

SEN. MARK A. MACDONALD, VICE CHAIR  
SEN. CHRISTOPHER BRAY  
SEN. VIRGINIA "GINNY" LYONS  
SEN. DAVID WEEKS



REP. TREVOR SQUIRRELL, CHAIR  
REP. SETH BONGARTZ  
REP. MARK HIGLEY  
REP. CAROL ODE

## STATE OF VERMONT

### Legislative Committee on Administrative Rules (LCAR)

ADMINISTRATIVE RULES

MINUTES

February 1, 2024

The Joint Legislative Committee on Administrative Rules met on Thursday, February 1, 2024, beginning at 8:00 A.M. in Room 267 of the Pavilion Office Building in Montpelier, Vermont.

The following members were present:

Sen. Mark A. MacDonald, Vice Chair  
Sen. Christopher Bray  
Sen. Virginia "Ginny" Lyons  
Sen. David Weeks

Rep. Trevor Squirrell, Chair  
Rep. Seth Bongartz  
Rep. Mark Higley  
Rep. Carol Ode

Staff present:

Anthea Dexter-Cooper  
Charlene Dindo  
Lindsey Schreier

Committee Counsel  
Committee Assistant  
Administrative Assistant

#### **Approval of prior minutes**

On motion of Rep. Higley, the Committee unanimously approved the minutes of January 18, 2024.

#### **Review of rules**

The Committee reviewed the following rules:

#### **23-P42 – Agency of Natural Resources/Investigation and Remediation of Contaminated Properties Rule (IRule).**

Lynda Provencher, Environmental Analyst, Department of Environmental Conservation, Agency of Natural Resources, and Matt Chapman, Director, Waste Management and Prevention, Department of Environmental Conservation, Agency of Natural Resources, testified on the rule and answered questions from the Committee. Shawn Donovan, Environmental Analyst,

Department of Environmental Conservation, Agency of Natural Resources, and Trish Coppolino, Senior Environmental Program Manager, Department of Environmental Conservation, Agency of Natural Resources were also available to answer questions from the Committee.

The amendments to this rule codify the interim polychlorinated biphenyl (PCB) indoor air standards as final prior to their expiration in February 2024. The amendments to this rule also update definitions to be consistent with other rules, update the numerical standards for regulated environmental media, add additional clarity for expected outcomes of site-specific assessments, add additional clarity for allowing partial corrective action plans, and add additional requirements for the evaluation of corrective action alternatives (ECAA) report.

On motion of Sen. Bray, the Committee approved the rule on a vote of 7-1-0.

**23-P17 – Agency of Natural Resources/Vermont Use of Public Waters Rules Request for Extension of Adoption Deadline.**

Katelyn Ellermann, Associate General Counsel, Department of Environmental Conservation, Agency of Natural Resources, explained the reason for the request for an extension of the eight-month adoption deadline.

On motion of Sen. MacDonald, the Committee unanimously extended the Agency of Natural Resources' adoption deadline to March 28, 2024.

**23-P17 – Agency of Natural Resources/Vermont Use of Public Waters Rules.**

Laura Dlugolecki, Lake and Shoreland Permitting Analyst, Agency of Natural Resources, and Katelyn Ellermann, Associate General Counsel, Department of Environmental Conservation, Agency of Natural Resources, explained the rule and answered questions from the Committee. Jason Batchelder, Commissioner, Department of Environmental Conservation, Agency of Natural Resources, was also available to answer questions from the Committee.

Meg Handler, John Widness, Eric Splatt, Eric Chittenden, Ray Gonda, Bruce Remick, Sheila Goss, Pat Suozzi, John Bauer, and Mark Milazzo also testified on the rule.

The amendments to this rule add regulations for wakesports involving a wakeboat on certain inland public waters in Vermont. Specifically, the amendments prohibit wakesports involving a wakeboat on lakes, ponds, and reservoirs that do not have a minimum of 50 contiguous acres that are both 500 feet from shore on all sides and a minimum of 20 feet deep. The amendments also limit such wakesports to defined areas that are 500 feet from shore, 20 feet deep, and 200 feet wide and require wakeboats to only be used in one lake per summer unless the wakeboat is decontaminated at a certified Department of Environmental Conservation service provider.

The Committee did not take action on this rule and it will be taken up again on Thursday, February 8, 2024.

**Adjournment and next meeting**

The Committee adjourned at 9:10 A.M.

The next meeting of the Committee is scheduled for February 8, 2024, beginning at 8:00 A.M. in Room 267 of the Pavilion Office Building in Montpelier, Vermont.

Respectfully submitted,  
*Anthea Dexter-Cooper*  
Anthea Dexter-Cooper  
Committee Counsel

cc: APA Clerk, Secretary of State  
ICAR, Agency of Administration