

TO THE HONORABLE SENATE:

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

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

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

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

Second: In Sec. 1, 10 V.S.A. chapter 41, in subchapter 4, in section 1042, in subsection (a) after “surface water within a 24-hour period” and before “shall register with the Secretary” by inserting the words or 150,000 gallons over any 30-day period

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

(c) Methods of reporting withdrawals.

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Except as provided in subdivision (2) of this subsection, the following methods shall be used to report the amounts of withdrawn surface water required to be reported under subsection (b) of this section:

(A) Withdrawals of between 5,000 and 50,000 gallons of surface water within a 24-hour period or 150,000 gallons over any 30-day period shall either provide an estimate of total volume withdrawn or provide meter data.

The report shall describe how any estimate was calculated.

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

(2) Withdrawals for irrigation or watering of livestock of more than 5,000 gallons of surface water within a 24-hour period or 150,000 gallons over any 30-day period may provide an estimate of the total volume withdrawn based on log records pursuant to a technically appropriate method approved by the Secretary.

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

(c) Permits.

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

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

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

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

Sec. 4a. IMPLEMENTATION; RULEMAKING

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

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE