

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred Senate Bill No. 223
3 entitled “An act relating to water quality of the waters of Vermont”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. WATER QUALITY, LAKE CLASSIFICATION, AND
8 ANTIDegradation STUDY GROUP; REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Sec. 3. AGENCY OF NATURAL RESOURCES REPORT ON

16 ESTABLISHING A CERTIFICATION PROGRAM FOR
17 WETLANDS PROFESSIONALS

18 (a)(1) On or before January 15, 2027, the Secretary of Natural Resources
19 shall submit to the House Committee on Environment and the Senate
20 Committee on Natural Resources and Energy a report recommending whether

1 to establish a program to certify wetlands professionals in the State for the
2 purposes of identifying and delineating wetlands boundaries. The report shall:

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

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

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

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

15 (B) the proposed requirements for certification;

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

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

20 (b) In developing the report required under subsection (a) of this section,
21 the Secretary of Natural Resources shall consult with wetlands professionals

1 who currently conduct wetlands delineations and other persons with
2 knowledge of wetlands permitting and services provided by wetlands
3 professionals.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on passage.

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12 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE