Minnehaha Creek Watershed District *REQUEST FOR BOARD ACTION*

MEETING DATE: April 26, 2018

TITLE: Support commercial salt applicator liability legislation

RESOLUTION NUMBER: 18-044

PREPARED BY: Darren Lochner

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REVIEWED BY: ☐Administrator ☐ Counsel ☐ Program Mgr. (Name):
☐ Board Committee ☐ Engineer ☐ Other

WORKSHOP ACTION:

☐ Advance to Board mtg. Consent Agenda. ☐ Advance to Board meeting for discussion prior to action.

☐ Refer to a future workshop (date):_____ ☐ Refer to taskforce or committee (date):_____

☐ Return to staff for additional work. ☐ No further action requested.

☒ Other (specify): Requesting action at April 26 Board Meeting

PURPOSE or ACTION REQUESTED:
Support the commercial salt applicator liability legislation by adding MCWD's logo to the Coalition for Applicator Liability Reform statement, writing a letter of support and engaging in other strategic support as needed.

SUMMARY:

Proposed legislation:
To address the growing levels of chloride pollution in our water resources, legislation has been proposed at the 2018 Minnesota Legislature to encourage commercial salt applicators to adopt winter maintenance best management practices. The House bill (HF3577) authored by Representative Dario Anselmo (R) of Edina and the Senate bill (SF 3199) authored by Senator Carrie Ruud of Breezy Point, provides limited liability for commercial applicators who complete the Minnesota Pollution Control Agency's Smart Salting Certification Program. The measure has received support from the Minnesota Association of Watershed Districts, the Minnesota Pollution Control Agency, the Clean Water Council, the City of Edina and several other organizations.

Request for Policy Support:
Due to the MCWD's history of work on chloride pollution, the District is viewed as a leader on the chloride issue and has been asked by a citizen organization, Stop-Over-Salting (SOS), to actively support commercial salt applicator liability legislation by adding MCWD's logo to the Coalition of Applicator Liability Reform statement and writing a letter of support for this policy. At the grassroots level, SOS has been very active with raising awareness of the proposed legislation as well as general chloride education. SOS is primarily made up of Master Water Stewards from MCWD.

Regional Technical Issue Overview:

Water pollution from chloride is widespread in the Twin Cities metro area. According to the Minnesota Pollution Control Agency (MPCA) the primary source of chloride pollution, particularly in urban areas, is salt applied in the winter months to roads, parking lots and sidewalks. Commercial sources of chloride are estimated to contribute 10-20% of the total salt applied in the Twin Cities metro area according to a 2009 Wenck study. A secondary source of chloride, particularly in more rural areas, is water softeners. Chloride does not break down over time and, according to the MPCA, the majority of applied chloride (70-78%) remains in metro area waters.

MPCA data shows chloride levels are continuing to increase in both surface and groundwater across the state. There is no economically feasible method for removing chloride once it is in water. This means chloride will continue to accumulate in the environment over time. Chloride impacts on surface water include toxicity to aquatic life and interruption of the turnover process.

MCWD Technical Issue Overview:

A majority of the Minnehaha Creek subwatershed contains 18% or greater road density. Areas with this level of road density have been identified by the MPCA as critical areas for chloride reduction. Many of the chloride impaired waterbodies are also located within this subwatershed.

Six waterbodies within MCWD are classified by the MPCA as impaired for chloride: Brownie Lake, Diamond Lake (wetland), Peavey Lake, Powderhorn Lake, an unnamed ditch draining from Gleason Lake, and Minnehaha Creek. Statistical analysis of chloride concentrations at the Hiawatha Avenue monitoring station on Minnehaha Creek, upstream of Minnehaha Falls, indicates a roughly two-fold increase in chloride concentrations from 1975-2017.

There are ten additional waterbodies within MCWD that are at high risk of impairment: Long Lake Creek, Painter Creek (Painter Marsh to inlet to Jennings Bay), Dutch Lake Creek, County Ditch #15 (inlet to Gleason Lake), Classen Lake Creek (Stubbs Bay inlet), Lake Calhoun, Lake of the Isles, Pamela Lake, Lake Hiawatha, and Taft Lake.

