

SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION

S.F. No. 884

(SENATE AUTHORS: EATON)

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act  
1.2 relating to environment; establishing program to certify salt applicators; limiting  
1.3 liability; prohibiting water softeners that cause excessive chloride pollution;  
1.4 requiring report on process to adopt and amend water quality standards;  
1.5 appropriating money for water quality programs; proposing coding for new law  
1.6 in Minnesota Statutes, chapters 116; 325F.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. **[116.2025] SALT APPLICATORS; VOLUNTARY CERTIFICATION**  
1.9 **PROGRAM.**

1.10 Subdivision 1. Definitions. For purposes of this section, the following terms have the  
1.11 meanings given:

1.12 (1) "certified commercial applicator" means an individual who applies deicer, completed  
1.13 training on snow and ice removal and deicer application approved by the commissioner,  
1.14 and passed an examination after completing the training;

1.15 (2) "commercial applicator" means an individual who applies deicer for hire, but does  
1.16 not include a municipal, state, or other government employee;

1.17 (3) "deicer" means any substance used to melt snow and ice, or used for its anti-icing  
1.18 effects, on privately owned surfaces traveled by pedestrians and vehicles; and

1.19 (4) "owner" means a person that owns or leases real estate and that enters into a written  
1.20 contract with a certified commercial applicator for snow and ice removal and deicer  
1.21 application.

1.22 Subd. 2. Voluntary certification program; best management practices. (a) The  
1.23 commissioner of the Pollution Control Agency must develop a training program that promotes

2.1 best management practices for snow and ice removal and deicer application and allows  
2.2 commercial applicators to obtain certification as a water-friendly applicator. The  
2.3 commissioner must certify a commercial applicator as a water-friendly applicator if the  
2.4 applicator successfully completes the program and passes the examination.

2.5 (b) The commissioner must provide additional training under this section for certified  
2.6 commercial applicators renewing their certification after their initial training and certification.

2.7 (c) The commissioner must provide the training and testing module at locations statewide  
2.8 and may make the recertification training available online.

2.9 (d) The commissioner must annually post the best management practices and a list of  
2.10 certified commercial applicators on the agency's website.

2.11 (e) The commissioner may charge a fee of up to \$350 per certified applicator for the  
2.12 training or recertification under this section.

2.13 Subd. 3. **Liability.** (a) A certified commercial applicator or an owner is not liable for  
2.14 damages arising from hazards resulting from the accumulation of snow and ice on any real  
2.15 estate maintained by the certified commercial applicator when the hazard is solely caused  
2.16 by snow or ice and the certified commercial applicator used the best management practices  
2.17 for snow and ice removal and deicing approved by the commissioner.

2.18 (b) Nothing in paragraph (a) prevents or limits the liability of a certified commercial  
2.19 applicator or owner if the certified commercial applicator or owner:

2.20 (1) commits an act or omission that constitutes negligence or willful or wanton disregard  
2.21 for the safety of entrants onto real estate of the owner that is maintained by the certified  
2.22 commercial applicator and that act or omission proximately causes injury, damage, or death;

2.23 (2) has actual knowledge or reasonably should have known of a dangerous condition on  
2.24 the real estate of the owner maintained by the certified commercial applicator;

2.25 (3) intentionally injures an entrant on real estate of the owner that is maintained by the  
2.26 certified applicator; or

2.27 (4) fails to comply with the best management practices for snow and ice removal and  
2.28 deicer application approved by the commissioner.

2.29 (c) The liability of a commercial applicator who applies deicer but is not certified under  
2.30 this section may not be determined under the standards provided in this subdivision.

2.31 Subd. 4. **Record keeping.** A certified commercial applicator must maintain the following  
2.32 records as part of the best management practices approved by the commissioner:

3.1 (1) a copy of the applicator's certification approved by the commissioner and any  
3.2 recertification;

3.3 (2) evidence of passing the examination approved by the commissioner;

3.4 (3) copies of the winter maintenance assessment tool requirements developed by the  
3.5 commissioner; and

3.6 (4) a written record describing the road, parking lot, and property maintenance practices  
3.7 used. The written record must include the type and rate of application of deicer used, the  
3.8 dates of treatment, and the weather conditions for each event requiring deicing. The records  
3.9 must be kept for a minimum of six years.

