

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 House Bill No. 466 entitled “An act relating to surface water withdrawals and  
4 interbasin transfers” respectfully reports that it has considered the same and  
5 recommends that the Senate propose to the House that the bill be amended as  
6 follows:

7 First: In Sec. 1, 10 V.S.A. chapter 41, in section 1002, in subdivision (20),  
8 after “ponds, lakes,” and before “and all bodies of surface waters” by striking  
9 out the words and springs

10 and by striking out subdivision (20)(D) in its entirety and inserting in lieu  
11 thereof a new subdivision (20)(D) to read as follows:

12 (D) constructed off-stream farm ponds or other off-stream  
13 impoundments that are used for irrigation or watering of livestock.

14 Second: In Sec. 1, 10 V.S.A. chapter 41, in subchapter 4, in section 1042,  
15 in subsection (a), by striking out the first full sentence in its entirety and  
16 inserting in lieu thereof the following:

17 Beginning on January 1, 2023, any person withdrawing 10,000 gallons or  
18 more of surface water within a 24-hour period or 150,000 gallons over any 30-  
19 day period shall register with the Secretary.

20 and by striking out subsection (c) in its entirety and inserting in lieu thereof  
21 the following:

1           (c) Methods of reporting withdrawals.

2           (1) Except as provided in subdivision (2) of this subsection, the  
3           following methods shall be used to report the amounts of withdrawn surface  
4           water required to be reported under subsection (b) of this section:

5                   (A) Withdrawals of between 10,000 and 50,000 gallons of surface  
6                   water within a 24-hour period or 150,000 gallons over any 30-day period shall  
7                   either provide an estimate of total volume withdrawn or provide meter data.  
8                   The report shall describe how any estimate was calculated.

9                   (B) Withdrawals of more than 50,000 gallons of surface water within  
10                  a 24-hour period or 1,500,000 gallons over any 30-day period shall provide  
11                  meter data or measured data by a technically appropriate method approved by  
12                  the Secretary.

13                  (2) Withdrawals for irrigation or watering of livestock of more than  
14                  10,000 gallons of surface water within a 24-hour period or 150,000 gallons  
15                  over any 30-day period may provide an estimate of the total volume withdrawn  
16                  based on log records pursuant to a technically appropriate method approved by  
17                  the Secretary.

18           Third: In Sec. 1, 10 V.S.A. chapter 41, in subchapter 4, in section 1043, by  
19           striking out subsection (c) in its entirety and inserting in lieu thereof the  
20           following:

21           (c) Permits.

1           (1) The Secretary may issue a general permit to authorize certain  
2           withdrawal activities.

3           (2) The Secretary shall issue a general permit under this chapter for the  
4           withdrawal of surface water for State or municipal infrastructure projects. The  
5           general permit shall establish a rate and withdrawal volume that only requires  
6           notification of the Secretary and does not require Secretary approval prior to  
7           withdrawal.

8           (3) A permit issued under this subchapter shall be for a period of not  
9           longer than 10 years from the date of issuance.

10          Fourth: By inserting a new section to be Sec. 4a to read as follows:

11          Sec. 4a. IMPLEMENTATION; RULEMAKING

12          The Secretary of Natural Resources shall conduct public input and outreach  
13          with interested parties prior to initiating formal rulemaking pursuant to the  
14          Administrative Procedure Act for surface water withdrawals as set forth in  
15          10 V.S.A. § 1045. The public input and outreach shall include an opportunity  
16          for interested parties to comment on a draft rule for surface water withdrawals.

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3 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE