

1

S.223

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An act relating to water quality of the waters of Vermont

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The House proposes to the Senate to amend the bill by striking out all after

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the enacting clause and inserting in lieu thereof the following:

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Sec. 1. WATER QUALITY, LAKE CLASSIFICATION, AND

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ANTIDegradation Study Group; REPORT

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(a) Creation. There is created the Water Quality, Lake Classification, and

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Antidegradation Study Group, which shall conduct the evaluations set forth in

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subsection (c) of this section, including the review of existing classified waters

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of the State and candidate waters with water quality data supporting

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reclassification, assessment of antidegradation requirements, examination of

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the regulatory framework for Class A waters, and examination of the adequacy

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of the current water classification system for lakes and ponds. Based on these

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evaluations, the Study Group shall recommend to the General Assembly

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legislative or policy changes to strengthen environmental protection, provide

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regulatory certainty, and support public uses of State waters.

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

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members:

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(1) two current members of the House of Representatives, not all from

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the same political party, who shall be appointed by the Speaker of the House;

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

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

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

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

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

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

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

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

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

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

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

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

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

18           (4) Evaluate whether the existing water classification system in the State  
19 and related statutory and regulatory frameworks protect the ecological integrity  
20 of the State’s lakes and ponds, adequately address current and potential threats

1 to the water quality of the State's lakes and ponds, and provide regulatory  
2 certainty.

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

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

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

12 (f) Meetings.

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

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

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

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

19 (g) Compensation and reimbursement.

20 (1) For attendance at meetings during adjournment of the General  
21 Assembly, a legislative member of the Study Group serving in the member's

1 capacity as a legislator shall be entitled to per diem compensation and  
2 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight  
3 meetings. These payments shall be made from monies appropriated to the  
4 General Assembly.

5 (2) Other members of the Study Group shall be entitled to per diem  
6 compensation and reimbursement of expenses as permitted under 32 V.S.A.  
7 § 1010 for not more than eight meetings. These payments shall be made from  
8 monies appropriated to the General Assembly.

9 Sec. 2. [Deleted.]

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

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

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

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

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

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

9           (B) the proposed requirements for certification;

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

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

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

19          Sec. 4. EFFECTIVE DATE

20          This act shall take effect on passage.