each season, monthly during the season as part of regular equipment maintenance, and after any servicing of the equipment;
 - b. Date of calibration(s);
 - c. Name and title of the individual performing calibration(s); and
 - d. The discharge rate before and after calibration(s) for all spreaders.
- (8) Advanced documentation of application rates shall include the:
 - a. Application rates recorded each time vehicles are deployed;
 - b. Date of vehicle deployment for snow and ice maintenance;
 - c. Total amount per lane mile for each spreader; and

- d. Application rates at pound per lane mile for roadways and pound per square foot for parking lots and walkways for each route.

(d) In addition to implementing and maintaining records for two of the BMPs in (c)(1)-(8) above, a governmental unit with an advanced certification shall implement and maintain records for two or more of the following best management practices:

- (1) Advanced documentation of weather and storm conditions, which shall include the:
 - a. Beginning and end date and time of each operation deployment;
 - b. Type of precipitation;
 - c. Total precipitation accumulation;
 - d. Road or pavement temperature at time of deployment;
 - e. Forecasted post-storm temperatures;
 - f. Source(s) used for storm information and forecast; and
 - g. Any additional notes that are deemed important for weather and storm conditions.
- (2) Documentation of winter road maintenance plans shall include:
 - a. Route planning;
 - b. Map or layout of the regular routes that drivers follow in order to maximize efficiency; and
 - c. A written description or list of the areas and roads that require a higher level of service.
- (3) Documentation of pre-season hazard assessment shall include a:
 - a. Map or layout of possible roadway and parking lot hazards that may affect winter road and lot maintenance; and
 - b. Written description for how these hazards will be addressed.
- (4) Documentation of pre-season and post-season meetings shall include the date, time, and agenda of each meeting.
- (5) Designation of low salt and/or no salt zone(s) documentation shall include a list of the designated low salt streets or zones.
- (6) Level of service summary documentation shall include:
 - a. A description of the expected level of snow and ice maintenance for each type of roadway, lot, and walkway maintained by the governmental unit; and

- b. Plowing frequency and expected de-icing and anti-icing materials to be used for each type of roadway.

(7) Additional training for the governmental unit's designated Snow Boss, to include the completion of 2 hours of department approved training annually, beyond the required training specified in Env-Wq 2207.01(c).

Env-Wq 2207.08 Approval of Alternative Best Management Practices.

(a) A governmental unit requesting alternative best management practices to those established in Env-Wq 2207.07(c) and (d) by submitting the following in writing to the department:

(1) A description of the alternative practice that will be implemented for salt reduction purposes;
and

(2) A description of how the alternative practice will aid in salt reduction.

(b) Within 15 working days of the request, the department shall review the request and either:

(1) Notify the governmental unit in writing that the request is approved and any conditions for the approval; or

(2) Deny the request and specify in writing the reasons(s) for the denial.

Env-Wq 2207.09 Recordkeeping and Additional Requirements for Expert Certification.

(a) A governmental unit with an expert certification shall:

(1) Maintain all the records required by Env-Wq 2207.06;

(2) Complete an annual self-audit report as specified in Env-Wq 2207.07(b);

(3) Implement and document four or more of the best management practices as specified under Env-Wq 2207.07(c)(1)-(8); and

(4) Implement and document four or more of the best management practices as specified under Env-Wq 2207.07(d)(1)-(7).

Env-Wq 2207.10 Annual Reporting Requirements for Municipal Winter Maintenance Certification.

(a) Each governmental unit holding a standard, advanced, or expert municipal winter maintenance certificate shall report the following information annually to the department:

(1) The total salt usage during the preceding winter for all individual municipal employees working under the municipal winter maintenance certificate;

(2) The name of each municipal employee applying deicing and anti-icing material under the municipal winter maintenance certificate;

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

- (4) The total area of paved surface maintained, in square feet, and total number of lane miles treated; and
 - (5) The type and total amount of each salt alternative used, if any.
- (b) Each governmental unit holding an advanced or expert municipal winter maintenance certificate is required to submit documentation annually as specified in (a), above, and a completed annual self-audit report as specified in Env-Wq 2207.07(b).
- (c) Each governmental unit holding a standard, advanced, or expert municipal winter maintenance certificate shall submit an updated salt reduction plan as required in Env-Wq 2207.06(a)(2) every 5 years.
- (d) Documentation of all best management practices implemented for the municipal winter maintenance certification shall be maintained and retained by the governmental unit for a minimum of six years.

