

The Agency's responses to your questions are below. Please let us know if you or the committee has any further questions.

**1). Does the Agency intend to adopt the permit program for surface water withdrawals by rule? It is not entirely clear.** Yes, the Agency intends to adopt the permitting program in section 1043 of the bill by rule.

**2). In Sec. 1002, subdivision (20), definition of surface water, why is the exception for waste treatment systems approved under 6 VSA 215 included when such systems are already included under VWQS 29A-101(d)?**

The definition of Surface Water in the Study Group's recommendations is redundant with VWQS 29A-101(d) as some members who were not familiar with VWQS wanted it clear in the recommendation of the Study Group's intent. The Agency would support a revision that would clarify the scope of the exceptions by eliminating the redundancy.

**3). How will withdrawals from a wetland be regulated? Should such withdrawals be regulated under H.466, or does the Agency intend to regulate a withdrawal from a wetland under the Wetlands Permit Rule.**

The Agency would continue to regulate water withdrawals from wetlands under compliance with the Wetland Permit Rule.

**4). Will a withdrawal from a surface water for cooling/heating need a surface water withdrawal when the discharge/return of the water is already permitted under a discharge permit?**

Generally speaking, the aims of the discharge permitting program and proposed surface water withdrawal permitting program differ. As a result, a surface water withdrawal that has a discharge/is subject to a discharge permit may require a surface water withdrawal permit under the new permitting program. For some cooling/heating intakes, such as a single-pass (flow-through) system, the Agency could potentially control the intake volume by controlling the discharge volume. However, off-line systems, or those with significant losses would be more difficult to regulate in this way – i.e., the discharge permit would not directly address impacts of the withdrawal on the impacted surface water. It should be noted that an "existing withdrawal" (as defined in H.466) used for heating and cooling and that is subject to a discharge permit would not be required to obtain a surface water withdrawal permit under the new program until July 1, 2030 so long as the withdrawal is registered and reported and does not expand (see section 1043(e)(2)).

**5). Why was the 5,000 gallon threshold chosen? Alternatively, what businesses in the state are withdrawing 5,000 gallons a day?**

The Study Group selected 5,000 gallons threshold to capture a wide array of potential water withdrawals to build an accurate inventory of water users in the State, while still excluding residents that may withdraw water intermittently to water their gardens or for other domestic uses. The Act 173 study group heard from other jurisdictions that rely on the 5,000 gallon/day threshold as well. Additionally, the 5,000 gallons threshold was also selected based on the fact

that most of Vermont's rivers and streams are relatively small due to the mountainous and steep terrain. To be clear, the 5,000 gallon/day threshold sets the trigger for the registration and reporting requirements, whereas a threshold(s) for the permitting program will be established once the registration and reporting information is analyzed (see section 1043(a)(2)).

Sincerely,



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