Regional Policy- Programming Approach to Chloride Impairments:

Metro Area Chloride Management Plan:

The MPCA metro area chloride management plan is the guiding plan for agencies, local government, watershed districts and other stakeholders on chloride reduction strategies in the region. The Chloride Management Plan (CMP) incorporates water quality assessment, source identification, implementation strategies, monitoring recommendations and measurement and tracking of results.

As part of the CMP, waters not meeting state standards for chloride are listed as impaired and Total Maximum Daily Loads (TMDLs) are developed, which allocates a chloride waste load. This regulation creates load reduction goals for municipal separate storm sewer systems (MS4's) to reduce chloride pollution.

The CMP outlines the region's six prong strategic approach to achieving chloride reductions.
One of these approaches is a reduction in the amount of chloride entering areas waters as a result of winter maintenance activities. A key challenge to reducing salt usage is balancing the need for public safety with high public expectations for clear roads, sidewalks and other surfaces during winter.

An important strategy identified by the CMP to address this challenge is the adoption of winter maintenance best management practices (BMPs). MPCA has funded BMP trainings and outreach efforts for winter maintenance professionals as part of this strategy.

Road Salt Symposium:
The symposium, hosted by the Freshwater Society and Fortin Consulting, brings together government agencies, academic experts, water resource professionals and others to learn about state-of-the-art winter maintenance practices that protect water. This year's event had a record attendance of over 300 participants who learned about innovations in road salt application and technology and emerging challenges.

Smart Salting Trainings:
The MPCA has launched a series of smart salting certification trainings for staff from local units of government, property managers, and private contractors. The trainings educate the attendees on the environmental impacts of salt, application rates, equipment calibration and best practices for reducing chloride application. Individuals who complete the training and pass the exam administered after the training receive a certification. Due to the trainings' success in the pilot communities, the MPCA is looking to expand this pilot program statewide and is creating a Smart Salting Advisory Committee.

A two-season study by the MPCA and the University of Minnesota's Water Resources Center on the effectiveness of the smart salting certification trainings determined there were measurable changes in winter maintenance professionals' behavior and knowledge. While these efforts are beginning to produce results among public sector winter maintenance professionals, the private sector remains a challenge due to commercial applicator liability concerns. To address this barrier, another of the CMP's strategic approaches is the limitation of liability for commercial applicators.

The Twin Cities Metro Area is also currently working toward regionally coordinated programming with BWSR funding to better integrate chloride pollution prevention efforts.

MCWD Policy-Programming Approach to Chloride Impairments:

Multiple programs within the District are engaged in MCWD's efforts to reduce chloride pollution in District waters and have been actively involved in shaping regional policy approaches to chloride pollution. The Metro Area Chloride Management Plan, which MCWD staff from research and monitoring, policy-planning and education helped shape, has guided District programming on chloride.

Monitoring Program – Collects data to diagnose issues and inform targeted programming.
Research and monitoring staff served on an MPCA committee which developed monitoring guidance for chloride and collected data to inform a TMDL. Monitoring found 39 waterbodies in the Twin Cities Metro Area are impaired for chloride, six of them within the MCWD. This program is monitoring all major waterbodies within the district for chlorides on a rotational schedule.

Policy-Planning Program – Uses data to engage in regional planning.
Policy and Planning staff participated in the advisory committee that informed the development of a model snow and ice management policy for road authorities and private commercial snow removal contractors. The project grew out of a February 2016 Road Salt Symposium where there was strong interest from conference participants in developing a model policy to help road authorities manage liability issues. While current law largely protects public operations from liability, in order to receive this protection, cities and counties must have a policy and best management practices in place. As a result of the committee's work, Smith Partners drafted a model policy which was disseminated for use statewide.

More recently, staff have been active in discussions on the proposed changes to BWSR funding distribution in the Twin Cities metro area, including the potential of funding a regional approach to reducing chloride pollution

Education Program- Based on data and regional policy framework, engages in partnership driven education programming.
MCWD programming, guided by the Metro Area Chloride Management Plan, has focused on educating the general public, municipal staff, contractors and business owners on the issue of chlorides and winter maintenance best management practices.

