

1 H.236

2 Introduced by Representatives Noyes of Wolcott, Bailey of Hyde Park,
3 Boyden of Cambridge, LaMont of Morristown, and Yacovone
4 of Morristown

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; water resources; classification of
8 waters; water quality standards; hydroelectric power generation
9 facilities

10 Statement of purpose of bill as introduced: This bill proposes to authorize the
11 use of Class B(2) waters in the State for use by a hydroelectric power
12 generation facility with a proposed installed capacity of five megawatts or less.

13 The bill would also direct the Secretary of Natural Resources to amend the
14 Vermont Water Quality Standards to reflect the inclusion of hydroelectric
15 power generation facilities with a proposed installed capacity of five
16 megawatts or less as a suitable use of Class B(2) waters.

17 An act relating to authorizing the use of State waters by hydroelectric
18 generation facilities

19 It is hereby enacted by the General Assembly of the State of Vermont:

20 Sec. 1. 10 V.S.A. § 1252(a) is amended to read:

1 (a) The State adopts, for the purposes of individually classifying the uses of
2 its high quality waters, the following classes and definitions:

3 Class A(1): Waters in a natural condition that have significant
4 ecological value;

5 Class A(2): Waters that are suitable for a public water source with
6 filtration and disinfection or other required treatment; character uniformly
7 excellent;

8 Class B(1): Waters in which one or more uses are of demonstrably and
9 consistently higher quality than Class B(2) waters; or

10 Class B(2): Waters that are suitable for swimming and other primary
11 contact recreation; irrigation and agricultural uses; aquatic biota and aquatic
12 habitat; good aesthetic value; boating, fishing, and other recreational uses ~~and~~;
13 suitable for public water source with filtration and disinfection or other
14 required treatment; and suitable for use by a hydroelectric power generation
15 facility with a proposed installed capacity of five megawatts or less.

16 Sec. 2. ANR AMENDMENT OF VERMONT WATER QUALITY
17 STANDARDS

18 (a) On or before July 1, 2026, the Secretary of Natural Resources shall
19 amend by rule the Vermont Water Quality Standards to reflect the inclusion
20 under 10 V.S.A. § 1252 of hydroelectric power generation facilities with a

1 proposed installed capacity of five megawatts or less as a suitable use of Class
2 B(2) waters.

3 (b) Prior to July 1, 2026, the Secretary of Natural Resources shall not deny
4 approval of a Class B(2) water for use by a hydroelectric power generation
5 facility with a proposed installed capacity of five megawatts or less without
6 demonstrating that the use of the water by the hydroelectric power generation
7 facility would impair the water.

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on passage.