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S.223

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, 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) 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;

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

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

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

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

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

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

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

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

20 (1) Develop an inventory of the waters of the State, with the existing
21 classification designations, as set forth in the Vermont Water Quality

1 Standards, including candidate high quality waters with water quality data that
2 meets or exceeds the minimum criteria supporting reclassification for such
3 waters.

4 (2) Assess the State’s obligations under the federal Clean Water Act,
5 33 U.S.C. §§ 1251–1388, as enacted as of January 1, 2026, with respect to the
6 adoption of an antidegradation rule to implement the State’s antidegradation
7 policy under the Vermont Water Quality Standards, including an evaluation of
8 State and federal statutory and regulatory requirements and the identification
9 of any legal, administrative, policy, or practical barriers to full compliance.

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

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

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

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

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

10 (f) Meetings.

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

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

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

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

17 (g) Compensation and reimbursement.

18 (1) For attendance at meetings during adjournment of the General
19 Assembly, a legislative member of the Study Group serving in the member's
20 capacity as a legislator shall be entitled to per diem compensation and
21 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. [Deleted.]

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

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

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

20 (B) discuss how a wetlands professional certification program could
21 impact the liability of wetlands professionals, including whether certification

1 requirements would subject wetlands professionals to increased risk of liability
2 or increased liability insurance requirements.

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

6 (A) a description of the proposed certification program;

7 (B) the proposed requirements for certification;

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

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

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

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on passage.