During the winter months, district communications staff educates district residents on snow removal best practices via our Splash newsletter, fact sheets, website, local news media and social media channels. Recent media focus on this issue has increased public interest and inquiries about winter maintenance best practices. In addition to directing people to our winter maintenance tips and deicer reference guide on our website, we share a training video that demonstrates residential winter maintenance practices.

A) Examples of recent outreach:

- February 2018: A Clean Water MN blog on proper salt use that was posted on the MCWD website, Splash and shared on social media
- January 2018: A newspaper column on smart salting that was published in several local newspapers, posted on the MCWD website and shared on Splash and social media
- January 2018: A television interview and blog post on the City of Plymouth's smart salting award which was posted on the MCWD website and shared on social media
- November 2017: An article on proper salt use that was sent to city and neighborhood/lake association newsletters, shared on Splash and posted on the MCWD website
- November 2017 – March 2018: Numerous posts, likes and shares of salt-related messaging on MCWD's social media channels

B) Education activities:

Winter Maintenance Best Management Practices
MCWD education staff advance the adoption of winter maintenance BMPs within the district by promoting and sponsoring the annual Road Salt Symposium and MPCA Smart Salting Trainings. At this year's symposium, the city of Plymouth received an Environmental Leadership Award for its salt reduction strategies.

Examples of cumulative chloride reduction results:

- Richfield > 50%
- Minnetonka 180%
- Plymouth 25% (during a time of 30% growth within the city)

Minneapolis BMP Pilot Program
The Education Program has supported the development of an education and outreach program targeted to businesses and contractors in several neighborhoods in Minneapolis with a goal of reducing the amount of chloride entering the Chain of Lakes and Minnehaha Creek. This program has been led by a team of Master Water Stewards and the Freshwater Society and funded by a Cynthia Krieg education grant from the MCWD. The pilot program educates local businesses about best practices related to snow removal and deicing sidewalks and parking lots. The results of the pilot will inform whether the outreach program can serve as a model for a citywide program.

Commercial Applicator Liability Bill:

Commercial applicators' concern about increased liability has been identified as a barrier to their adoption of salt reduction practices. To address those concerns, a bill has been introduced in the 2018 Minnesota Legislature that would provide liability protections for commercial applicators who complete the Minnesota Pollution Control Agency's Smart Salting Certification Program.

This legislation is also one of the policy recommendations outlined in the Metro Area Chloride Management Plan and addresses a key driver of salt overuse by private applicators identified in the plan. Limited liability policy protects applicators from being sued if they are certified in smart salting BMPs and keep records of their application practices.

The Commercial Salt Applicator Liability Bill is supported by the MPCA, MAWD, the Clean Water Council, City of Edina, Minnesota Nursery & Landscape Association, and seventeen other watershed districts, non-profit organizations, businesses and civic/professional associations. Representative Dario Anselmo (Edina), whose district is located within MCWD, is the House author of this policy currently moving through the state legislature.

MCWD staff are recommending the Board of Managers supports this legislation for the following reasons:

- It targets commercial salt use, which is estimated to contribute 10-20% of the total salt applied in the Twin Cities metro area.

- It removes the primary barrier to commercial applicators' adoption of salt application best management practices (concern about increased liability) and has checks in place to ensure best management practices are followed in order to receive liability protections and applicators are periodically re-certified.

- It complements the policy and programming work the MCWD has been doing to address the chloride pollution issue, which impacts 13 water bodies within the district (six of them are impaired for chlorides and seven others are at high risk of impairment).

- It positions the MCWD as a leader on a significant water quality threat in the Twin Cities and the state and aligns the district with other high-profile organizations that are taking a leadership role on chloride reduction.

