

1 S.41

2 Introduced by Senator Westman

3 Referred to Committee on

4 Date:

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

8 Statement of purpose of bill as introduced: This bill proposes to authorize the
9 use of Class B(2) waters in the State for use by a hydroelectric power
10 generation facility with a proposed installed capacity of five megawatts or less.
11 The bill would also direct the Secretary of Natural Resources to amend the
12 Vermont Water Quality Standards to reflect the inclusion of hydroelectric
13 power generation facilities with a proposed installed capacity of five
14 megawatts or less as a suitable use of Class B(2) waters.

15 An act relating to authorizing the use of State waters by hydroelectric
16 generation facilities

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

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

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

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

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

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

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

14 Sec. 2. ANR AMENDMENT OF VERMONT WATER QUALITY
15 STANDARDS

16 (a) On or before July 1, 2026, the Secretary of Natural Resources shall
17 amend by rule the Vermont Water Quality Standards to reflect the inclusion
18 under 10 V.S.A. § 1252 of hydroelectric power generation facilities with a
19 proposed installed capacity of five megawatts or less as a suitable use of Class
20 B(2) waters.

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

6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on passage.