

(Draft No. 1.5 – H.727)
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1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Energy and Digital Infrastructure to which was referred
3 House Bill No. 727 entitled “An act relating to sustainable data center
4 deployment” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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~~1 (c) If a data center proposes to use groundwater to cool the data center, the
2 data center shall obtain a groundwater withdrawal permit under 10 V.S.A.
3 § 1418 for any withdrawal of groundwater by the data center notwithstanding
4 the permitting threshold of withdrawal of more than 57,600 gallons of
5 groundwater a day. A closed loop cooling system is not exempt from the
6 groundwater withdrawal permit under 10 V.S.A. § 1418(b)(6).~~

~~7 (d) If a data center proposes to use surface water to cool the facility, the
8 data center shall obtain a surface water withdrawal permit pursuant to 10
9 V.S.A. § 1043. The rules adopted by the Secretary to implement 10 V.S.A.
10 § 1043 shall require a data center to cease withdrawals under drought
11 conditions.~~

~~12 (e)(1) A data center shall obtain all applicable water quality and water
13 resource protection permits from the Agency of Natural Resources, including but
141 not limited to stormwater, shoreland, stream alteration, direct discharge, surface
152 water withdrawal, groundwater withdrawal, wetland, and river corridor
163 development, and threatened and endangered species takings permits.~~

~~17 (2) A data center shall obtain from the Agency of Natural Resources a
18 water quality certificate that meets the same criteria that the Agency requires
19 to
20 be met to obtain a federal Clean Water Act Section 401 water quality
21 certification as those criteria existed under the Act, 33 U.S.C. §§ 1251–1388,
22 and any regulations adopted thereunder on January 1, 2026.
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- 1 (f) As part of its Act 250 application, a data center that discharges wastewater
2 into a surface water of the
3 State shall identify PFAS that may be used in the operation and submit a plan
4 to the ~~Agency of Natural Resources~~District Commission establishing a program that
5 monitors the
6 wastewater discharge from the data center, including monitoring for the
7 presence of PFAS. The ~~District Commission shall seek comments from the Agency~~
8 of Natural Resources regarding the monitoring plan’s compliance with the Vermont
9 water quality standards.
- 6 (g) The addition of PFAS to water discharged from a data center shall be
7 prohibited in Vermont.