ATTACHMENTS:

1. Commercial salt applicator liability bill language
2. MAWD resolution
3. City of Edina resolution
4. Coalition for Applicator Liability Reform statement
5. MCWD chloride impairments map
6. MPCA fact sheet

RESOLUTION

RESOLUTION NUMBER: 18-044

TITLE: Support Commercial Salt Applicator Liability Legislation

WHEREAS, the mission of the Minnehaha Creek Watershed District (MCWD) is to collaborate with public and private partners to protect and improve land and water for current and future generations; and

WHEREAS, the MCWD strives to preserve and improve the quality of surface and ground waters; and

WHEREAS, water pollution from chloride is widespread in the Twin Cities metro area with 39 waterbodies impaired for chloride; and

WHEREAS, six waterbodies within MCWD are classified by the Minnesota Pollution Control Agency as impaired for chloride, and seven additional waterbodies within MCWD are at high risk of impairment; and

WHEREAS, the primary source of chloride pollution, particularly in urban areas, is salt applied in the winter months to roads, parking lots and sidewalks; and

WHEREAS, the MPCA metro area chloride management plan is the guiding plan for agencies, local government, watershed districts and other stakeholders on chloride reduction strategies, and

WHEREAS, a key strategy identified within the chloride management plan is to encourage the adoption of winter maintenance best management practices through trainings and outreach; and

WHEREAS, commercial salt applicators' concern about increased liability has been identified as a barrier to their adoption of winter maintenance best practices; and

WHEREAS, commercial sources of chloride are estimated to contribute between 10–38% of chloride pollution within the Twin Cities metro area; and

WHEREAS, the Commercial Salt Applicator Liability Bill that is being considered by the 2018 Minnesota Legislature would provide liability protections for commercial applicators who complete the Minnesota Pollution Control Agency's Smart Salting Certification Program; and

WHEREAS, the MCWD has been asked by the citizen organization Stop-Over-Salting (SOS) to support the Commercial Salt Applicator Liability Bill; and

WHEREAS, the Commercial Salt Applicator Liability Bill is supported by the MPCA, MAWD, the Clean Water Council, City of Edina, Minnesota Nursery & Landscape Association, and several other watershed districts, non-profit organizations, businesses and civic/professional associations; and

WHEREAS, the MCWD has been actively involved in shaping regional policy approaches and educating winter maintenance professionals and the public on chloride pollution reduction;

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek District Board of Managers expresses its support for state commercial salt applicator liability legislation and directs staff to add MCWD's logo to the Coalition for Applicator Liability Reform statement, write a letter of support and engage in other strategic support as needed.

Resolution Number 18- 044 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___abstentions. Date: _____.

_____ Date:_____
Secretary

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3577

03/08/2018 Authored by Anselmo; Barr, R.; Haley; Smith; Fenton and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
03/14/2018 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices Policy
03/22/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
By motion, recalled and re-referred to the Committee on Environment and Natural Resources Policy and Finance

A bill for an act

relating to environment; establishing certified salt applicator program; limiting liability; proposing coding for new law in Minnesota Statutes, chapter 116.

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

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

Subdivision 1. **Definitions.** For the purpose of this section, the following terms have the meanings given:

(1) "commercial applicator" means an individual who applies or supervises others who apply deicer for hire, but does not include a municipal, state, or other government employee; and

(2) "deicer" means any substance used to melt snow and ice, or used for its anti-icing effects, on surfaces traveled by pedestrians and vehicles.

Subd. 2. **Voluntary certification program; best management practices.** (a) The commissioner of the Pollution Control Agency must support a training program that promotes best management practices for deicer application and allows commercial applicators to obtain certification as a water-friendly applicator. The commissioner must certify a commercial applicator who has successfully completed the program as a water-friendly applicator for a period to be determined by the commissioner.

(b) The commissioner must allow additional training under this section for those renewing the certification after their initial training has expired.

(c) The commissioner must provide the training and testing module at locations statewide and online.

(d) The commissioner must post the best management practices and a list of certified commercial applicators on the agency's Web site.

Subd. 3. **Liability.** (a) A commercial applicator certified under this section; the owner, occupant, or lessee of real property maintained by a certified commercial applicator; or an employee of that owner, occupant, or lessee who is certified under this section is not civilly liable for any claim based on a snow or ice condition arising out of the implementation of the best management practices developed by the commissioner under this section even if there is actual notice of the snow or ice condition, except when the snow or ice condition is affirmatively caused by the willful or reckless acts of the certified commercial applicator or the employee of the owner, occupant, or lessee who is certified under this section. Commercial applicators certified under this section; the owner, occupants, or lessees of land maintained by a certified commercial applicator; and an employee of that owner, occupant, or lessee who is certified under this section are presumed to be acting pursuant to the best management practices developed by the commissioner under this section.

