

1 S.223

2 Introduced by Senators Bongartz and Watson

3 Referred to Committee on Natural Resources and Energy

4 Date: January 8, 2026

5 Subject: Conservation and development; water quality; lakes

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

15 An act relating to water quality of the waters of Vermont

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

17 ~~Sec. 1. WATER QUALITY, LAKE CLASSIFICATION, AND~~

18 ~~ANTIDEGRADATION STUDY GROUP; REPORT~~

1 ~~(a) Creation. There is created the Water Quality Lake Classification, and~~
2 ~~Antidegradation Study Group for the purpose of reviewing and evaluating~~
3 ~~Vermont's existing statutory and regulatory frameworks, policies, and~~
4 ~~procedures governing water quality and the classification of the waters of the~~
5 ~~State. The Study Group shall recommend to the General Assembly whether~~
6 ~~the current regulatory framework for the waters of the State is adequate and~~
7 ~~whether legislative or policy changes are needed to strengthen environmental~~
8 ~~protection and other public interests in the waters of the State.~~

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

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

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

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

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

18 (5) two persons representing businesses, industries, or development that
19 interact with water quality permitting, including the State antidegradation
20 policy, use of high quality waters, and water classification, one of whom shall

1 ~~be appointed by the Speaker of the House and one of whom shall be appointed~~
2 ~~by the Committee on Committees;~~

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

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

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

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

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

19 ~~(3) Assess and identify current and potential threats to the water quality~~
20 ~~of the waters of the State, as defined under the Vermont Water Quality~~
21 ~~Standards. This assessment shall include an evaluation of whether existing~~

1 ~~statutory and regulatory frameworks, rules, policies, and procedures are~~
2 adequate to protect and support the designated and existing uses of the waters
3 of the State, and whether management practices effectively minimize risks to
4 those uses.

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

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

17 (6) Recommend legislative amendments and identify any water quality
18 rules, policies, or procedures that require revision to implement the Study
19 Group's recommendations. Recommendations shall include aligning statutory
20 frameworks with federal and State obligations, updating regulatory standards,

1 ~~and revising administrative practices to ensure consistency, compliance, and~~
2 support for improved water quality management.

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

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

9 (f) Meetings.

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

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

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

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

16 (g) Compensation and reimbursement.

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

1 ~~meetings. These payments shall be made from monies appropriated to the~~
2 ~~General Assembly.~~

3 ~~(2) Other members of the Study Group shall be entitled to per diem~~
4 ~~compensation and reimbursement of expenses as permitted under 32 V.S.A.~~
5 ~~§ 1010 for not more than eight meetings. These payments shall be made from~~
6 ~~monies appropriated to the General Assembly.~~

7 Sec. 2. EFFECTIVE DATE

8 ~~This act shall take effect upon passage.~~

~~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, which shall conduct the evaluations set forth in subsection (c) of this section, including the review of existing classified waters of the State and candidate waters with water quality data supporting reclassification, assessment of antidegradation requirements, examination of the regulatory framework for Class A waters, and examination of the adequacy of the current water classification system for lakes and ponds. Based on these evaluations, the Study Group shall recommend to the General Assembly legislative or policy changes to strengthen environmental protection, provide regulatory certainty, and support public uses of State waters.~~

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

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

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

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

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

~~(5) two persons representing businesses, industries, or development that interact with water quality permitting, including the State antidegradation~~

~~policy, use of high quality waters, and water classification, one of whom shall be appointed by the Speaker of the House and one of whom shall be appointed by the Committee on Committees;~~

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

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

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

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

~~(2) Assess the State's obligations under the federal Clean Water Act, 33 U.S.C. §§ 1251–1388, as enacted as of January 1, 2026, with respect to the adoption of an antidegradation rule to implement the State's antidegradation policy under the Vermont Water Quality Standards, including an evaluation of State and federal statutory and regulatory requirements and the identification of any legal, administrative, policy, or practical barriers to full compliance.~~

~~(3) Identify and evaluate the statutory and regulatory frameworks, rules, policies, and procedures governing Class A waters, including whether modifications are needed to facilitate the reclassification of eligible waters, adequately protect and support designated and existing uses, and provide regulatory certainty for activities in Class A waters.~~

~~(4) Evaluate whether the existing water classification system in the State and related statutory and regulatory frameworks protect the ecological integrity of the State's lakes and ponds, adequately address current and potential threats to the water quality of the State's lakes and ponds, and provide regulatory certainty.~~

~~(5) Recommend legislative amendments and identify any rules, policies, or procedures that may require revision to implement the Study Group's recommendations.~~

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

~~(c) Report. On or before December 15, 2026, the Study Group shall submit a written report to the General Assembly that shall include its findings and recommendations under subsection (c) of this section.~~

