

1 H.266

2 Introduced by Representatives Cina of Burlington, Colburn of Burlington, and  
3 Yacovone of Morristown

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; water pollution control;  
7 antidegradation; permitting

8 Statement of purpose of bill as introduced: This bill proposes to require the  
9 Secretary of Natural Resources (Secretary) to adopt by rule on or before July 1,  
10 2020 an implementation process for the antidegradation policy in the water  
11 quality standards of the State. If the Secretary fails to adopt an implementation  
12 process for the antidegradation policy on or before July 1, 2020, the Secretary  
13 shall not issue a new permit for discharges to waters of the State until the  
14 implementation process for the antidegradation policy is adopted.

15 An act relating to adoption of the antidegradation implementation process

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

17 Sec. 1. 10 V.S.A. § 1251a is amended to read:

18 § 1251a. WATER POLLUTION ADMINISTRATION

19 (a) The Secretary may adopt rules, in accordance with the procedures in the  
20 Administrative Procedure Act, that are necessary for the proper administration

1 of the Secretary's duties under this subchapter, including a planning process  
2 approvable under Public Law 92-500, as amended.

3 (b) The Secretary shall establish by rule requirements for the issuance of  
4 permits under subsection 1259(e) of this title, including in-stream water quality  
5 parameters necessary to establish permit conditions and performance  
6 monitoring; however, these in-stream water quality parameters shall not  
7 supersede water quality standards adopted by the Secretary.

8 (c) On or before July 1, ~~2016~~ 2020, the Secretary of Natural Resources  
9 shall adopt by rule an implementation process for the antidegradation policy in  
10 the water quality standards of the State. The implementation process for the  
11 antidegradation policy shall be consistent with the State water quality policy  
12 established in section 1250 of this title, the Vermont Water Quality Standards,  
13 and any applicable requirements of the federal Clean Water Act. The  
14 Secretary of Natural Resources shall apply the antidegradation implementation  
15 policy to all new discharges that require a permit under this chapter. If the  
16 Secretary of Natural Resources fails to adopt an implementation process for the  
17 antidegradation policy on or before July 1, 2020, the Secretary shall not issue a  
18 new permit under section 1252 of this title for a discharge of waste to a water  
19 of the State until the implementation process for the antidegradation policy is  
20 adopted.

- 1      Sec. 2. EFFECTIVE DATE
- 2      This act shall take effect on passage.