

1 S.223

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

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

4 Sec. 1. WATER QUALITY, LAKE CLASSIFICATION, AND

5 ANTIDegradation STUDY GROUP; REPORT

6 (a) Creation. There is created the Water Quality, Lake Classification, and  
7 Antidegradation Study Group, which shall conduct the evaluations set forth in  
8 subsection (c) of this section, including the review of existing classified waters  
9 of the State and candidate waters with water quality data supporting  
10 reclassification, assessment of antidegradation requirements, examination of  
11 the regulatory framework for Class A waters, and examination of the adequacy  
12 of the current water classification system for lakes and ponds. Based on these  
13 evaluations, the Study Group shall recommend to the General Assembly  
14 legislative or policy changes to strengthen environmental protection, provide  
15 regulatory certainty, and support public uses of State waters.

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

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

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

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

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

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

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

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

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

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

20               (2) Assess the State's obligations under the federal Clean Water Act, 33  
21               U.S.C. §§ 1251–1388, as enacted as of January 1, 2026, with respect to the

1 adoption of an antidegradation rule to implement the State’s antidegradation  
2 policy under the Vermont Water Quality Standards, including an evaluation of  
3 State and federal statutory and regulatory requirements and the identification  
4 of any legal, administrative, policy, or practical barriers to full compliance.

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

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

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

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

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

4       (f) Meetings.

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

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

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

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

11       (g) Compensation and reimbursement.

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

18           (2) Other members of the Study Group shall be entitled to per diem  
19       compensation and reimbursement of expenses as permitted under 32 V.S.A.  
20       § 1010 for not more than eight meetings. These payments shall be made from  
21       monies appropriated to the General Assembly.

1       Sec. 1a. CONTINGENCY OF FUNDING

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

9       Sec. 2. EFFECTIVE DATE

10       This act shall take effect on passage.