3.10 Subd. 5. **Penalty.** The commissioner may revoke or decline to renew the certification  
3.11 of a commercial applicator who violates this section or rules adopted under this section.

3.12 Subd. 6. **Relation to other law.** Nothing in this section affects municipal liability under  
3.13 section 466.03.

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to claims  
3.15 arising on or after that date.

3.16 Sec. 2. **[325F.995] WATER SOFTENERS CAUSING EXCESSIVE CHLORIDE**  
3.17 **POLLUTION.**

3.18 Beginning August 1, 2023, a person must not manufacture, sell, distribute, or install  
3.19 within this state a water softener that causes excessive chloride pollution. For purposes of  
3.20 this section:

3.21 (1) a water softener causes excessive chloride pollution if the amount of  
3.22 chloride-containing chemicals the softener uses is determined by something other than the  
3.23 amount of water that has actually been softened; and

3.24 (2) a water softener does not cause excessive chloride pollution if the softener uses  
3.25 chloride-containing chemicals only when directed to do so by the softener operator.

3.26 Sec. 3. **REPORT; SIMPLIFYING AND INCREASING EFFICIENCY OF PROCESS**  
3.27 **TO ADOPT AND AMEND WATER QUALITY STANDARDS.**

3.28 No later than February 1, 2022, the commissioner of the Pollution Control Agency must  
3.29 report to the chairs and ranking minority members of the house of representatives and senate  
3.30 committees and divisions with jurisdiction over environment and natural resources policy

4.1 on methods for simplifying and increasing the efficiency of the process to adopt and amend  
4.2 water quality standards.

4.3 **Sec. 4. THIRD-PARTY BROKER SYSTEM; TRADING OFFSETS FOR WATER**  
4.4 **QUALITY; APPROPRIATION.**

4.5 \$..... in fiscal year 2022 is appropriated from the general fund to the commissioner of  
4.6 the Pollution Control Agency to establish a program to allow a third party to broker trades  
4.7 between pollutant discharge permittees and other participants in pollutant offsets under  
4.8 Minnesota Statutes, section 115.03, subdivision 10. The commissioner, in consultation with  
4.9 the University of Minnesota, must review existing water quality trading arrangements in  
4.10 other states and design and implement the program. By January 15, 2022, the commissioner  
4.11 must submit a report to the chairs and ranking minority members of the house of  
4.12 representatives and senate committees and divisions with jurisdiction over environment and  
4.13 natural resources policy and finance with the status of implementing the program under this  
4.14 section and recommendations for any necessary statutory changes. This is a onetime  
4.15 appropriation.

4.16 **Sec. 5. CHLORIDE POLLUTION REDUCTION; APPROPRIATION.**

4.17 \$1,000,000 in fiscal year 2022 is appropriated from the ..... fund to the commissioner  
4.18 of the Pollution Control Agency for activities, training, and grants that reduce chloride  
4.19 pollution. Of this amount, \$750,000 is for grants for upgrading, optimizing, or replacing  
4.20 water-softener units. Priority for grants must be given to facilities needing improvements  
4.21 to comply with chloride water quality standards. This is a onetime appropriation and is  
4.22 available until June 30, 2024.

4.23 **Sec. 6. PLAN FOR MONITORING WELLS AND WELL-OWNER EDUCATION;**  
4.24 **APPROPRIATION.**

4.25 \$..... in fiscal year 2022 is appropriated from the general fund to the commissioner of  
4.26 agriculture, in cooperation with the commissioner of health, to develop a plan to increase  
4.27 well monitoring and education of private well owners in areas with aquifers that are  
4.28 vulnerable to contamination from nitrate and other chemicals and to develop a network of  
4.29 monitoring wells that can be used to document trends in groundwater quality over time. No  
4.30 later than October 1, 2022, the commissioner of agriculture must report the plan to the chairs  
4.31 and ranking minority members of the house of representatives and senate committees and  
4.32 divisions with jurisdiction over environment and natural resources policy and finance. This  
4.33 is a onetime appropriation and is available until June 30, 2023.