

S.223

Introduced by Senators Bongartz and Watson

Referred to Committee on

Date:

Subject: Conservation and development; water quality; lakes

Statement of purpose of bill as introduced: This bill proposes to create the Water Quality, Lake Classification, and Antidegradation Study Group for the purpose of reviewing and evaluating Vermont's existing statutory and regulatory frameworks, policies, and procedures governing water quality and the classification of the waters of the State. The Study Group would recommend to the General Assembly whether the current regulatory framework for the waters of the State is adequate and whether legislative or policy changes are needed to strengthen environmental protection, support regulatory certainty, and other public interests in the waters of the State.

An act relating to water quality of the waters of Vermont

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. WATER QUALITY, LAKE CLASSIFICATION, AND

ANTIDEGRADATION STUDY GROUP; REPORT

(a) Creation. There is created the Water Quality, Lake Classification, and Antidegradation Study Group for the purpose of reviewing and evaluating Vermont's existing statutory and regulatory frameworks, policies, and procedures governing water quality and the classification of the waters of the State. The Study Group shall recommend to the General Assembly whether the current regulatory framework for the waters of the State is adequate and whether legislative or policy changes are needed to strengthen environmental protection, provide regulatory certainty, and support other public interests in the waters of the State.

(b) Membership. The Study Group shall be composed of the following members:

- (1) two current members of the House of Representatives, who shall be appointed by the Speaker of the House;
- (2) two current members of the Senate, who shall be appointed by the Committee on Committees;
- (3) the Secretary of Natural Resources or designee;
- (4) a Department of Environmental Conservation water quality scientist or technical staff member, appointed by the Secretary of Natural Resources;
- (5) two persons representing businesses, industries, or development that interact

with water quality permitting, including the State antidegradation policy, use of high quality waters, and water classification, one of whom shall be appointed by the Speaker of the House and one of whom shall be appointed by the Committee on Committees;

(6) two persons representing nonprofit environmental advocacy groups, one of whom shall be appointed by the Speaker of the House and one of whom shall be appointed by the Committee on Committees; and

(7) one person representing the Federation of Vermont Lakes and Ponds, appointed by the Governor.

(c) Powers and duties. The Study Group shall:

(1) Develop an inventory of the waters of the State, with the existing classification designations, as set forth in the Vermont Water Quality Standards, including candidate high quality waters with water quality data that meets or exceeds the minimum criteria supporting reclassification for such waters.

(2) Assess the State's obligations under the federal Clean Water Act with respect to the promulgation of an Antidegradation Rule to implement the State's Antidegradation Policy under the Vermont Water Quality Standards, including an evaluation of State and federal statutory and regulatory requirements and identification of any legal, administrative, policy, or practical barriers to full compliance.

(3) Identify and evaluate the statutory and regulatory frameworks, rules, policies, and procedures governing Class A waters, including whether modifications are needed to facilitate the reclassification of eligible waters, adequately protect and support designated and existing uses, and provide regulatory certainty for activities in Class A waters.

(4) Evaluate the existing water classification framework and whether the State should develop a separate classification system for lakes and ponds, as opposed to streams and rivers, to promote ecological integrity and ensure regulatory certainty. This evaluation shall include an assessment of current and potential threats to the water quality of lakes and ponds to consider whether the existing classification system protects against such threats.

(5) Recommend legislative amendments and identify any rules, policies, or procedures that may require revision to implement the Study Group's recommendations.

(d) Assistance. The Study Group shall have the administrative, technical, and legal assistance of the Agency of Natural Resources and shall have the legal and drafting assistance of the Office of Legislative Counsel.

(e) Report. On or before December 30, 2026, the Study Group shall submit a written report to the General Assembly that shall include its findings and recommendations under subsection (c) of this section.

(f) Meetings.

(1) The Secretary of Natural Resources shall call the first meeting of the Study Group to occur on or before August 1, 2026.

(2) The Committee shall select at its first meeting a chair from among the four legislators serving as members.

(3) A majority of the Study Group shall constitute a quorum.

(4) The Study Group shall cease to exist on February 1, 2027.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Study Group serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Study Group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 2. EFFECTIVE DATE

This act shall take effect upon passage.