

S.223

Introduced by Senators Bongartz and Watson

Referred to Committee on

Date:

Subject: Conservation and development; water quality; lakes

Statement of purpose of bill as introduced: This bill proposes to create the Water Quality, Lake Classification, and Antidegradation Study Group for the purpose of reviewing and evaluating Vermont's existing statutory and regulatory frameworks, policies, and procedures governing water quality and the classification of the waters of the State. The Study Group would recommend to the General Assembly whether the current regulatory framework for the waters of the State is adequate and whether legislative or policy changes are needed to strengthen environmental protection and other public interests in the waters of the State.

An act relating to water quality of the waters of Vermont

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

Sec. 1. WATER QUALITY, LAKE CLASSIFICATION, AND
ANTIDEGRADATION STUDY GROUP; REPORT

(a) Creation. There is created the Water Quality, Lake Classification, and Antidegradation Study Group for the purpose of reviewing and evaluating

1 Vermont's existing statutory and regulatory frameworks, policies, and
2 procedures governing water quality and the classification of the waters of the
3 State. The Study Group shall recommend to the General Assembly whether
4 the current regulatory framework for the waters of the State is adequate and
5 whether legislative or policy changes are needed to strengthen environmental
6 protection and other public interests in the waters of the State.

7 (b) Membership. The Study Group shall be composed of the following
8 members:

9 (1) two current members of the House of Representatives, who shall be
10 appointed by the Speaker of the House;

11 (2) two current members of the Senate, who shall be appointed by the
12 Committee on Committees;

13 (3) the Secretary of Natural Resources or designee;

14 (4) a Department of Environmental Conservation water quality scientist
15 or technical staff member, appointed by the Secretary of Natural Resources;

16 (5) two persons representing businesses, industries, or development that
17 interact with water quality permitting, including the State antidegradation
18 policy, use of high quality waters, and water classification, one of whom shall
19 be appointed by the Speaker of the House and one of whom shall be appointed
20 by the Committee on Committees;

1 (6) two persons representing nonprofit environmental advocacy groups,
2 one of whom shall be appointed by the Speaker of the House and one of whom
3 shall be appointed by the Committee on Committees; and

4 (7) one person representing the Federation of Vermont Lakes and Ponds,
5 appointed by the Governor.

6 (c) Powers and duties. The Study Group shall:

7 (1) Develop an inventory of the existing water classification
8 designations, as set forth in the Vermont Water Quality Standards, for the
9 waters of the State, including high quality waters with water quality data that
10 meets or exceeds the minimum criteria supporting reclassification for such
11 waters.

12 (2) Assess Vermont's obligations under the federal Clean Water Act
13 with respect to the adoption and implementation of an antidegradation policy,
14 including an evaluation of statutory and regulatory requirements and
15 identification of any legal, administrative, or practical barriers to full
16 compliance.

17 (3) Assess and identify current and potential threats to the water quality
18 of the waters of the State, as defined under the Vermont Water Quality
19 Standards. This assessment shall include an evaluation of whether existing
20 statutory and regulatory frameworks, rules, policies, and procedures are
21 adequate to protect and support the designated and existing uses of the waters

1 of the State, and whether management practices effectively minimize risks to
2 those uses.

3 (4) Identify and evaluate the existing statutory and regulatory
4 frameworks, rules, policies, and procedures applicable to waters of the State
5 classified as Class A. This evaluation shall include a review of requirements
6 governing existing and newly constructed wastewater systems in waters that
7 are classified as Class A waters or meet the criteria for Class A waters.

8 (5) Evaluate whether amendments to the State of Vermont's existing
9 water classification framework are warranted. This evaluation shall
10 encompass all classes of surface waters, including streams, rivers, inland lakes,
11 and inland ponds, and shall consider whether modifications are necessary to
12 advance the public interest by promoting the ecological integrity, health, and
13 functional capacity of such waters. It shall also consider separate classification
14 systems for rivers and streams and lakes and ponds.

15 (6) Recommend legislative amendments and identify any water quality
16 rules, policies, or procedures that require revision to implement the Study
17 Group's recommendations. Recommendations shall include aligning statutory
18 frameworks with federal and State obligations, updating regulatory standards,
19 and revising administrative practices to ensure consistency, compliance, and
20 support for improved water quality management.

1 (d) Assistance. The Study Group shall have the administrative, technical,
2 and legal assistance of the Agency of Natural Resources and shall have the
3 legal and drafting assistance of the Office of Legislative Counsel.

4 (e) Report. On or before January 15, 2027, the Study Group shall submit a
5 written report to the General Assembly that shall include its findings and
6 recommendations under subsection (c) of this section.

7 (f) Meetings.

8 (1) The Secretary of Natural Resources shall call the first meeting of the
9 Study Group to occur on or before August 1, 2026.

10 (2) The Committee shall select at its first meeting a chair from among
11 the four legislators serving as members.

12 (3) A majority of the Study Group shall constitute a quorum.

13 (4) The Study Group shall cease to exist on February 1, 2027.

14 (g) Compensation and reimbursement.

15 (1) For attendance at meetings during adjournment of the General
16 Assembly, a legislative member of the Study Group serving in the member's
17 capacity as a legislator shall be entitled to per diem compensation and
18 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight
19 meetings. These payments shall be made from monies appropriated to the
20 General Assembly.

1 (2) Other members of the Study Group shall be entitled to per diem
2 compensation and reimbursement of expenses as permitted under 32 V.S.A.
3 § 1010 for not more than eight meetings. These payments shall be made from
4 monies appropriated to the General Assembly.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect upon passage.