



State of Vermont
Agency of Natural Resources
Department of Environmental Conservation
Office of General Counsel
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October 10, 2025

Via Email, emery.mattheis@vermont.gov State of Vermont General Assembly
Legislative Committee on Administrative Rules 115 State Street
Montpelier, VT 05633-5301

RE: Additional Changes to Final Proposed Rule Filing; Amendments to Vermont Water Supply Rule (SOS #24PO47)

Dear Representative Squirrel and Members of the Committee:

On September 22, 2025, the Agency of Natural Resources (ANR) filed a Final Proposed Rule with the Legislative Committee on Administrative Rules to revise the Vermont Water Supply Rule (the “Rule”). In this memo, the Agency is responding to two issues raised by Legislative Counsel in an email received October 8, 2025 with one additional proposed change being made as a result. Additionally, the Agency is requesting approval of one additional change to clarify the definitions of and treatment types for PFAS compounds that are governed by the Final Proposed Rule. These changes are memorialized in an updated version of the Final Proposed Rule, which is being submitted along with this memo.

Additional Change: Clarifying Definitions of PFAS Compounds; Treatment Use

The Agency is proposing additional changes to ensure consistency with language in the EPA federal PFAS regulation. These changes include clarification of six technical definitions of PFAS chemicals and a clarifying statement about the use of PFAS treatment. These changes were inadvertently left out of the Agency’s proposed revisions and are necessary to ensure compliance with federal requirements and allow the State to maintain primacy of Vermont’s drinking water program. The Agency believes these changes are minor in nature and are consistent with the Agency’s consistently expressed purpose to incorporate EPA’s PFAS regulations.

This additional language can be found on pages 13-15, 56 and 63 of the annotated version of the Rule submitted with this memo.

Additional Change: Consistent Terminology Referencing Public Water Systems

Legislative Counsel identified inconsistent use of the word “Public” in reference to the various types of water systems regulated by the Rule. Though the Agency does not believe this inconsistency has resulted in confusion to the regulated community (as these references have existed in recent versions of the Rule), the Agency has agreed to make changes in references throughout the Rule to ensure plain language consistency. Such changes can be seen throughout the annotated version of the Rule.

Response to Specific Prohibited Land Use in Source Isolation Zone

Legislative Counsel raised questions about a Rule change adding solar power systems and battery energy storage systems as prohibited land uses within a source isolation zone (Section 3.3.1.2(e)(2)(xviii), page 23 of the annotated Rule). As explained in the Agency’s response to Counsel, this change is intended to codify an existing practice to prohibit this type of land use within a source isolation zone because of potential contamination resulting from a leak or seepage of chemicals and heavy metals found in such equipment. This change was included in the draft amended Rule that the Agency sent to interested parties in August of 2025 for public review and comment. The Agency did not receive any comments concerning this change. The prohibited acts in this section of the Rule apply only to the permitted source. As the source isolation zone is land owned by or under the control of the public water system, it is the system’s responsibility to ensure that land use activities will not contaminate the water source. Therefore, the Agency believes the public engagement it has conducted was sufficient to provide notice of this change with impacted parties, and the Agency is not proposing an additional change to the Final Proposed Rule.

Please let me know if you have any questions about the foregoing proposed changes.

Sincerely,

Kacie Diederich

Kacie Diederich, Associate General Counsel
Department of Environmental Conservation

CC: Damien Leonard, Legislative Counsel
Michael O’Grady, Legislative Counsel

Attachments