~~(f) Meetings.~~

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

~~(2) The Study Group shall select at its first meeting a chair from among the four legislators serving as members.~~

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

~~(4) The Study Group shall cease to exist on February 15, 2027.~~

~~(g) Compensation and reimbursement.~~

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

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

~~Sec. 1a. CONTINGENCY OF FUNDING~~

~~Notwithstanding the provisions of 2 V.S.A. § 23 and 32 V.S.A. § 1010 to the contrary, the required payment under Sec. 1(g) of per diem compensation and reimbursement of expenses to the legislative members and other members of the Water Quality, Lake Classification, and Antidegradation Study Group is contingent upon an appropriation of funds in fiscal year 2027 from the General Fund to the Vermont General Assembly for the specific purpose of compensation and reimbursement of the Study Group members.~~

~~Sec. 2. EFFECTIVE DATE~~

~~This act shall take effect on passage.~~

~~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, which shall conduct the evaluations set forth in subsection (c) of this section, including the review of existing classified waters~~

of the State and candidate waters with water quality data supporting reclassification, assessment of antidegradation requirements, examination of the regulatory framework for Class A waters, and examination of the adequacy of the current water classification system for lakes and ponds. Based on these evaluations, the Study Group shall recommend to the General Assembly legislative or policy changes to strengthen environmental protection, provide regulatory certainty, and support public uses of State waters.

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

~~(1) two current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House;~~

~~(2) two current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees;~~

(1) three current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House;

(2) three current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees;

(3) the Secretary of Natural Resources or designee;

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

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

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

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

(8) one person representing the Green Mountain Water Environment Association, appointed by the Speaker of the House;

(9) one person representing the Memphremagog Watershed Association, appointed by the Speaker of the House; and

(10) one person representing the Lake Champlain Citizen's Advisory Committee, appointed by the Committee on Committees.

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

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

(2) Assess the State's obligations under the federal Clean Water Act, 33 U.S.C. §§ 1251–1388, as enacted as of January 1, 2026, with respect to the adoption of an antidegradation rule to implement the State's antidegradation policy under the Vermont Water Quality Standards, including an evaluation of State and federal statutory and regulatory requirements and the identification of any legal, administrative, policy, or practical barriers to full compliance.

(3) Identify and evaluate the statutory and regulatory frameworks, rules, policies, and procedures governing Class A waters, including whether modifications are needed to facilitate the reclassification of eligible waters, adequately protect and support designated and existing uses, and provide regulatory certainty for activities in Class A waters.

(4) Evaluate whether the existing water classification system in the State and related statutory and regulatory frameworks protect the ecological integrity of the State's lakes and ponds, adequately address current and potential threats to the water quality of the State's lakes and ponds, and provide regulatory certainty.

(5) Recommend legislative amendments and identify any rules, policies, or procedures that may require revision to implement the Study Group's recommendations.

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

(e) Report. On or before December 15, 2026, the Study Group shall submit a written report to the General Assembly that shall include its findings and recommendations under subsection (c) of this section.

(f) Meetings.

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

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

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

(4) The Study Group shall cease to exist on February 15, 2027.

(g) Compensation and reimbursement.

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

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

Sec. 2. [Deleted.]

Sec. 3. AGENCY OF NATURAL RESOURCES REPORT ON
ESTABLISHING A CERTIFICATION PROGRAM FOR
WETLANDS PROFESSIONALS

(a)(1) On or before January 15, 2027, the Secretary of Natural Resources shall submit to the House Committee on Environment and the Senate Committee on Natural Resources and Energy a report recommending whether to establish a program to certify wetlands professionals in the State for the purposes of identifying and delineating wetlands boundaries. The report shall:

(A) describe the benefits and disadvantages of a wetlands professional certification program, including whether it could accelerate wetlands permitting, reduce the amount of wetlands services available, increase the cost of wetlands services, or delay the permitting process; and

(B) discuss how a wetlands professional certification program could impact the liability of wetlands professionals, including whether certification requirements would subject wetlands professionals to increased risk of liability or increased liability insurance requirements.

(2) If the Secretary of Natural Resources recommends the establishment of a program to certify wetlands professionals in the State, the report shall include:

(A) a description of the proposed certification program;

(B) the proposed requirements for certification;

(C) a description of the activities that a wetlands professional would be authorized to conduct as part of or exclusively under a certification; and

(D) what benefit, if any, services from a certified wetlands professional would provide to customers or in regulatory proceedings.

(b) In developing the report required under subsection (a) of this section, the Secretary of Natural Resources shall consult with wetlands professionals who currently conduct wetlands delineations and other persons with knowledge of wetlands permitting and services provided by wetlands professionals.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.