

# TITLE L

## WATER MANAGEMENT AND PROTECTION

### CHAPTER 489-C

#### SALT APPLICATOR CERTIFICATION OPTION

##### Section 489-C:1

###### **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.

**Source.** 2013, 144:122, eff. Sept. 26, 2013.

##### Section 489-C:2

**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.

**Source.** 2013, 144:122, eff. Sept. 26, 2013.

##### Section 489-C:3

###### **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.

**Source.** 2013, 144:122, eff. Sept. 26, 2013. 2015, 229:19, eff. July 1, 2015.

## **Section 489-C:4**

### **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.

**Source.** 2013, 144:122, eff. Sept. 26, 2013.

## **Section 489-C:5**

### **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.

**Source.** 2013, 144:122, eff. Sept. 26, 2013. 2015, 229:20, eff. July 1, 2015.