

1 Sec. 1. 10 V.S.A. chapter 41 is amended to read:

2 CHAPTER 41. REGULATION OF STREAM FLOW

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4 § 1002. DEFINITIONS

5 Wherever used or referred to in this chapter, unless a different meaning  
6 clearly appears from the context:

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8 (20) “Surface water” means all rivers, streams, creeks, brooks,  
9 reservoirs, ponds, lakes, and springs and all bodies of surface waters that are  
10 contained within, flow through, or border upon the State or any portion of it.

11 “Surface water” shall not include the following:

12 (A) groundwater as defined in section 1391-1416 of this title;

13 (B) artificial waterbodies as defined under section 29A-101(d) of the  
14 Vermont Water Quality Standards;

15 (C) treatment ponds, lagoons, or wetlands created solely to meet the  
16 requirements of a permit issued for a discharge; and

17 (D) constructed farm ponds or other impoundments that are used for  
18 irrigation or watering of livestock and that are not subject to the Vermont  
19 Water Quality Standards.

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1           Subchapter 4. Surface Water Withdrawals and Interbasin Transfers

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3       § 1043. PERMIT REQUIREMENT; PROGRAM DEVELOPMENT

4           (a) Program development. On or before July 1, 2026, the Secretary shall  
5       implement a surface water withdrawal permitting program that is consistent  
6       with section 1041 of this subchapter. The program shall be developed to:

7                   (1) require a permit or other authorization for surface water withdrawals  
8       based on potential impacts to surface waters or other factors, and establish  
9       conditions of operation necessary to protect surface waters and the Vermont  
10      Water Quality Standards;

11                           (i) It is recognized that certain withdrawals are so small in relation to  
12      the stream flow even during periods of drought, that the resultant impact on the  
13      natural stream values is negligible. In such cases, the Agency is not required to  
14      permit such withdrawals of water regardless of the natural instantaneous  
15      stream flow.