(b) To receive the immunity protection under paragraph (a), and not for any other purpose, the commercial applicator, or the employee of the owner, occupant, or lessee, must have a current certification, pass an exam, complete the winter maintenance assessment tool requirements developed by the commissioner, and keep a written record describing the road, parking lot, and property maintenance practices used. The written record must include the type and rate of application of deicing materials used, the dates of treatment, and the weather conditions for each event requiring deicing. The records must be kept for a minimum of six years.

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

Subd. 4. **Penalty.** The commissioner may revoke or decline to renew the certification of a commercial applicator who violates this section or rules adopted under this section.

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3199

(SENATE AUTHORS: RUUD, Ingebrigtsen, Anderson, P., Hall and Tomassoni)

DATE	D-PG	OFFICIAL STATUS
03/12/2018	6418	Introduction and first reading Referred to Environment and Natural Resources Finance
03/14/2018	6499	Withdrawn and re-referred to Environment and Natural Resources Policy and Legacy Finance
03/22/2018	6901a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy

A bill for an act

relating to environment; establishing certified salt applicator program; limiting liability; proposing coding for new law in Minnesota Statutes, chapter 116.

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(2) "deicer" means any substance used to melt snow and ice, or used for its anti-icing effects, on surfaces traveled by pedestrians and vehicles.

Subd. 2. **Voluntary certification program; best management practices.** (a) The commissioner of the Pollution Control Agency must support a training program that promotes best management practices for deicer application and allows commercial applicators to obtain certification as a water-friendly applicator. The commissioner must certify a commercial applicator who has successfully completed the program as a water-friendly applicator for a period to be determined by the commissioner.

(b) The commissioner must allow additional training under this section for those renewing the certification after their initial training has expired.

(c) The commissioner must provide the training and testing module at locations statewide and online.

(d) The commissioner must post the best management practices and a list of certified commercial applicators on the agency's Web site.

Subd. 3. **Liability.** (a) A commercial applicator certified under this section; the owner, occupant, or lessee of real property maintained by a certified commercial applicator; or an employee of that owner, occupant, or lessee who is certified under this section, is not civilly liable for any claim based on a snow or ice condition arising out of the implementation of the best management practices developed by the commissioner under this section even if there is actual notice of the snow or ice condition, except when the snow or ice condition is affirmatively caused by the willful or reckless acts of the certified commercial applicator, or the employee of the owner, occupant, or lessee who is certified under this section. Commercial applicators certified under this section; the owner, occupants, or lessees of real property maintained by a certified commercial applicator; and an employee of that owner, occupant, or lessee who is certified under this section are presumed to be acting pursuant to the best management practices developed by the commissioner under this section.

(b) To receive the immunity protection provided in paragraph (a), and not for any other purpose, the commercial applicator or the employee of the owner, occupant, or lessee, must have a current certification, pass an exam, complete the winter maintenance assessment tool requirements of the training program, and keep a written record describing the road, parking lot, and property maintenance practices used. The written record must include the type and rate of application of deicing materials used, the dates of treatment, and the weather conditions for each event requiring deicing. The records must be kept for a minimum of six years.

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

Subd. 4. **Penalty.** The commissioner may revoke or decline to renew the certification of a commercial applicator who violates this section.

Subd. 5. **Relation to other law.** Nothing in this section shall be construed to affect municipal liability under section 466.03.

RESOLUTION

Watershed District support for state law that provides limited liability to commercial salt applicators that are certified through an established voluntary salt applicator certification program.

WHEREAS chloride contamination of water resources has been found in urban areas around the state;

WHEREAS the Minnesota Pollution Control Agency has listed 39 waterbodies in the Twin Cities metro area as impaired for chloride and has completed Total Maximum Daily Load studies on Nine Mile Creek and Shingle Creek and is currently developing TMDLs for the remaining impaired waterbodies through a metro-wide TMDL study; and

WHEREAS the TMDL studies have indicated that the largest chloride source to our lakes and streams is through the application of chloride compounds on roads, parking lots, sidewalks and other hard surfaces for winter maintenance practices; and

WHEREAS liability for property damage or personal injury as a result of snow or ice is one of the main reasons over-salting occurs and many private commercial contractors and property owners are reluctant to implement salt-reduction practices for fear of increased liability; and

WHEREAS the MPCA currently oversees a voluntary Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners and managers and others on how to maintain safe surfaces using salt efficiently;

NOW, THEREFORE BE IT RESOLVED, the Minnesota Association of Watershed Districts supports passage and enactment of state law that provides a limited liability exemption to commercial salt applicators and property owners using salt applicators who are certified through the established salt applicator certification program who follow best management practices.

RESOLUTION NO. 2018-18
SUPPORTING STATE LAW THAT PROVIDES LIMITED LIABILITY TO COMMERCIAL SALT APPLICATORS THAT ARE CERTIFIED THROUGH AN ESTABLISHED VOLUNTARY SALT APPLICATOR CERTIFICATION PROGRAM

WHEREAS chloride contamination of water resources has been found in urban areas around the State of Minnesota; and

WHEREAS the Minnesota Pollution Control Agency (MPCA) has listed 39 waterbodies in the Twin Cities metro area as impaired for chloride and has completed Total Maximum Daily Load(TMDL) studies on Nine Mile Creek and Shingle Creek and is currently developing TMDLs for the remaining impaired waterbodies through a metro-wide TMDL study; and

WHEREAS the TMDL studies have indicated that the largest chloride source to our lakes and streams is through the application of chloride compounds on roads, parking lots, sidewalks and other hard surfaces for winter maintenance practices; and

WHEREAS liability for property damage or personal injury as a result of snow or ice is one of the main reasons over-salting occurs and many private commercial contractors and property owners are reluctant to implement salt-reduction practices for fear of increased liability; and

WHEREAS the MPCA currently oversees a voluntary Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners, managers, and others on how to maintain safe surfaces using salt efficiently.

NOW, THEREFORE BE IT RESOLVED, the City of Edina supports passage and enactment of state law that provides a limited liability exemption to commercial salt applicators and property owners using salt applicators who are certified through the established salt applicator certification program who follow best management practices.

Dated: February 7, 2018

Attest: Debra A Mangen
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of February 7, 2018, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this 7th day of Feb, 2018.

Debra A Mangen
City Clerk

Support Liability Relief for Certified Salt Applicators & Small Businesses while protecting Minnesota's water resources

Currently landscape professionals and others perform snow and ice removal during winter months using anti-slip/ de-icing products to protect the public from injury.

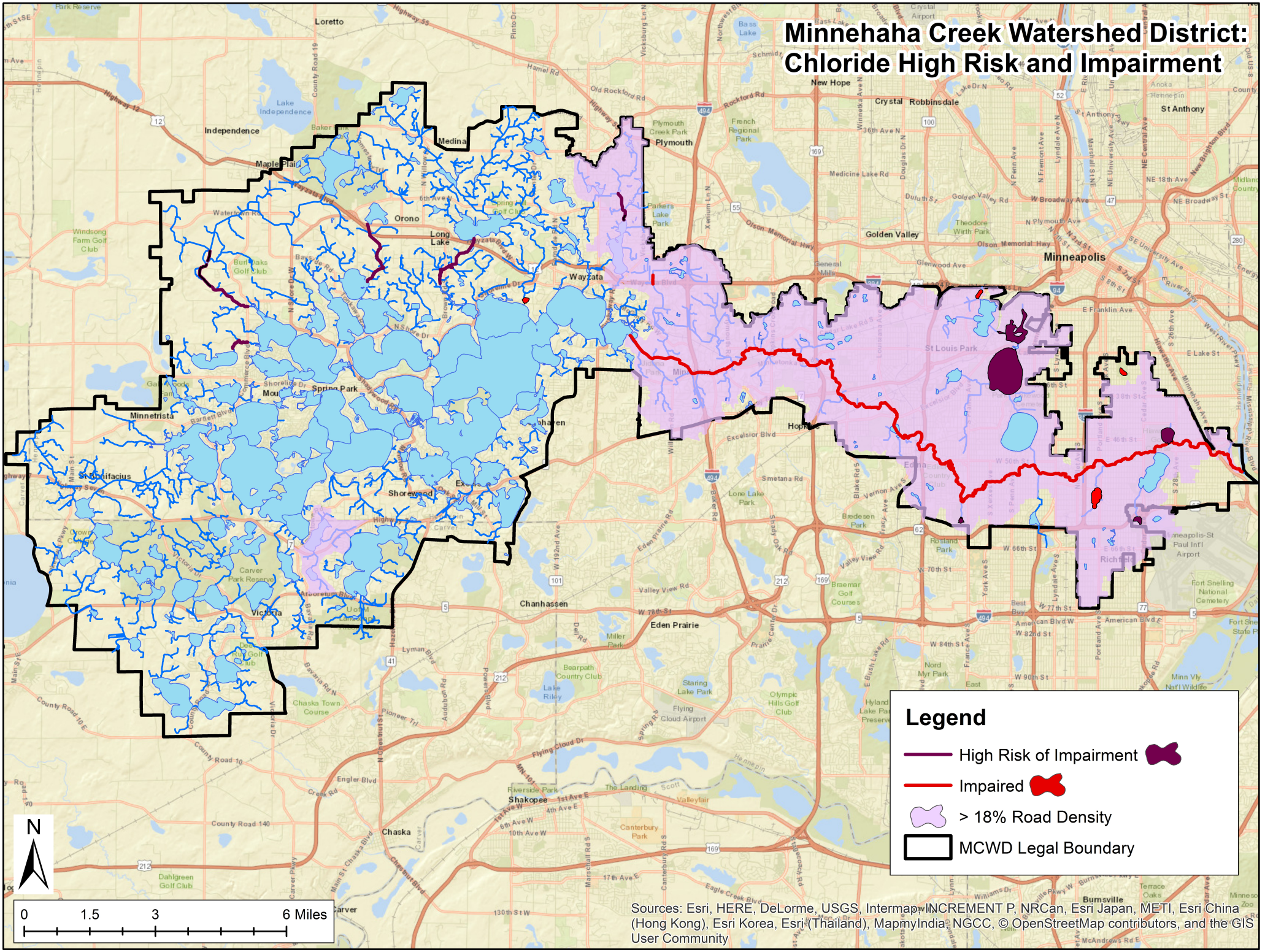
Over-application of chloride-based products is detrimental to our waterways, but applicators are often pressured to apply more product than necessary or ideal to meet demands from their clients to minimize slips & falls on the owners' property. These demands and concerns about potential litigation lead to applicators having few options other than over-application of product which results in water pollution. Even when these applicators follow best practices, they may still face litigation threats.

The Minnesota Pollution Control Agency currently provides training for salt applicators to learn best practices to significantly reduce the use of chlorides while maintaining safety. This proposed legislation connects anti-slip/anti-ice application best management practices to liability protections for salt professionals and their clients—the small business owners across the State of Minnesota—to avoid uncontrollable circumstances and unexpected litigation costs while protecting the public's safety and the health of Minnesota's waterways.

This common-sense legislation provides liability exemption for salt applicators who have completed certified training available through the PCA as well as to their clients, the property owner, occupant or lessee of the land maintained by these salt applicators.

The organizations, businesses and associations shown below join together to urge the Minnesota Legislature to take quick action in 2018 to pass this common-sense legislation which benefits not only struggling small business owners, but our 10,000 lakes, rivers and streams by preventing unnecessary chloride runoff and further irreparable damage to our vital Minnesota waterways.

For more information, please contact Larry Johnson at (651) 633-4987 or larry@mnla.biz


Minnehaha Creek Watershed District:
Chloride High Risk and Impairment
Legend
High Risk of Impairment
Impaired
> 18% Road Density
MCWD Legal Boundary
N
0
1.5
3
6 Miles
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Twin Cities Metropolitan Area Chloride Management Plan

What is the Twin Cities Metropolitan Area Chloride Management Plan?

The Minnesota Pollution Control Agency (MPCA) has partnered with local and state experts in the 7-County Twin Cities Metropolitan Area (TCMA) to create a plan for effectively managing salt use to protect our water resources in a responsible and strategic approach. Solutions were developed collaboratively to find a balance between clean water and safe winter travel conditions. As part of this effort the MPCA and partners collaborated to monitor, evaluate and better understand the level of chloride in lakes, streams, wetlands and groundwater. The Chloride Management Plan incorporates water quality conditions, sources of chloride, salt reduction strategies, protection strategies, monitoring recommendations as well as measurement and tracking of results. The goal of this plan is to provide strategies to assist local partners in reducing salt use while providing safe and desirable conditions for the public.

How does salt get into the water?

The primary source of chloride, particularly in urban areas, is salt applied in the winter months to roads, parking lots and sidewalks. A secondary source of chloride, particularly in more rural areas, is water softeners.

The Twin Cities has thousands of miles of roads to maintain and managing ice and snow is necessary to the safety of residents. The use of salt, primarily sodium chloride, is currently the common method for ice control during the winter. However, when snow and ice melt, the salt goes with it, washing into our lakes, streams, wetlands and groundwater.

Salt from local water softeners used to remove hardness (minerals) from water supplies travels to municipal wastewater treatment facility or septic systems where it is discharged to shallow groundwater or local streams.

Why does it matter?

High levels of salt can be harmful to fish and other freshwater aquatic life and can also negatively affect infrastructure, vehicles, plants, soil, pets, wildlife as well as groundwater and drinking water supplies.

Roughly 75% of Minnesotans rely on groundwater for their drinking water. MPCA has found 30% of the shallow monitoring wells, often in urban areas, have exceeded the state standard for salt levels. As water moves from shallow to deeper aquifers, the salt contamination could penetrate our sources of drinking water.

Once in the water, chloride becomes a permanent pollutant and continues to accumulate in the environment over time. It is estimated that roughly 78 percent of the salt applied in the TCMA stays within the region's watershed. The only known method of removing chloride in groundwater and wastewater is through reverse osmosis, which can be a costly and challenging large scale treatment process.

What is happening with salt in the water?

There are currently 39 waterbodies that tested above the water quality standard for chloride in the TCMA. An additional 38 surface waters are near the chloride standard and many others are unknown. The data show that salt concentrations are continuing to increase in both surface waters and groundwater across the state.

How can you make a difference?

How can we protect our waters, maintain safe roads in the winter and have desirable water in our homes? Currently, there are not environmentally safe, effective and inexpensive alternatives to salt. However, we can reduce salt at the source through application strategies. Smarter application of salt will also save money on labor and products as well as reduce damage to infrastructure, vehicles, plants and water supplies.

Each person contributes to the attitudes and practices that have created a high and steadily growing volume of salt to be used each year. Shifting public attitude toward more sustainable salt application is required to meet demands. Citizens form public policy, set the expectations that winter maintenance crews must meet and use salt on personal property such as water softening and sidewalks in the winter. Below are a few simple steps the public can take to protect water resources.

Winter Safety – a few ideas to reduce salt use

- Support local and state winter maintenance crews in their efforts to reduce their salt use.
- Work together with local government, businesses, schools, churches and non-profits to find ways to reduce salt use in your community.
- Shovel. The more snow and ice you remove manually, the less salt you will have to use and the more effective it can be.
- Slow down. Drive for the conditions and make sure to give plow drivers plenty of space to do their work. Consider purchasing winter (snow) tires.
- More salt does not mean more melting. Use less than 4 pounds of salt per 1,000 square feet. One pound of salt is approximately a heaping 12-ounce coffee mug. Consider purchasing a hand-held spreader to help you apply a consistent amount.
- Watch a video. This video, produced by the Mississippi Watershed Management Organization, provides tips to homeowners about more environmentally friendly snow and ice removal: Improved Winter Maintenance: Good Choices for Clean Water

Water Softeners – a few ideas to reduce salt use

- Consider whether a water softener is even needed. Get a water test for hardness as typically only water with hardness greater than 120 mg/L $CaCO_3$ needs to be softened. See the University of Kentucky's Guidance: *Hard Water- To Soften or Not to Soften* for more information.
- Change from a timer-based to a demand-based softener that recharges only when needed, based on how much water is used.
- Install a bypass so landscape irrigation water is not softened.

Your actions matter

Get involved. The public has a critical role in helping solve this challenge of providing safe winter travel conditions and protecting our valuable water resources.