Env-Wq 2207.11 Revocation of Municipal Winter Maintenance Certificate. If after issuing an initial or renewal certificate the department receives reliable information suggesting that just cause, as specified in Env-Wq 2207.12, 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.

Env-Wq 2207.12 Acts Justifying Revocation.

- (a) Just cause to revoke a certificate shall include the following:
 - (1) Submitting false or misleading information regarding any application for initial or renewal certification;
 - (2) Failing to submit annual reports as required by Env-Wq 2207.10;
 - (3) Obtaining certification through fraud, deceit, or intentional falsification; or
 - (4) Failing to use reasonable care, judgment, and application in performance of duties.

APPENDIX A: STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-Wq 2201	RSA 489-C:2
Env-Wq 2202.01-Env-Wq 2202.07	RSA 489-C:2
Env-Wq 2202.08 (formerly Env-Wq 2202.06)	RSA 489-C:2
Env-Wq 2202.09 (formerly Env-Wq 2202.07)	RSA 489-C:2
Env-Wq 2202.10	RSA 489-C:2
Env-Wq 2202.11 (formerly Env-Wq 2202.08)	RSA 489-C:2
Env-Wq 2202.09 (repeal)	RSA 489-C:2
Env-Wq 2202.12 (formerly Env-Wq 2202.10)	RSA 489-C:2
Env-Wq 2202.13	RSA 489-C:2
Env-Wq 2202.14 (formerly Env-Wq 2202.11)	RSA 489-C:2
Env-Wq 2202.15 (formerly Env-Wq 2202.12)	RSA 489-C:2
Env-Wq 2202.16 (formerly Env-Wq 2202.13)	RSA 489-C:2

Env-Wq 2203.01-Env-Wq 2203.06	RSA 489-C:2
Env-Wq 2203.07 (repeal)	RSA 489-C:2
Env-Wq 2203.07 (formerly Env-Wq 2203.08)	RSA 489-C:2
Env-Wq 2204	RSA 489-C:2
Env-Wq 2205 and Env-Wq 2206	RSA 541-A:30, II
Env-Wq 2207.01- Env-Wq 2207.10	RSA 489-C:2-a
Env-Wq 2207.11 and Env-Wq 2207.12	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.

IV-a. "Municipal winter maintenance certification program" means a program implemented by a governmental unit as defined in RSA 507-B:1, I to maintain public roads, parking areas, and walkways in the winter months to be safe for public passage.

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.

489-C:2-a Municipal Winter Maintenance Certification Program Option.

I. Any governmental unit that has a municipal winter maintenance program may elect to have the program certified by the department. Municipal winter maintenance certification program certificates shall be issued by the department and may be renewed annually.

II. Any governmental unit holding a municipal winter maintenance program certificate shall ensure that each applicator operating under its certificate receives the required training approved by the department and shall provide record keeping on behalf of all applicators working under the municipal winter maintenance certificate. A governmental unit may meet the training requirement by requiring its employees to obtain commercial applicator individual certificates.

III. The department may create more than one class of certificate to recognize different complexity levels of municipal winter maintenance programs. If such classes are created, the department shall, through rules adopted pursuant to RSA 541-A, identify the criteria, required record keeping, and other requirements as may apply to each level.

IV. The department shall charge an annual fee for a municipal winter maintenance program 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.
- VII. Procedures for governmental units to obtain certification for their municipal winter maintenance programs.

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 507-B:1 Definitions

I. "Governmental unit" means any political subdivision within the state including any county, city, town, precinct, school district, chartered public school, school administrative unit, or departments or agencies thereof, or any other body corporate and politic within the state, but does not include the state or any department or agency thereof.

I-a. "Employee or official of a governmental unit" means any member or officer of its governing board, administrative staff, or agencies, including but not limited to county employees, selectmen, school board members, chartered public school trustees, city councilors and aldermen, town councilors, town and city managers, mayors, regional planning commissioners, town and city health officials, police officers, overseers of public welfare, superintendents of schools, and all other employees and officials whether elected or appointed, and whether paid or unpaid, provided he or she is acting within the scope of his or her official duties.

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.