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1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Fish, Wildlife and Water Resources to which was
3 referred House Bill No. 517 entitled “An act relating to the classification of
4 State waters” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. § 1252 is amended to read:

8 § 1252. CLASSIFICATION OF **HIGH QUALITY** WATERS; MIXING
9 ZONES

10 (a) The State adopts, for the purposes of individually classifying the uses of
11 its **high quality** waters, the following classes and definitions thereof:

12 ~~Class A. (1) Suitable for public water supply with disinfection when~~
13 ~~necessary; character uniformly excellent; or~~

14 ~~(2) High quality waters which~~ Class A(1): Waters in a natural condition
15 that have significant ecological value; or

16 Class A(2): Waters that are suitable for a public water source with
17 filtration and disinfection **or other required treatment**; character uniformly
18 excellent.

19 ~~Class B. Suitable~~ Class B(1): **Waters** in which one or more uses are of
20 higher quality than Class B(2) waters;

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1 3 V.S.A. § 806 and may initiate a rulemaking proceeding to reclassify one or
2 more uses of all or any portion of the affected waters in the public interest. In
3 the course of this proceeding, the Secretary shall comply with the provisions of
4 3 V.S.A. chapter 25, and may hold a public hearing convenient to the waters in
5 question. If the Secretary finds that the established classification is contrary to
6 the public interest and that reclassification is in the public interest, he or she
7 shall file a final proposal of reclassification in accordance with 3 V.S.A. § 841.
8 If the Secretary finds that it is in the public interest to change the classification
9 of any pond, lake, or reservoir designated as Class A ~~waters by subsection (a)~~
10 ~~of this section~~ for a public water source, the Secretary shall so advise and
11 consult with the Department of Health and shall provide in its reclassification
12 rule a reasonable period of time before the rule becomes effective. During that
13 time, any municipalities or persons whose water supply source is affected shall
14 construct filtration and disinfection facilities or convert to a new water source
15 of water supply.

16 (d)(1) Through the process of basin planning, the Secretary shall determine
17 what degree of water quality and classification should be obtained and
18 maintained for those waters not classified by the Board before 1981 following
19 the procedures in sections 1254 and 1258 of this title. Those waters shall be
20 classified in the public interest. The Secretary shall prepare and maintain an
21 overall surface water management plan to assure that the State water quality

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1 standards are met in all State waters. The surface water management plan shall
2 include a schedule for updating the basin plans. The Secretary, in consultation
3 with regional planning commissions and natural resource conservation
4 districts, shall revise all 15 basin plans and update the basin plans on a
5 five-year rotating basis. On or before January 15 of each year, the Secretary
6 shall report to the House Committees on Agriculture and Forest Products, on
7 Natural Resources and Energy, and on Fish, Wildlife and Water Resources,
8 and to the Senate Committees on Agriculture and on Natural Resources and
9 Energy regarding the progress made and difficulties encountered in revising
10 basin plans. The report shall include a summary of basin planning activities in
11 the previous calendar year, a schedule for the production of basin plans in the
12 subsequent calendar year, and a summary of actions to be taken over the
13 subsequent three years. The provisions of 2 V.S.A. § 20(d) (expiration of
14 required reports) shall not apply to the report to be made under this subsection.

15 (2) In developing a basin plan under this subsection, the Secretary shall:

16 (A) identify waters that should be reclassified as ~~Class A waters or~~
17 outstanding resource waters or that should have one or more uses reclassified
18 under section 1252 of this title;

19 (B) identify wetlands that should be reclassified as Class I wetlands;

20 (C) identify projects or activities within a basin that will result in the
21 protection and enhancement of water quality;

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1 (D) assure that municipal officials, citizens, watershed groups, and
2 other interested groups and individuals are involved in the basin planning
3 process;

4 (E) assure regional and local input in State water quality policy
5 development and planning processes;

6 (F) provide education to municipal officials and citizens regarding
7 the basin planning process;

8 (G) develop, in consultation with the applicable regional planning
9 commission, an analysis and formal recommendation on conformance with the
10 goals and objectives of applicable regional plans;

11 (H) provide for public notice of a draft basin plan; and

12 (I) provide for the opportunity of public comment on a draft
13 basin plan.

14 (3) The Secretary shall, contingent upon the availability of funding,
15 contract with a regional planning commission to assist in or to produce a basin
16 plan under the schedule set forth in subdivision (1) of this subsection. When
17 contracting with a regional planning commission to assist in or produce a basin
18 plan, the Secretary may require the regional planning commission to:

19 (A) conduct any of the activities required under subdivision (2) of
20 this subsection;

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1 (B) provide technical assistance and data collection activities to
2 inform municipal officials and the State in making water quality investment
3 decisions;

4 (C) coordinate municipal planning and adoption or implementation of
5 municipal development regulations to better meet State water quality policies
6 and investment priorities; or

7 (D) assist the Secretary in implementing a project evaluation process
8 to prioritize water quality improvement projects within the region to assure
9 cost effective use of State and federal funds.

10 (e) In determining the question of public interest, the Secretary shall give
11 due consideration to, and explain his or her decision with respect to, the
12 following:

13 (1) existing and obtainable water qualities;

14 (2) existing and potential use of waters ~~for as a public water supply~~
15 source, recreational, agricultural, industrial, and other legitimate purposes;

16 (3) natural sources of pollution;

17 (4) public and private pollution sources and the alternative means of
18 abating the same;

19 (5) consistency with the State water quality policy established in

20 ~~10 V.S.A. §~~ section 1250 of this title;

21 (6) suitability of waters as habitat for fish, aquatic life, and wildlife;

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- 1 (7) need for and use of minimum streamflow requirements;
- 2 (8) federal requirements for classification and management of waters;
- 3 (9) consistency with applicable municipal, regional, and State plans; and
- 4 (10) any other factors relevant to determine the maximum beneficial use
- 5 and enjoyment of waters.

6 (f) Notwithstanding the provisions of subsection (c) of this section, when

7 reclassifying waters to Class A, the Secretary need find only that the

8 reclassification is in the public interest.

9 (g) The Secretary under the reclassification rule may grant permits for only

10 a portion of the assimilative capacity of the receiving waters, or may permit

11 only indirect discharges from on-site disposal systems, or both.

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on passage.

14

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16 (Committee vote: _____)

17

18

Representative _____

19

FOR THE COMMITTEE